

36 Vict. c. 11, s. 7.

The whole of any pecuniary penalty imposed by this Act shall belong to the Crown, and shall be paid over to the Receiver General by the officers or persons receiving it, and shall be appropriated in such manner as the Governor General in Council may direct. See Amendment of 1873, Sect. 7.

36 Vict. c. 11, s. 6.

Whenever the Port Warden is mentioned in any provision of the Acts, such provision shall always be understood to apply to the Deputy Port Warden.

37 Vict. c. 33, s. 2.

*Yearly Report to Minister of Marine.*

The said Port Warden shall yearly, within seven days after the 1st day of January, transmit to the Minister of Marine and Fisheries, a report of the business done in his office, and of his receipts and expenditure in respect thereof, in such manner and form as the Minister may direct.

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**RULES and BYE-LAWS of the OFFICE of PORT WARDEN of the HARBOUR of MONTREAL.**

**SECTION I.—GENERAL REGULATIONS.**

1. EVERY master of a vessel on arriving in port from any place not within the limits of inland navigation, shall (in order to enable the Port Warden to grant the necessary certificate for the vessel's clearance at the Custom House), proceed to the Port Warden's office, and make a report of his vessel and cargo, and receive a copy of these rules and bye-laws.

2. Any party interested and objecting to the application by the Port Warden of these regulations, can obtain an investigation by the Board of Examiners, by requisition to the Secretary of the Board of Trade, and their decision shall be final and conclusive. The party appealing to them shall pay the fees and charges of the investigation, not, however, to exceed 20 dollars, if the Board of Examiners so decide.

3. The Port Warden shall keep in his office records in full of all his proceedings, together with statements of the results of all examinations and inquiries made by him, which records may be inspected during business hours by any parties interested. He shall keep on record all certificates granted by him, and grant duplicates of the same as hereafter provided, on payment of the regular fee.

4. All notifications and requests to the Port Warden must be made at his office in writing, and duly entered by the Port Warden in a book to be kept for that purpose.

5. The Port Warden, when requested in writing by the parties interested, shall arbitrate upon any dispute between the master or consignee of any ship or vessel, and any proprietor, shipper, or consignee of cargo. He shall also, when required, estimate the value and measurement of any vessel, when the same is disputed or otherwise needed.

6. The Port Warden may in any case where he thinks it right and necessary, initiate proceedings and hold surveys, and obtain process, as if required by the parties concerned; and whenever the Port Warden is mentioned in these rules and bye-laws, it shall also always be understood to apply to any Deputy Port Warden who may be appointed.

**SECTION II.—REGULATIONS REGARDING VESSELS INWARDS.**

7. Any vessel arriving in port can have its hatches examined and opened by the Port Warden, and should they be opened by any other person, and any portion of the cargo be found to be damaged, "these facts shall be *prima facie* evidence that such damage occurred in consequence of improper stowage or negligence on the part of the persons in charge of the vessel: and such default shall, until the contrary be shown, be chargeable to the owner, master, or other person interested as part owner of the said vessel."

8. The master of any vessel which has broken bulk for the purpose of lightening, or other necessary purposes, previous to her arrival, shall immediately on the discovery of any damaged cargo notify the Port Warden, and proceed to hold a survey on the same, in the manner prescribed by law, before the same shall be moved out of the place in which it was originally stowed.

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