

they being only required while the raft is in transit. With regard to encumbering the beach, he quoted from the Civil Code of Lower Canada, No 400:—

“ Roads and public ways maintained by the State, navigable and floatable rivers and streams and their banks, the sea-shore, lands reclaimed from the seaports, harbours and roadsteads, and generally all those portions of territory which do not constitute private property, are considered as being dependencies of the Crown domain.”

And again, from sub-section 2 of the Consolidated Statutes of Lower Canada, chapter 26:—

“ It shall be lawful nevertheless to make use of any navigable or floatable river or watercourse, and the banks thereof, for the conveyance of all kinds of lumber, and for the passage of all boats, &c., subject to the charge of repairing, as soon as possible, all damages resulting from the exercise of such right, and all fences, drains or ditches so damaged.”

On the 20th August, 1874, judgment was given as follows:

DÉSIRÉ GIROUARD, complainant, *vs.* JOHN GRIER *et al*, defendants.—The undersigned, three of the Harbour Commissioners of Montreal, having heard the complaint against the said defendants, as set forth in the information in this matter filed, and having also heard the several witnesses who were duly sworn and examined by and before us touching the charge and accusation contained in the said information, and the arguments of counsel on behalf of the prosecution and defence, and having deliberated, and considering that all or every the person or persons who shall encumber the navigable part of the River St Lawrence or the navigable waters within the jurisdiction of the Corporation of the Harbour Commissioners of Montreal, or any of the harbours, creeks, inlets and beaches within the said limits, or in any way obstruct the navigation thereof with stones, filth, rubbish or cribs, wrecks of steamers or other vessels, shall incur a penalty not exceeding £10 for each and every offence, and a further like penalty for neglecting or refusing to remove or cause to be removed any such encumbrances or obstruction, within ten days after being legally notified so to do, and a further like penalty for every ten days such encumbrances shall not be removed; and also considering that it hath been satisfactorily proven before us that at the time of the laying of the information in this matter