

Ross, and John Shuter Smith, and the survivor or survivors of them, and the executors and administrators of such survivor, in the same amount for which the said last named parties, or any of them, are or shall or may be or remain liable as aforesaid, and the said last above named parties, or the survivor or survivors of them, or the executors or administrators of such survivor, may sue for and recover the same with costs against the said Municipal Council in an action of debt for money paid in any of Her Majesty's Courts of competent jurisdiction in that part of this Province formerly constituting the Province of Upper Canada.

Board to fix
Tolls : subject
to approval
of Governor
in Council.

VI. And be it enacted, That the said Board of Commissioners shall and may have power, and they are hereby authorized, from time to time, to make By-laws subject to the approval of the Governor in Council, to fix and determine, and to alter, from time to time, as they may see fit, the rate of tolls to be chargeable and paid, on and by all vessels, crafts, rafts and boats entering or touching at the said Harbor, and on all persons who may, from time to time, partake of the benefits and advantages of the same or of the wharves, ship-yard, docks or railways, or of the store-houses or other protections and erections, for the construction, safe-keeping, repairing and refitting, of all vessels, boats, craft or rafts of any description, and on all goods, chattels, wares and merchandize shipped or landed on board or out of any vessel or boat in the said Harbor, or between the eastern boundary of lot number one, and the western boundary of lot number ten in the first and broken front concession of the Township of Hope, in the County of Durham, and to ask, demand, recover, and receive the same to and for the use of the said Board of Commissioners, and in case of neglect or refusal by any person or persons owning or in charge of any such vessel, boat, goods, chattels, wares, or merchandize, to pay the tolls legally collectable thereon, under this Act, or in case of any vessel, boat, goods, chattels, wares or merchandize on which such tolls may be chargeable, lying or remaining in, or adjacent to such Harbor unclaimed, and without the tolls thereon being paid, to seize and detain the vessels, boats, goods, chattels, wares, or merchandize on which such tolls may be due, payable, or chargeable, and if such tolls shall remain unpaid thereon, for the space of twenty days after such seizure, then to sell and dispose of such goods, chattels, wares, merchandize, vessels or boats, by and at public auction, for the best price that can be obtained for the same, first giving ten days' notice thereof, by inserting the same in a newspaper (if any) published in the Town of Port Hope, and by putting up a notice in some conspicuous place near the said Harbor, and out of the proceeds of such sale to deduct and pay the tolls in arrear and unpaid upon the things sold, and the expenses of and incident to such sale, and the residue, if any, to pay over, when demanded, to the owner or owners of the things so sold: Provided always, that until the said Board of Commissioners shall make or adopt such By-law to fix and determine the said rate of tolls, it shall be lawful for the said Commissioners to demand and receive the tolls fixed by the said

Mode of en-
forcing pay-
ment of Tolls.

Proviso.