PUBLISHED BY ORDER OF THE CITY COUNCIL.

A Law defining the duties of Harbour and Ballast masters, and wharfingers and the rates of wharfage.

(*Assented to* July 4, 1856.)

BE IT ENACTED, by the City Council of the City of Charlottetown:

Sec. 1. The Harbour-master, Ballast-master and Wharfinger for the port of Charlottetown—which offices may be held by one person—when he shall be appointed by the City Council shall be sworn and give security for the due and faithful performance of the duties of said offices respectively, as hereinafter specified, and shall receive such salary or percentage, by way of salary as the City Council may determine; and the said harbour and ballast master, and wharfinger shall be at all times under the direction and control of the City Council and retain such office or offices during the pleasure of the City Council:

HARBOUR-MASTER

Sec. 2. The harbour-master shall cause the several Buoys required within that portion of the harbour of Chatlottetown under the control of the City Council, to be properly laid down, maintained and preserved, and see that the Beacon or Beacons within the City are upheld and preserved.

BALLAST-MASTER

Sec. 3. On the arrival of any vessel in the port aforesaid, the ballast-master shall without delay proceed on board such vessel and inform the master or other persons having charge or command thereof, of the provisions of this law and shall diligently attend to the discharging or delivery of all stones, gravel or other ballast from on board the same, and shall not knowingly permit any portion thereof to be cast, thrown or let fall into the waters where navigable, but shall direct and to the utmost of his power cause all such ballast to be carried and laid on shore where it will not obstruct navigation: provided alway, nothing herein contained shall prevent the master, owner, or other persons aforesaid from disposing of any ballast, stones, gravel or other rubbish and landing the same above high water mark.

Sec. 4. No master or other person as aforesaid shall unload, discharge, let fall or throw overboard from any vessel, lighter or boat, any stones, gravel, ballast or other rubbish which wi l not float, in any part of the port aforesaid but shall carry and land the same above high-water mark, or into such other place as the ballast-master shall appoint and direct.

Sec. 5. If any master, owner or other person as aforesaid shall unlade, discharge or cause, or permit to be thrown or dropped overboard from any vessel, lighter or boat, any stones, gravel or ballast, or any rubbish or thing that will not float and which might not come under the denomination of unloading or discharging ballast, contrary to the true intent and meaning of this law, in any place within the limits of the City other than pointed out and directed by the ballast-master, each and every person so offending shall forfeit and pay for each and every offence a penalty not exceeding ten pounds, but this law shall not extend nor be construed to extend to prevent the said ballast-master from prosecuting for the higher penalties imposed in and by the act of the General Assembly made and passed in the twelfth year of the reign of her Majesty Queen Victoria, entitled "An Act relating to Harbour and Ballast-masters.

Sec. 6. The ballast-master shall be paid by the master, owner, or other persons aforesaid which shall unlade or discharge ballast as aforesaid at the rate of ten shillings per day during the time he shall necessarily be employed in attending such vessel and discharging the duty hereby enjoined on him when said ballast is discharged in any other place than on a wharf.

Sec. 7. The ballast-master shall notify the owner or owners of any wrecks or obstructions or the person or persons by whose default such wrecks or obstructions may be placed or suffered to remain in situations that impede or render dangerous the navigation of the port aforesaid or any part thereof to move or cause the same to be moved within thirty days or within such less time as the ballast-master may direct from the time of the service of such notice; and if the owner, or other persons aforesaid, of said wrecks or obstructions shall refuse or neglect to move the same within the time prescribed they or either of them shall be subject to a penalty not exceeding ten pounds for each offence, over and above the costs of moving said wreck or obstruction and the costs of any suit of suits occasioned thereby.

Sec. 8. In the event of the owner or owners of any such wreck or obstruetion not being known, the ballast-master after due public notice being given shall cause the said wreck or obstruction to be sold at public auction, one condition of which sale shall be, that the said wreck or obstruction shall be removed at the expense of the purchaser within such time as the ballast-master may limit, and if the purchaser shall neglect or refuse to remove the same within the time so limited, the ballast-master is hereby required to remove the same at the cost of the purchaser thereof, such cost to become a debt due to the said ballast-master, and if refused or neglected to be paid, to be recovered in the Mayor's Court, if not exceeding twenty pounds; and if no purchaser for such wreck or obstruction shall be found, such wreck or obstruction shall be removed by the ballast-master at the expense of the City.

WHARFINGER.

Sec. 9. The Wharfinger shall cause the City Wharfs to be kept in due preservation and repair,—take care that neither of them is encumbered with articles or things of any kind, to the prevention of vessels loading or discharging thereat, or of ordinary business being performed thereon—prevent their encumbrance with any shed or any building of any description, and cause any such erections now thereon to be moved away—prohibit any quantity or quantities of weighty articles being laid or to remain on any of the blocks or bridges of said wharfs to the injury of the same—collect the wharfage of vessels lying, discharging or loading thereat, and the wharfage on imports and exports—prevent damage to said wharves, and to cause the person or parties causing any damage, to be prosecuted for such damage as may be directed—and said wharfinger to produce his accounts duly attested to, quarterly or oftener if required by the City Council, and to do and perform all and every of such duties as shall pertain to the several departments of the offices of Harbour-master, Ballast-master and Wharfinger, subject at all times to the direction and control of the City Council.

Sec. 10. Any vessel lying at either wharf, not for the purpose of loading or unloading, or any vessel which may be loading or unloading, and which shall, or may be in a condition to be moved to any other part of the wharf equally safe and suitable, though with less draught of water, shall be so moved, by order of the wharfinger when he is requested, or when in his opinion the berth shall be required by some other vessel desiring to deliver or receive Her Majesty's Mails, or to load, discharge or careen thereat, and on the failure or refusal of any master, owner or other person as aforesaid, to move such vessel to any other part of the wharf, or from the wharf to the outside of any other vessel, within reasonable time after notice so to do, such master or other person shall be subject to, and pay a sum not exceeding Five Pounds, for each refusal or neglect, over and above the cost of moving such vessel.

Sec 11. If either of said wharfs shall at any time be so encumbered with Lumber, Coal, Bricks, Ballast or any other species of goods, merchandize or materials so as to incommode or obstruct the passing or repassing of any trucks or carriages employed for the purpose of loading or unloading any vessel, the wharfinger shall personally warn, or by notice in writing left at the place of residence of the owner or agent of such Lumber, Coal, Bricks or other goods, requiring him or them to move the same from thence, within a reasonable time, and if the same shall not be moved accordingly, the party offending shall be liable to a fine not exceeding forty shillings with costs, and the wharfinger is hereby authorized to cause the same to be moved, and keep them in custody until the fine, wharfage, costs and other expenses in moving the same shall be paid by the owner, agent or claimant of such articles, and in case the owner or agent is not to be found, the wharfinger may, and shall, at his discretion, move said goods, and have them advertised and sold to pay the wharfage and other expenses thereof.

Sec. 12. The Wharfinger shall have full power and authority to cause to be moved, any vessel or the moorings, furniture or materials of any vessel, and any lighter, barque, boat, flat, raft, spar, timber or any article or material whatever, which may obstruct the free passage of the public ferry boats, in approaching to, or departing from the slips belonging to the said wharfs, or any article or impediment which may obstruct persons in ascending or descending said slips, and in case of neglect or refusal to move any such vessel, moorings, boats or obstruction after due notice to the master, owner, or person in charge of such vessel, boat or obstruction as aforesaid, he or they shall be subject to a fine not exceeding five pounds, over and above the costs of moving such obstruction; the wharfinger is also to see that the Ferryman or lessee of the Hillsborough ferry complies with his contract, and does his duty, and if he fails in doing so, the said wharfinger shall report the same to the Mayor or presiding Councillor.

Sec 13. In case of any dispute between the masters or owners of vessels as to the right of one vessel lying outside of any other vessel for the purpose of loading or discharging at either of said wharfs, while such last mentioned vessel shall be lying at either of the said wharfs, the same shall be decided and determined by the said wharfinger; and the master or owner of any vessel refusing to comply with the order of the wharfinger in this respect, or who after request made, shall refuse to allow any goods, merchandise or passengers to be conveyed across his vessel from any such outside vessel, or shall refuse to allow any stage to be erected for that purpose, so far, and in such manner as the said wharfinger shall deem necessary, shall be liable to a fine not exceeding forty shillings, beside being liable to the costs of having his vessel moved from said wharf at the discretion of said wharfinger.

Sec 14. The person in charge of any vessel lying at either of said wharfs, when directed by the wharfinger so to do, shall cause the jibboom, sprit-sail-yard, martingale and mainboom of said vessel or either of them to be struck or taken on board of said vessel, or any of the yards thereof to be braced, under a penalty not exceeding twenty shillings.

Sec. 15. If any person or persons shall drive any horse, mare, gelding or other beast of burthen in any carriage, coach, wagon, truck, cart, sled, sleigh or other vehicle for the transportation of persons or goods or either of them, or shall ride any such beast on or over either of said wharves at a greater speed than a walk, such person or persons shall forfeit and pay a sum not less than five shillings nor more than twenty shillings with costs to be recovered on view of any of the city authorities or on the oath of said wharfinger or other credible witness, and levied by warrant of distress or the offendor to be committed to jail for a term not less than forty-eight hours nor more than five days.

Sec. 16. No truckman or other person shall be permitted to load any truck, cart, waggon, sleigh or other vehicle from the wharf or discharge any loads thereon with such truck, cart or other vehicle standing across the wharf unless by permission of the wharfinger, and any person acting in this way without such permission shall forfeit and pay a sum not exceeding twenty shillings for each offence.

Sec. 17 The wharfinger is hereby empowered to cause all obstructions which may be placed on either side of said wharfs in a line with Queen Street and Pownal Streets respectively to be moved at the expense of the party or parties causing such obstructions, and to make and enforce such regulations as shall be necessary to prevent ballast or other materials from falling or being thrown in the water near the said wharves when being loaded on board or discharged from any vessel, and to prevent to the utmost of his power the master or owner of any vessel, lighter or boat or any other person from throwing or unloading any stones, gravel, ballast, oyster-shells, rubbish or any other thing that will not float in the water within the limits aforesaid; and the said wharfinger is hereby authorised and required to prosecute any person or persons so offending, who shall upon due proof thereof before the Mayor's or Police Court, forfeit and pay for every such offence, a sum not exceeding Five Pounds, beside being liable for the damage that any vessel or cargo may sustain thereby.

Sec. 18. If the owner, master or person in charge of any vessel, shall wilfully allow such vessel to injure either of the said wharfs, such person shall be liable for every such offence to a fine not exceeding Twenty Shillings over and above the damages thereby done to the said wharf, and the damages so done to the said wharf, if not exceeding Twenty Pounds, shall be recovered at the suit of the wharfinger by action of debt in the Mayor's Court, and if over Twenty Pounds, then to be recovered in the Supreme Court.

Sec. 19. No person on any pretence whatever, shall kindle a fire on either of said wharfs, except by consent of the wharfinger, and any person violating this section, shall be subject to a fine not exceeding Ten Pounds, beside being liable for all damage done thereby.

Sec. 20. Every master of any vessel coming into the said port, or the pilot in charge thereof shall from time to time conform himself strictly to all directions, which shall be given to him by the said wharfinger touching the mooring, unmooring, placing or moving of any vessel under his charge as long as such vessel shall be lying and situate within the limits of the authority of said wharfinger under a penalty for each offence of any sum not exceeding Five Pounds.

Sec. 21. If any person shall by force or violence assault, resist, molest, oppose, hinder or obstruct said wharfinger, harbour or ballast-master or other person employed as aforesaid in the exercise of his, or their respective office or offices or any of the powers of this law conferred upon him or them, or any person acting in his or their assistance, such offending party, shall forfeit and pay a fine not exceeding ten pounds, and if not paid on conviction, the offender shall be imprisoned for a period not exceeding thirty days.

Sec. 22. The rates of wharfage now or which may from time to time hereafter be levied on all vessels, merchandise or produce as hereinafter specified, and all fines, penalties, damages, or other sums imposed by this law not otherwise provided for when demanded by the wharfinger, or by any other person duly authorised to demand the same of and from the persons liable to pay the same shall be by them neglected or refused to be paid such sum or sums to be recovered by the wharfinger in the Supreme Court, when exceeding twenty pounds, and when the amounts sought for, shall not exceed this sum, then the same to be recovered on the oath of the said wharfinger or other credible witness in the Mayor's Court and levied by warrant of distress and sale of the offenders goods and chattels or of the Boats, Tackle or apparel of the vessel in respect of which or in respect of the master, owner, part owner or commander of which any such fine, penalty, damage or sum may have been payable, and if no such goods and Chattels can be found whereon to levy, then the imprisonment not to exceed sixty days.

Sec. 23. In all cases when the wharfinger may deem it advisable or necessary for the better recovery of the wharfage or other sums as aforesaid, it shall and may be lawful for him to proceed for the recovery of the same by bailable capis, or otherwise in either of the courts aforesaid according to the amount thereof; and if by bailable capias it shall be sufficient, if the affiidavits, of debt to be made by the wharfinger, thereupon states that the amount of debt or penalty so sought to be recovered, is according to his discretion and belief due under and by virtue of this law.

Sec. 24. It shall and may be lawful under sanction of the City Council for the harbour-master and wharfinger, from time to time, to depute so many deputies or assistants as he may deem requisite under him, to perform all or any of the duties imposed on him by this law, and each of such deputies while acting under any such appointments shall be vested with all the powers, authority and discretion, confined and allowed by this law on, and that may be exercised by the said harbour-master and wharfinger for performing the services he may require of them and he shall be responsible in all respects whatsoever, for the acts and conduct of such his deputies and assistants so far as they may be employed by him, and he alone shall be liable to compensate and pay them for their services.

Sec. 25. The wharfinger shall and may ask, demand, take and receive, of and from the owners, part owners, masters, or other persons having charge of all vssels lying fast to either of said wharfs, such rate per day as wharfage as is herein-after specified, or as the City Council may from time to time direct and appoint; such vesels however as may lay fastened to the outside of vessels which are fastened to said wharfs or which may be careening or repairing shall be subject to pay but one half the wharfage that vessels of similar tonnage have to pay that are not careening, repairing or lying fastened outside of other vessels fastened to said wharfs; and no vessel shall be subject to pay wharfage so long as the navigation shall remain closed by ice, except when using either of said wharfs for the purpose of undergoing repairs.

WHARFAGE OF VESSELS:

Boats under 24 feet in length, free.

Boats belonging to licensed ferrymen, free,

VESSELS.			PER DAY.	
Lighter,			0	9
Of 10 tons, and under		20 tons,	1	0
20	do	30	1	6
30	do	40	1	9
40	do	60	2	3
60	do	80	2	6
80	do	100	2	9
100	do	130	3	0
130	do	150	3	3
150	do	180	3	6
180	do	220	4	0
220	do	280	4	6
280	do	350	5	0
350	do	450	6	0
450	do	550	7	0
550	do	750 and upward.	9	0

Sec. 26. The wharfinger shall and may ask, demand, take and receive of and from the owner, receiver or shipper of any goods, wares, merchandise, lumber, timber, ballast, limestone, bricks, agricultural produce of any kind or any other articles such sum or sums per ton or otherwise for the landing or shipment of such merchandise or other articles as herein-after specified, or as the City Council may from time to time determine or direct; all wharfage may be demanded daily and when obtained either from vessels, goods, produce or otherwise shall be paid into the City Treasury monthly, to and for city purposes.

SCALE OF CHARGES FOR GOODS LANDED ON THE WHARFS.

For every ton of coals, cardage, oakum, ballast salt, slates, stones, iron, limeston, chains and anchors, copper, and all kinds of iron castings one penny half penny per ton.

Dry fish a half penny per quintal, Barrels containing Flour, Apples, Fish or other materials one half penny each, and larger casks computed at the same rate allowing thirty gallons to each barrel.

For Crates of Earthenware four pence each, Dry goods, Dyewoods, carriages, Furniture and other articles computed by measurement four pence per ton, and when computed per Invoice by Barrel measurement at the rate of barrels.

Indian Corn and all other kinds of grain, peas, beans and articles of the like nature, one shilling per one hundred bushels.

Lumber comprising deals, boards, timber, scantling and such like, three half pence per thousand superficial feet, inch measure.

Shingles, and Staves two pence per thousand.

Bricks, per thousand, three pence.