

Technical and Bibliographic Notes / Notes techniques et bibliographiques

The Institute has attempted to obtain the best original copy available for filming. Features of this copy which may be bibliographically unique, which may alter any of the images in the reproduction, or which may significantly change the usual method of filming are checked below.

- Coloured covers / Couverture de couleur
- Covers damaged / Couverture endommagée
- Covers restored and/or laminated / Couverture restaurée et/ou pelliculée
- Cover title missing / Le titre de couverture manque
- Coloured maps / Cartes géographiques en couleur
- Coloured ink (i.e. other than blue or black) / Encre de couleur (i.e. autre que bleue ou noire)
- Coloured plates and/or illustrations / Planches et/ou illustrations en couleur
- Bound with other material / Relié avec d'autres documents
- Only edition available / Seule édition disponible
- Tight binding may cause shadows or distortion along interior margin / La reliure serrée peut causer de l'ombre ou de la distorsion le long de la marge intérieure.
- Blank leaves added during restorations may appear within the text. Whenever possible, these have been omitted from filming / Il se peut que certaines pages blanches ajoutées lors d'une restauration apparaissent dans le texte, mais, lorsque cela était possible, ces pages n'ont pas été filmées.
- Additional comments / Commentaires supplémentaires: Cover title page is bound in as last page in book but filmed as first page on fiche.

L'Institut a microfilmé le meilleur exemplaire qu'il lui a été possible de se procurer. Les détails de cet exemplaire qui sont peut-être uniques du point de vue bibliographique, qui peuvent modifier une image reproduite, ou qui peuvent exiger une modification dans la méthode normale de filmage sont indiqués ci-dessous.

- Coloured pages / Pages de couleur
- Pages damaged / Pages endommagées
- Pages restored and/or laminated / Pages restaurées et/ou pelliculées
- Pages discoloured, stained or foxed / Pages décolorées, tachetées ou piquées
- Pages detached / Pages détachées
- Showthrough / Transparence
- Quality of print varies / Qualité inégale de l'impression
- Includes supplementary material / Comprend du matériel supplémentaire
- Pages wholly or partially obscured by errata slips, tissues, etc., have been refilmed to ensure the best possible image / Les pages totalement ou partiellement obscurcies par un feuillet d'errata, une pelure, etc., ont été filmées à nouveau de façon à obtenir la meilleure image possible.
- Opposing pages with varying colouration or discolorations are filmed twice to ensure the best possible image / Les pages s'opposant ayant des colorations variables ou des décolorations sont filmées deux fois afin d'obtenir la meilleure image possible.

This item is filmed at the reduction ratio checked below / Ce document est filmé au taux de réduction indiqué ci-dessous.

| | | | | | | | | | | | |
|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 10x | | 14x | | 18x | | 22x | | 26x | | 30x | |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| | 12x | | 16x | | 20x | | 24x | | 28x | | 32x |

No. 159.

2nd Session, 3rd Parliament, 12 Victoria, 1849.

BILL.

An Act to encourage Ship Building in
Lower Canada, by affording better
security to persons advancing money
or furnishing work or materials for
the construction of Ships.

Received and Read a first time, Monday, 12th
March, 1849.

Second Reading, Monday, 19th March, 1849.

MR. MÉTHOT.

PRINTED BY LOVELL AND GIBSON.

BILL.

An Act to encourage Ship Building in Lower Canada, by affording better security to persons advancing money, or furnishing work or materials for the construction of Ships.

WHEREAS the heavy losses suffered by Preamble.
 parties advancing money, materials or labour in the construction of ships, have suffered from the want of a *lien* on the same,
 5 have been so great, that it has become impossible to obtain the same facilities as before, whereby the construction of ships has been discouraged, and that it is desirable to promote an industry so very advantageous
 10 to the Province; Be it therefore enacted,
 &c.

And it is hereby enacted by the authority of There shall be a lien on all ships built in this Province—
 the same, That a mortgage and *lien* shall be and exist on all ships or vessels built in this
 15 Province or coming thereto, entitling the party vested therewith, to be paid out of the proceeds of any such ship or vessel in preference to and before all other claimants, for the following debts, that is to say :

20 For the payment of any sum of money For sums lent for building a vessel.
 lent for the building or repairing of any ship or vessel.

For the payment of the price of materials, For price of materials and money due for labour.
 25 rigging, goods, wares and merchandize furnished for the building or repairing of any ship or vessel; and for the payment of any sum of money due for labour performed in constructing or repairing any ship or vessel.

The claimants of the said privileges and Claimants of lien to rank concurrently.
lien shall rank concurrently.

The said *lien* and privilege shall also attach and exist on vessels in the course of Lien to exist on vessels in course of construction.
 construction and unfinished.

Lien not to be
for less than
£10.
When *lien*
shall cease.

The said *lien* and privilege shall not exist for a less sum than *ten pounds currency*.

The said *lien* or privilege shall cease to exist in the following cases; when a year shall have elapsed from the day on which the vessel shall have been launched or left the dock or place where she has been repaired; without the creditor having made a formal demand of his debt; and when parties shall have neglected to put their claims as required in the following section of this Act.

Mode of ascer-
taining what
liens exist on a
vessel and
proceedings
thereupon.

II. And in order that parties interested may have the means of ascertaining what *liens* and privileges may exist on any ship or vessel; Be it enacted, That any person or persons interested, may petition the Principal Officer of the Customs, of the port where the vessel shall have been built or repaired, to cause an advertisement to be inserted in English and in French, in one paper published in each language at the said port or nearest thereto, during at least two weeks, and at least twice in each week, calling upon persons pretending to any *lien* or privilege on the ship or vessel named and described in the said advertisement, to fyle the same at his office within twenty days from the first publication of the said notice.

Upon such application in writing the said principal Officer shall cause to be published a notice accordingly, signed by him, provided the claimant do deposit in his hands the cost of the publication of the said notice or a discharge from the publishers relieving him from the payment thereof:

Upon the publication of such notice all persons pretending to any *lien* or privilege on the vessel therein described, shall be bound to fyle the same within the time stated in the said notice, with the vouchers of their claim, provided the same do consist of authentic documents; if not, then by the affidavit before any Magistrate of the claimant:

All persons neglecting to fyle their claims accordingly, shall no longer be entitled to the said *lien* or privilege:

It shall be the duty of the said Chief Officer of the Customs to make an entry of all the claims filed in consequence of such notice, on the page where the entry of the vessel's registration shall have been made, when the vessel shall have been registered in his port, and when registered elsewhere, then in a book to be kept for that purpose.

The said entries shall contain the name, occupation and residence of the claimant, the amount for which the privilege and *lien* shall be claimed, and for what the debt has been created, which entries the said Chief Officer of the Customs shall sign :

It shall be the duty of the said Chief Officer of the Customs to indorse a copy of the said entries, signed by him on the back of the register of the vessel in question, and if no application be made he shall certify the same in the said books and on the back of the ship's register, under his hand and signature.

The statement or certificate on the back of the ship's register shall be final, and no *lien* or privilege for the causes aforesaid shall attach or exist, excepting those mentioned in the said indorsement on the ship's register, up to the day limited in the said advertisement for the filing of the claims for *lien* and privilege.

III And be it enacted, That in case any difficulty or difference should exist between the debtor and the creditor as to the amount of the said *lien*, the debtor or his representative, upon filing an affidavit sworn to by him before any Justice of the Peace, that he does not owe the amount claimed, may require the said Chief Officer of the Customs to make an entry of the same in the book where the claim shall have been entered, in which case such claim shall be designated as a contested claim, and in this case the *lien* and privilege shall only exist for the amount which may be thereafter agreed upon between the parties, or determined by the judg-

Proceedings in case of difficulty between debtor and creditor as to amount of *lien*.

ment of a competent Court of Justice, which shall be entered and certified as aforesaid upon production of the agreement between the parties in an authentic form, or a copy of the judgment of the Court.

5

Certificate of extinction of *lien* may be enregistered by Chief Officer of Customs.

IV. And be it enacted, That upon satisfaction of any *lien* and privilege or other proceeding by which the same may have been extinguished, any person interested may cause entry and certificate thereof to be made 1. in the manner aforesaid by the Chief Officer of the Customs, upon production of authentic proof of such satisfaction or extinction.

Persons entitled to *lien* may cause vessel to be attached, &c.

V. And be it enacted, That all persons entitled to the said *lien* or privilege where 15 debt shall be due and payable, shall have the right to cause the vessel on which they shall have the said *lien* and privilege, to be seized and arrested by attachment (*arrêt simple*), in like manner as the immovable property of a 20 debtor may be attached before judgment in Lower Canada, and that it shall be sufficient to allege in the affidavit that the debt is due and privileged; and that in any case where the term of credit shall not have expired and 25 the vessel is about to leave the Province, the privileged creditor may cause it to be attached in like manner, and the proprietor or proprietors of the vessel so attached shall be entitled to a release and discharge of the said 30 seizure of the said vessel upon giving two good and sufficient securities and to the satisfaction of a Judge of the Court before which the said seizure is returnable, to pay whatever amount may be awarded to the 35 plaintiff by the judgment of the Court.