

Minister may
cause obstruction to be
removed.

Sale of vessel
causing obstruction for
costs incurred.

Recovery of
costs if proceeds of sale
are insufficient to defray
it.

And from
whom.

4. If, in the opinion of the Minister of Marine and Fisheries, the navigation of any navigable water as aforesaid is obstructed, impeded or rendered more difficult or dangerous by reason of the wreck, sinking or lying ashore or grounding of any vessel or of any part thereof, or other thing, the said Minister may, under the authority of the Governor in Council (if such obstruction or obstacle continues for more than twenty-four hours), cause the same to be removed or destroyed in such manner and by such means as he thinks fit,—and may use gunpowder or other explosive substance for that purpose if he deems it advisable,—and may cause such vessel, or its cargo, or any thing causing or forming part of such obstruction or obstacle to be conveyed to such place as he thinks proper, and to be there sold by auction or otherwise as he deems most advisable,—and may apply the proceeds of such sale to make good the expenses incurred by him in placing and maintaining any signal or light to indicate the position of such obstruction or obstacle, or in the removal, destruction or sale of such vessel, cargo, or thing,—paying over any surplus of such proceeds to the owner of the vessel or thing sold, or other persons entitled to such proceeds or any part thereof, respectively. 49 V., c. 36, s. 4.

5. Whenever, under the provisions of this Act, the Minister of Marine and Fisheries has caused any signal or light to be placed and maintained to indicate the position of any obstruction or obstacle, or has, with the authority of the Governor in Council, caused to be removed or destroyed any obstruction or obstacle to the navigation of any navigable water occasioned by the wreck, sinking or lying ashore or grounding of any vessel, or part thereof, or other thing, and the cost of placing and maintaining such signal or light or of removing or destroying such vessel or part thereof or other thing has been defrayed out of the public moneys of Canada,—and the net proceeds of the sale under this Act of such vessel or its cargo, or the thing, which caused or formed part of such obstruction, are not sufficient to make good the expenses incurred for the purposes aforesaid and the costs of sale, the amount by which such proceeds fall short of the expenses so defrayed as aforesaid, and such costs—or the whole amount of such expenses, if there is nothing which can be sold as aforesaid—shall be recoverable with costs by the Crown from the owner of such vessel or other thing or from the managing owner or from the master or person in charge thereof at the time such obstruction or obstacle was occasioned, or from any person through whose act or default, or through the act or default of whose servants such obstruction or obstacle was occasioned or continued; and any sum so recovered shall form part of the Consolidated Revenue Fund of Canada. 49 V., c. 36, s. 5.