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**No. 233.**

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2nd Session, 6th Parliament, 22 Victoria, 1859.

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**B I L L .**

**An Act to amend the Lower Canada Municipal Acts.**

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Received and read first time, Friday, 8th  
April, 1859.

Second reading, Tuesday, 12th April, 1859.

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**Hon. Mr. Rose.**

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**S. Derbishire & G. Desbarats, Queen's Printer.**

An Act further to amend the Lower Canada Municipal and Road Act of 1855.

**W**HEREAS it is expedient to empower Municipal Councils in the Districts of Gaspé and Saguenay to make provision for the better regulation of Harbors and Roadsteads on the coasts of those Districts : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Preamble.

**1.** In addition to the powers vested in County Councils by the Lower Canada Municipal and Road Act of 1855, and the Act amending the same, the Municipal Council of the Magdalen Islands and the Municipal Council of every County in the Districts of Gaspé and Saguenay shall have power to make by-laws for the purpose of defining the limits of ballast ground in each and every harbor and roadstead on the coast of or nearest to such Islands or County.

Certain County Councils may make By-laws respecting ballast grounds in Harbours.

**2.** In case no Municipal Council be organized in the Islands, or no County Council in any or either of the said Counties, it shall be the duty of the Stipendiary Magistrate in charge of the vessel employed by the Government for the protection of the fisheries in the Gulf of St. Lawrence, and he is hereby authorized and empowered to define the limits of ballast ground in each and every harbor and roadstead on the coast of or nearest to the said Islands or such county or counties, as the case may be.

Or if no Council be organized, the Stipendiary Magistrate may do so.

**3.** No ballast shall be discharged from any ship or vessel in any harbor or roadstead in which the limits of ballast ground have been so defined as aforesaid, except within such limits, under a penalty of not less than *five dollars* nor more than *fifty dollars*, recoverable by distress on summary conviction before the said Stipendiary Magistrate or any Justice of the Peace, from the master or owner of such ship or vessel, provided such limits have been previously, during the same voyage, pointed out to the master or other person in charge of such ship or vessel, as hereinafter mentioned.

Penalty for infraction ; and how recoverable.

**4.** The Municipal Council or Stipendiary Magistrate as aforesaid, as the case may be, by whom the limits of ballast ground in any harbor or roadstead have been defined, may appoint a guardian of such harbor or roadstead, whose duty it shall be to board every ship or vessel arriving there in ballast as soon as possible after the arrival of such ship or vessel, and to point out to the master or other person in charge thereof, the

Guardian may be appointed for each Harbour—his duties.

limits of ballast ground in such harbor or roadstead, to cause all such vessels to anchor within or remove into such limits and discharge their ballast there, if in his power so to do, and to prosecute for the recovery of all penalties incurred under this Act.

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Limits defined by Stipendiary Magistrate to be in force until altered by Council.

**5.** In case a Municipal Council is organized in the said Islands or in any County in the said Districts after the limits of ballast ground have been defined in any harbor or roadstead on the coast of or nearest to such Islands or County, and a guardian thereof appointed as aforesaid by such Stipendiary Magistrate, such definition of limits shall remain in force, and such guardian shall remain in office, until new limits are defined and a new guardian is appointed by such Municipal Council.

Conviction to be summary: Tackle, &c. of Vessel, liable for penalty.

**6.** The said Stipendiary Magistrate or any other Magistrate may convict summarily on the evidence of one witness, other than the informer, of any offence against the provisions of this Act; and the penalty, if not forthwith paid, may be levied on the tackle, apparel and furniture of the Vessel in respect of which it is incurred, under a warrant of distress from the convicting Magistrate.

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Harbour Guardian may cause a Vessel to be removed if the master will not.

**7.** The Harbor Guardian shall order the removal within the limits of ballast ground of any ship or vessel found discharging ballast in the harbor or roadstead beyond such limits; and upon the refusal or neglect of the master or person in charge of such ship or vessel to comply with such order within hours, the Stipendiary Magistrate aforesaid may cause such ship or vessel to be so removed by the crew of the vessel under his own command, or the Harbor Guardian may cause her to be so removed by any means in his power.

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