

land, shall be made within two years, and the construction of the said line commenced within four years, and the construction thereof *bona fide* continued from year to year, so that the whole be completed within six years from the passing of this Act.

SCHEDULE A.

To the Sheriff of the County of .

You are hereby commanded to summon a Jury of five disinterested freeholders of your County on the . day of . , at . o'clock in . noon, and then and there to assess the damages (if any) which A. B. alleges he has sustained by reason of the works and operations of the New Brunswick and Prince Edward Railway Company through and upon his lands.

Given under our hands and seals the . day of . ,
A. D. one thousand eight hundred and seventy .

B

Scale of Fees in proceedings before Justices upon assessing damages under the foregoing Act:—

To the Justices.

Warrant to summon Jury,	\$0 40
For every subpoena,	0 10
For every copy thereof,	0 05
Every adjournment made at the instance of the party,	0 20
Trial and judgment,	0 40
Swearing each witness and constable,	0 05
Swearing Jury,	0 20
Execution or distress warrant,	0 30

To the Sheriff.

Summoning Jury,	1 00
Attendance on Jury,	0 20

For all other services the same as fixed by law in civil cases before Justices of the Peace.

To Witnesses.

Attendance and travel same as in civil cases before Justices of the Peace.

To Jurors.

Each Juror sworn on Inquiry,	0 40
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CAP. LXVI.

An Act to enable the owners of a certain Wharf in Saint Martins to collect Dockage and Top Wharfage for the use of the same.

Sec.	Sec.
1 Dock Wharfage authorized.	7 Liability of Master, &c. for top wharfage.
2 Top Wharfage authorized.	8 When owners of wharf may remove goods.
3 Dockage from whom recoverable.	9 Goods, &c. removed, how disposed of.
4 & 5. Dockage, how recovered.	
6 Master, &c. of vessel to give statement of goods liable for top wharfage.	

Passed 8th April, 1874.

WHEREAS William H. Rourke and David Vaughan are the owners of a certain Wharf in Saint Martins, in the County of Saint John, which is of great public advantage, and have by their petition prayed that an Act may pass making it lawful for them to collect dockage and wharfage as hereinafter provided;—

Be it therefore enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows:—

1. From and after the passing of this Act it shall and may be lawful for the said William H. Rourke and David Vaughan, their heirs and assigns, or their lessee or lessees, or their agent or agents, to ask, demand, sue for, recover and receive as dockage for vessels whilst lying at such wharf the rates

per diem as are established and allowed to owners of wharves in the City of Saint John and Parish of Portland, by an Act made and passed in the fifth year of the Reign of Her present Majesty, intituled *An Act to regulate Dockage, Wharfage, and Cranage in the City of Saint John and in the Parish of Portland.*

2. That the said William H. Rourke and David Vaughan, their heirs and assigns, lessee or lessees, or their agent or agents, may ask, demand, sue for and recover as wharfage, or top wharfage, (so called), for all articles landed on or shipped from the said wharf, at and after the rates and charges set forth in the Schedule A to an Act made and passed in the eighteenth year of the Reign of Her present Majesty, intituled *An Act to continue and amend an Act to regulate Dockage, Wharfage and Cranage in the City of Saint John and in the Parish of Portland.*

3. The rate of dockage established by this Act shall and may be recoverable from the master, owner, agent, person in charge, or consignee of the ship or vessel liable to the same, or any one of them; provided always, that the agent or consignee shall in no case be liable to pay the same after the departure of such ship or vessel, unless an account or written demand of the same be delivered or left at the usual place of business of such agent or consignee at least twelve hours before such departure; and provided also, that if such agent or consignee within six hours after service of the said account or written demand as aforesaid, shall cause notice to be given to the person or persons demanding such dockage, or left at his last place of business, that no funds of the master or owner of such ship or vessel remain in the hands or under the control of the said agent or consignee, such agent or consignee shall not be deemed or taken to be liable to pay such dockage.

4. If the owner, consignee or agent of any of the articles, matters and things mentioned in the said Schedule A, which may have been landed or shipped from the said wharf, shall refuse to pay the wharfage of the same agreeable to the rates herein established, when required so to do by the person or persons entitled to demand the same, the same may be recovered on the oath of one or more credible witness or witnesses, before any one of Her Majesty's Justices of the Peace of the City and County of Saint John, and levied by distress and sale of the goods and chattels of such owner, consignee or agent.

5. It shall and may be lawful for the said William H. Rourke and David Vaughan, their heirs and assigns, or the person or persons entitled to receive any dockage or wharfage under this Act, to proceed therefor by bailable capias, any law to the contrary notwithstanding.

6. The master, owner or person in charge of any vessel fastened for discharge to the said wharf, having on board any articles subject to top wharfage, shall be liable to pay the same to the owners of the said wharf or their lessee, unless the said master, owner or person in charge of such vessel shall deliver to the owner, lessee or person in charge of the wharf a correct list of all goods on board the said vessel, the weight and measurement thereof, and the names of the consignees of all articles on board such vessel subject to the wharfage as aforesaid.

7. The master, owner or person in charge of any vessel lying at the said wharf, and receiving goods on board subject to top wharfage as aforesaid, shall be liable to the owners or lessee of the said wharf for the top wharfage incurred for the