

No. 91.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL.

An Act to amend and consolidate the
Acts relating to the Quebec Harbour
Commissioners.

First reading, April 27, 1899.

Mr. FITZPATRICK.

OTTAWA

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An Act to amend and consolidate the Acts relating to the Quebec Harbour Commissioners.

WHEREAS by chapter fifty-five of the Statutes of 1875, Preamble.
 the corporation of the Trinity House of Quebec was dissolved, and its then remaining powers, authority, jurisdiction, rights, duties and liabilities were transferred to the corporation of the Quebec Harbour Commissioners; and whereas enactments relating to these two corporations are contained in a number of Acts of the late province of Canada and of the Dominion of Canada, which enactments it is expedient to revise, to amend in accordance with the present requirements of trade and commerce, and to consolidate into one Act: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. This Act may be cited as *The Quebec Harbour Commissioners' Act, 1899*. Short title.

2. The Acts mentioned in schedule one to this Act are hereby repealed to the extent mentioned in the said schedule, and the provisions of this Act are substituted for the provisions of the Acts so repealed. Repeal.

3. The said repeal shall not in any way affect the corporate existence of the corporation of "The Quebec Harbour Commissioners," which, together with all such persons as hereafter become members thereof, shall continue to be the same corporation, under the said name, as that constituted by the Act of the late province of Canada, twenty-second Victoria, chapter thirty-two, and continued by the Acts of the Dominion of Canada, thirty-sixth Victoria, chapter sixty-two, and thirty-eighth Victoria, chapter fifty-five. Effect of repeal.
Corporation continued.

2. Nothing in this Act shall be construed as requiring that any member or officer of the corporation should be appointed or elected anew before the time at which, under the subsequent provisions of this Act, his period of membership expires or his office becomes vacant. Members and officers continued.

INTERPRETATION.

4. The said corporation is hereinafter referred to as "the corporation" and as "the Harbour Commissioners;" the members thereof are referred to as "commissioners." Designation.

Interpretation of words.	2. In this Act the following words have the meaning assigned to them in this section unless the context requires otherwise :—	
“ By-law.”	(a.) The word “by-law” means any by-law, rule, order or regulation made by the corporation under the authority of this Act.	5
“ Vessel.”	(b.) The word “vessel” includes every kind of ship, boat, barge, dredge, elevator, screw, or floating craft, and whether propelled by steam or otherwise, and also includes “rafts,” as hereafter defined.	10
“ Raft.”	(c.) The word “raft” means any raft, crib, dram, or bag-boom of logs, timber or lumber of any kind, and includes logs, timber or lumber in boom or being towed.	
“ Goods.”	(d.) The word “goods” means any moveables other than vessels and rafts.	15
“ Rates.”	(e.) The word “rates” means any rate, toll or duty whatsoever imposed by or under this Act. 12 V., c. 114, s. 119; 22 V. (1858), c. 32, s. 26; 25 V., c. 46, s. 6, <i>part</i> ; 36 V., c. 62, s. 22, <i>part</i> .	

Port of Quebec defined.	5. For the purposes of this Act the port of Quebec comprises :—	20
	(a.) The River St. Lawrence and the shores thereof to high water mark, between a line drawn from the Roman Catholic church of the Parish of Deschambault in the County of Port Neuf, directly towards the lighthouse on Richelieu Island, and thence produced to an intersection with high water mark on the south shore of the River St. Lawrence, and a line drawn from the eastern anchorage ground off Isle Barnabé on the south shore to the eastern anchorage ground under Cape Columbia on the north shore;	25 30
	(b.) Those parts of all tributaries falling into the River St. Lawrence, between the said lines, where the tide ebbs and flows;	
	(c.) The Harbour of Quebec. 12 V., c. 114, ss. 11 and 13.	35

Harbour of Quebec defined. What is comprised therein.	6. For the purposes of this Act the Harbour of Quebec comprises :—	
	(a.) The River St. Lawrence and shores thereof to high water mark, between a line drawn from the western abutment of the roadway bridge which crosses the mouth of the River Cap Rouge, in a direction S 15° E astronomical, to an intersection with high water mark on the south shore of the River St. Lawrence, and a line drawn from the eastside of the mouth of the River Montmorency, directly towards the Roman Catholic church of the parish of Ste. Pétronille on the Island of Orleans, and thence produced to an intersection with high water mark on the south shore of the River St. Lawrence;	40 45
	(b.) Those parts of all tributaries falling into the River St. Lawrence, between the said lines, where the tide ebbs and flows;	50
	(c.) All lands, buildings, wharves, quays, piers, docks, slips and other immoveables, situate between the said lines, and, at the date of the passing of this Act, vested, whether in trust or otherwise, in, or owned, possessed, occupied or used by the Quebec Harbour Commissioners; or which, after the said date become so vested, owned, possessed, occupied or used.	55

12 V., c. 114, s. 12; 22 V. (1858), c. 1, s. 2, *part*; 25 V., c. 46, s. 1; 32-33 V., c. 42, s. 1, *part*; 36 V., c. 62, s. 21.

2. But, for the purposes of this Act, except as the application of by-laws and the levying of rates other than for wharfage and moorage, the Harbour of Quebec does not comprise :—

What is not comprised therein.

(a.) Any lands, buildings, wharves, quays, piers, docks, slips or other immoveables, situate within the limits of the city of Quebec as defined for municipal purposes by the third and fourth sections of the Act of the former province of Canada 29th Victoria (1865), chapter 57, and in respect of which the Quebec Harbour Commissioners have not acquired the right, title and interest of the owner or proprietor, or a right to the possession, occupation or use thereof.

Certain immoveables not owned by the Commissioners.

16 V. c. 234, s. 1; 22 V. (1858), c. 32, s. 2, *part*; 29 V. (1865), s. 3, s. 4, s. 29, *subsections* 7, 37, 73 and 79, s. 39; 29-30 V., c. 57, s. 26.

(b.) The Graving Dock at Pointe Lévis and the lands and buildings appurtenant thereto, the same being a public work of Canada under the control of the Minister of Public Works of Canada and administered by him. 51 V., c. 6, s. 1.

Eévis graving dock.

COMPOSITION OF CORPORATION.

7. The corporation shall consist of nine commissioners appointed and elected as hereinafter provided, and exclusive of the chairman of the corporation of pilots for and below the harbour of Quebec, who, under the provisions of section 93 of *The Pilotage Act*, is *ex-officio* a member of the Corporation of the corporation of the Quebec Harbour Commissioners, so far as respects pilotage matters, to which alone his powers as a commissioner extend.

Commissioners.

2. Five commissioners shall be appointed by the Governor in Council and shall hold office during pleasure.

Ex-officio commissioners.

Appointed commissioners.

3. The other four commissioners shall be elected, as follows :—

Elected commissioners.

(a.) One by the Council of the Quebec Board of Trade.

(b.) One by the Council of the Lévis Board of Trade.

(c.) Two by The Shipping Interest, that is to say :—Such persons, partnerships, associations and companies, as are owners or consignees of, or agents for vessels or goods arriving in the harbour of Quebec, and as have, within the twelve months next preceding the day hereinafter appointed for the election of such two commissioners, paid to the corporation harbour dues, on such vessels or goods, to the amount of at least one hundred dollars.

4. Each commissioner so elected shall hold office for a term of three years.

Term.

36 V. c. 62, s. 1, *part*, s. 2, *part*; 38 V. c. 55, s. 7, *part*; 39 V. c. 39, s. 1, subs. 2, *part*, subs. 4, *part*, subs. 6, and s. 2, *part*; R.S.C., c. 80, s. 93.

8. An elected commissioner may resign his office by notifying his resignation to the body by which he was elected in such manner as they prescribe by by-law, and by notifying the Harbour Commissioners thereof in writing.

Resignations.

2. Every appointed commissioner who resigns his office shall forthwith give written notice of such resignation to the Harbour Commissioners.

Date of expiration of term of elected commissioners.

9. The two commissioners who, at the date of the passing of this Act, represent The Quebec Board of Trade and The Lévis Board of Trade respectively, shall go out of office at noon on the first Monday in August, A.D. 1901—or if that be a legal holiday, then on the next following day which is not a legal holiday. 5

2. The two commissioners who, at the date of the passing of this Act, represent The Shipping Interest, shall go out of office at noon on the first Wednesday in August, A.D. 1901, or if that be a legal holiday, then on the next following day which is not a legal holiday. 10

3. And thereafter the term of office of the commissioner or commissioners representing each such body respectively shall expire at noon on the like day in every third successive year after A.D. 1901. 15

Re-election.

4. Any elected commissioner whose term of office has expired may be re-elected. 20

39 V. c. 39, s. 2, *part*.

Meetings to elect commissioners.

10. Whenever a vacancy occurs among the elected commissioners, whether by expiration of term of office or otherwise, the proper body to elect a successor shall hold a meeting to make such election. 25

2. If the meeting is to fill a vacancy caused by expiration of term of office, it shall be held—

(a.) At noon on the first Monday in August of the year when the vacancy occurs, in the case of the commissioners representing respectively The Quebec Board of Trade and The Lévis Board of Trade; and— 30

(b.) At noon on the first Wednesday in August of such year, in the case of the commissioner's representing The Shipping Interest; and—

(c.) In both cases, if such Monday or Wednesday falls on a legal holiday, then at noon on the next day following which is not a legal holiday. 35

3. If the meeting is to fill a vacancy otherwise caused, it shall be held within thirty days after the proper body, or the secretary thereof, becomes aware of the occurrence of such a vacancy. 40

Certificates of election.

4. The secretary of every such meeting shall give the person duly elected thereat a certificate of such election, and shall forthwith certify to the Minister of Marine and Fisheries the name of the person so elected. 45

36 V. c. 62, s. 3, *part*; s. 4, *part*; 38 V. c. 55, s. 7, *part*; 39 V. c. 39, s. 2, *part*.

Place of meeting.

11. The said meetings of the Council of the Quebec Board of Trade and of the Council of the Lévis Board of Trade shall be held at their respective chambers or usual places of meeting, and shall be summoned and conducted in the manner provided by their respective charters and by-laws. 50

36 V., c. 62, s. 3, *part*; 38 V., c. 55, s. 7, *part*; 39 V., c. 39, s. 2, *part*.

- 12.** The said meetings of The Shipping Interest shall be held at the office of the Harbour Commissioners in the city of Quebec. Place of meeting of Shipping Interest.
- 2.** Notice of the time, place and purpose of every such meeting shall be given by the secretary of the Harbour Commissioners by advertisement during at least ten days previous thereto in at least one English and one French newspaper published in the city of Quebec. Notice.
- 3.** The secretary-treasurer of the Harbour Commissioners shall be *ex officio* secretary of the meeting, and shall keep a record of the minutes and proceedings thereof; he shall be the custodian of and shall preserve all vouchers deposited with him. Secretary. Records.
- 4.** A member of The Shipping Interest may give the following number of votes according to the amount of harbour dues payable by and paid by such member within the twelve months next preceding the election:— Qualification of voters.
- One vote, if such amount be one hundred dollars or more ;
Two votes, if such amount be five hundred dollars or more ;
20 One additional vote for each five hundred dollars in excess of the last-mentioned amount. Number of votes.
- But no member may give more than ten votes in any case. Issue of vouchers as to qualification.
- 5.** The Collector of Customs at the port of Quebec, and all other officers appointed by the Harbour Commissioners to collect harbour dues, if so required to do by any person who has paid harbour dues within the twelve months next preceding the election, shall issue to such person a voucher showing the amount so payable by and so paid by such person. Issue of vouchers as to qualification.
- 6.** The qualification of and the number of votes to be cast by each member of The Shipping Interest shall be determined by reference to such vouchers, which shall be deposited with the secretary. Determination of qualification.
- 7.** In the case of any partnership, association or company, which is a member of The Shipping Interest, any one of the partners, and no more, may vote for and in the name of such member. Partnerships and companies, how to vote.
- 8.** The vote of any member of The Shipping Interest may be given by any person duly authorized for that purpose by power of attorney. Vote may be by attorney.
- 9.** The person in whose favour a majority of votes is cast between noon and one o'clock p.m. on the day fixed for the election, shall be held to be duly elected. Time for voting.
- 10.** A list of persons who have voted shall be kept by the secretary, and together with the vouchers deposited shall be open to inspection, at the office of the Harbour Commissioners during the meeting. Inspection of voters' list.
- 11.** Any question which arises under any of the foregoing provisions of this section shall be decided forthwith by the Harbour Commissioners, and such decision shall be conclusive. Decision of questions.
- 36.** V. c. 62, s. 2, *part*, s. 4, *part*; 38 V. c. 55, s. 7, *part*; 39 V. c. 39, s. 2, *part*.
- 13.** Whenever a vacancy occurs, if the proper body to elect a commissioner fails to do so or fails to cause the name of the person duly elected to be certified to the Minister of Marine and Fisheries within one month from the last day on which the election might have been held under this Act, the Govern- Governor in Council to fill vacancy after certain delay.

nor in Council may appoint a person to fill such vacancy. The commissioner so appointed shall hold office in all respects as the commissioner in whose place he is appointed would have held it.

36 V. c. 62, s. 8, *part*; 39 V. c. 39, s. 2, *part*

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Oath of commissioner.

14. Before any commissioner enters upon the execution of his duties as commissioner, he shall take and subscribe an oath that he will truly and impartially, to the best of his skill and understanding, execute the powers vested in him as a member of the corporation of The Quebec Harbour Commissioners; which oath shall be filed of record in the office of the corporation.

12 V. c. 114, s. 14; 38 V. c. 55, s. 2, *part*.

PRESIDENT AND QUORUM.

President.

15. The corporation may from time to time elect its own chairman, and may pay him an annual salary not exceeding 15 two thousand dollars.

36 V., c. 62, s. 10, *part*; 39 V., c. 39, s. 4.

Salary.

2. The commissioners may be paid such remuneration for their services as the corporation determines by by-law.

Quorum.

16. Five commissioners shall be a quorum.

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2. The powers of the corporation as Pilotage Authority may be delegated to any three commissioners, of whom the chairman of the corporation of pilots for and below the Harbour of Quebec shall be one.

3. The judicial powers of the corporation may be delegated to any three commissioners exclusively of the chairman of the corporation of pilots for and below the Harbour of Quebec.

New.

4. The powers so delegated may be exercised by the commissioners to whom such delegation is made, although the corporation is acting in other matters.

5. If a quorum be present and act, vacancies in the corporation do not prevent or impair the effect of such action.

36 V., c. 62, s. 10, *part*; 39 V., c. 39, s. 1, subs. 5, *part*.

OFFICERS AND EMPLOYEES.

Officers and salaries.

17. The corporation shall appoint a Secretary-Treasurer; and may appoint the Superintendent of Pilots for the Pilotage District of Quebec and the Harbour Master of the Harbour of Quebec; and shall appoint such other officers, assistants and servants as it deems necessary to carry out the objects and provisions of this Act, and may allow all persons so appointed such compensation or salaries as it deems fitting, and require and take from them such security for the due and faithful performance of their respective duties as it deems necessary.

22 V. (1858), c. 32, s. 6, *part*; 38 V., c. 55, s. 2, *part*, s. 10, *part*.

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Appointment of deputies.

3. In case of the illness or absence of the Secretary-Treasurer, the Superintendent of Pilots, or the Harbour Master, the corporation may appoint a deputy to act during such illness or absence, who shall have the same power and authority as

the officer in whose stead he acts. The provisions of subsection one of this section, as to compensation or salaries and security, shall apply to any deputy so appointed.

12 V., c. 114, s. 115, *amended*; 20 V., c. 121, s. 3.

DISQUALIFICATIONS OF COMMISSIONERS AND OFFICERS.

- 5 **18.** Any commissioner or officer of the corporation who—
 (a) owns or has any pecuniary interest in any property, movable or immovable, which the corporation proposes to acquire for the purposes of this Act; or—
 10 (b) directly or indirectly, is a party to or concerned in any contract under which the money of the corporation is to be paid;
 shall *ipso facto* cease to be a commissioner or an officer of the corporation.
 12 V., c. 114, s. 2, *fifthly*; 22 V. (1858), c. 32, s. 3, *part*.

Commissioner etc., interested in property or contract is disqualified.

GENERAL POWERS.

- 15 **19.** The corporation shall, for the purposes of and as provided in this Act, have jurisdiction within the limits of the port of Quebec.
 12 V., c. 114; 22 V. (1858), c. 32; 38 V., c. 55, s. 2.
 2. Under *The Pilotage Act*, chapter eighty of the Revised Statutes of Canada, the corporation is the Pilotage Authority of the pilotage district of Quebec. The general powers and duties of the corporation with respect to pilotage are contained in that Act and the amendments thereto.
 R.S.C., c. 80, s. 4.
- 25 **20.** The corporation may hold, take, acquire and purchase such immoveable property as it considers necessary for purposes of extending and improving the harbour of Quebec or the accommodations thereof, including the construction for
 30 other such works, and of warehouses and elevators, or for purposes of improving the navigation of the River St. Lawrence within the port of Quebec, or for any other purpose of this Act; and may acquire, hold, possess and build such movable property, vessels, plant, and machinery as it deems necessary
 35 for the efficient discharge of the duties devolved upon it by this Act, and may take out registers for such vessels in its corporate name and capacity, and may dispose of the said immoveable and movable property, vessels, plant, and machinery as often as it sees fit to do so, and may do all other things
 40 necessary to carry out the provisions of this Act according to their true intent and spirit.
 12 V. c. 114, s. 2, *part*, s. 91, *part*, s. 104; 22 V. (1858), c. 32, s. 3, *part*; s. 8, *part*; 36 V. c. 62, s. 14, *part*, s. 21; 38 V. c. 55, s. 2.
- 45 **2.** But the sale of any deep-water lot forming part of the property vested in the corporation shall not be valid or effectual until sanctioned by the Governor in Council.
 32-33 V. c. 44, s. 4.

Territorial limits of jurisdiction.

Pilotage jurisdiction.

R.S.C., c. 80.

Powers to hold property.

Immoveables.

Moveables, vessels, etc.

General powers.

Sale of deep-water lots.

Former property remains vested.

21. All property acquired or held by the corporation and vested in it in trust for the purposes of its creation shall continue to be so vested in the corporation.

36 V., c. 62, s. 15.

Crown land vested in corporation.

2. All land within the limits of the harbour of Quebec as defined by this Act, belonging to Her Majesty in right of the Dominion of Canada, the moneys arising from which are not by law appropriated or directed to be applied exclusively to any other purpose—together with all rents and sums of money now due or hereafter to become due to Her Majesty in such right in respect of any such land heretofore granted by Her Majesty,—and not already by law appropriated or directed to be applied exclusively to any other purpose, either for interest, or principal, or in any other way—shall be deemed to be vested in and held by the corporation in trust for the purposes of its creation and of this Act.

22 V. (1858), c. 32, s. 2, *part*; 25 V., c. 46, s. 1; See also 32-33 V., c. 44, s. 5; 36 V., c. 62, s. 15.

Suits and actions.

3. The corporation may institute and defend all suits, actions and proceedings in any court of justice in respect of the said property and the land comprised within the harbour as fully as can be done by proprietors holding lands by valid title, or as might be done by or on behalf of Her Majesty in respect of the bed or beach of the river St. Lawrence, within the harbour of Quebec.

36 V., c. 62, s. 16.

Definition.

22. In this section the expression “harbour tracks” means railways and tramways within the boundaries of the harbour of Quebec, and “harbour lines” means branch lines connecting harbour tracks with main lines of railway; but nothing in this section shall be deemed to constitute the corporation a railway company within the meaning of *The Railway Act* and its amendments.

“Harbour tracks.”

“Harbour lines.”

2. The corporation may—

51 V., c. 29.

Powers as to construction, acquisition and operation of railway tracks.

(1.) Construct harbour tracks.

(2.) Acquire harbour tracks, by purchase, lease or otherwise; and—

If necessary for effectual working of any harbour tracks, so acquire any harbour lines.

(3.) Maintain harbour tracks and harbour lines.

(4.) Enter into an agreement with any railway company or street-railway company for the operation by such company of the corporation’s harbour tracks and harbour lines, by any motive power, and so as at all times to afford all other railway or street-railway companies whose lines reach the harbour, the same facilities for traffic as those enjoyed by such company.

Agreements with railway companies.

(5.) Make agreements with railway companies or street-railway companies for—

(a.) Facilitating traffic to, from, and in the harbour.

(b.) Making connections within the harbour between such companies’ railways and those of the corporation.

(c.) The maintenance, management, control and working of harbour tracks and harbour lines, by the parties to the agreement severally or by any of them jointly.

(d.) The use by any party to the agreement of any real or personal property of any other party thereto, for purposes of facilitating traffic to, from, and in the harbour.

23. The Corporation may load and unload vessels, and vehicles of every kind, wherein goods are brought by water or by land to the harbour of Quebec; and may receive, store and deliver all goods so brought; and for such purposes may own, acquire, erect and lease warehouses, elevators and all necessary buildings and appliances, and may enter into any contract for the exercise of such powers by any person on behalf of the corporation.

Loading and unloading of vessels.

Storage.

Warehousing, etc.

24. The corporation may own, acquire, erect, and operate by any motive power, all kinds of appliances, apparatus, plant, and machinery, for the purposes of increasing the usefulness of the harbour or facilitating the traffic therein.

Owning and operation of machinery.

25. Nothing contained in any Act of the late province of Canada with respect to the city of Quebec or in any by-law of the corporation of the said city made under the authority of any such Act shall restrict or affect in any manner the exercise of the powers conferred upon the Harbour Commissioners under this Act.

By-laws of city of Quebec.

29 V. (1865), c. 57, s. 39; 29-30 V. (1866), c. 57, s. 67; 38 V., c. 55, s. 2.

BY-LAWS.

26. The corporation may from time to time make by-laws, not contrary to law nor to the provisions of this Act, for the following purposes:—

Powers to make by-laws.

(1.) The direction, conduct and government of the corporation, and of its officers and servants, and the management and improvement of its property, movable and immovable.

General management.

22 V. (1858), c. 32, s. 4, subs. 1.

(2.) The establishment of rules and regulations for navigation within the limits of the port of Quebec.

Navigation.

12 V., c. 114, s. 6, *secondly*; 38 V., c. 55, s. 2.

(3.) The good government, improvement and regulation of the harbour of Quebec.

Harbour of Quebec.

22 V. (1858), c. 32, *preamble and s. 4.*

(4.) The prevention and removal of obstructions to the navigation of the River St. Lawrence within the limits of the harbour of Quebec; but nothing in any by-law made under this authority shall prevent or interfere with the provisions of *The Wrecks and Salvage Act* or with any powers of any receiver of wreck appointed thereunder; and the powers hereby granted to the corporation shall be exercised only by and with the consent of such receiver, and in conjunction with him, if necessary to give effect to the said Act and to this Act.

Obstructions to navigation.

R.S.C., c. 91.

32-33 V., c. 42, *the whole*; 37 V., c. 29, s. 2; 36 V., c. 65, s. 39 *part*; 38 V., c. 55, s. 2 *part*; 48-49 V., c. 77, s. 1; 49 V., c. 36, s. 6; R.S.C., c. 91, s. 6.

(5.) The prevention of injury to and of encroachments and encumbrances on the harbour of Quebec, or any waters within the port of Quebec; or to or on the property of the corporation, movable or immovable; the prescribing where ballast or other substances may be deposited within the port of Quebec; the prohibiting of the depositing of ballast or other substances

Encroachments.

Ballast.

- Removal of encumbrances. within the port of Quebec; and the removal of anything of a nature to cause such injury, encroachment or encumbrance. 12 V., c. 114, s. 6, *secondly, and fifthly, part*; 22 V. (1858), c. 32, s. 4, ss. 2; 36 V., c. 62, s. 20; 38 V., c. 55, s. 2.
- Lost property. (6.) For the disposal of things belonging to any vessel or used for purposes of navigation, which are not "wreck" within the meaning of *The Wrecks and Salvage Act*, and are found within the port of Quebec; including the duties of losers and finders of such things; the notices to be given of such finding, the remuneration of finders thereof, the public sale of all such things if unclaimed after a reasonable delay, and the application of the proceeds of such sale after deduction of all expenses connected therewith. 5
- Ice in Quebec harbour. (7.) The supervision and control of the ice in the harbour of Quebec. 15
But nothing in this paragraph shall be construed as obliging the Harbour Commissioners to lay out or maintain roads upon the ice in the harbour, or to provide for the safety of travel on any such roads laid out or maintained by other persons than the Harbour Commissioners. 20
- Vessels. (8.) The control, order, anchoring, mooring, riding and fastening of vessels in the harbour of Quebec. 25
- Light and fire. 12 V., c. 114, s. 6, *seventhly*; 38 V., c. 55, s. 2. 25
(9.) The regulation and control of the use of light and fire in the harbour of Quebec.
- Explosives. 12 V., c. 114, s. 6, *eighthly*; 38 V., c. 55, s. 2. 30
(10.) The regulation and control of explosive and inflammable substances brought into the harbour of Quebec, and particularly as to the storage thereof on board of vessels and as to the precautions to be observed with regard to the landing and shipping and conveyance thereof.
- Boiling of pitch, etc. 12 V., c. 114, s. 6, *tenthly*; 38 V., c. 55, s. 2. 35
(11.) The boiling, melting and use of pitch, tar, turpentine, resin, or any other inflammable substance, in the harbour of Quebec.
- Use of whistles and bells, etc. 12 V., c. 114, s. 6, *ninthly*; 38 V., c. 55, s. 2. 40
(12.) The regulation and control of the use of whistles, bells, sirens and other apparatus for signalling by sound, on board of vessels in the harbour of Quebec.
- Railway traffic. (13.) The regulation of all machinery and appliances used in loading or unloading vessels. 45
(14.) The regulation of railway and other traffic on the quays and wharfs in the harbour of Quebec, and the prevention and removal of all obstructions, impediments or hindrances of such traffic.
- Enforcement of railway arrangements. (15.) The enforcement of arrangements made, under the powers given by this Act, with railway or street railway companies having communication with the harbour of Quebec. 50
- Order: prevention of theft. (16.) The maintenance of order and regularity and the prevention of theft and depreations. 55
- Procedure before corporation. (17. For regulating the procedure of and before, and the fees that may be received by, the corporation in the exercise of its judicial powers and of its powers as Pilotage Authority for the Pilotage District of Quebec. Such by-laws may extend to any matter of procedure, or otherwise, not

provided for by this Act, but respecting which it is found necessary to provide for the proper exercise of such powers and the better attainment of the objects of this Act.

5 (18.) The regulation of the powers of the officers of the corporation in respect of the enforcement of their lawful directions and orders, and in respect of any force, aid or assistance required by them for that purpose. Enforcement of orders of officers.

10 (19.) The collection of all rates and penalties imposed by this Act, or by any by-law made under the authority of this Act; with power, for such purpose, to include in any such by-law regulations requiring the Collector of Customs, or other proper officer, to refuse clearances to vessels, and also regulations as to the sale, by public auction, of goods unclaimed after such reasonable delay, having regard to the nature of the goods, as is fixed by such regulations. Collection of rates and penalties.

22 V. (1858), c. 32, s. 4, subsect. 3, s. 15 *part*, s. 18; 25 V., c. 46, s. 3, *part*, s. 4; 36 V., c. 62, s. 22, *part*.

20 (20.) The imposition of penalties upon persons infringing the by-laws authorized by this section to be made, but such penalties shall not exceed one hundred dollars or sixty days' imprisonment; and in default of payment of such pecuniary penalty and of the costs of conviction, a period of imprisonment to be fixed by by-law, but not to exceed thirty days nor to continue after such payment is made. Imposition of penalties under by-laws.

25 12 V., c. 114, s. 9, s. 79; 22 V. (1858), c. 32, s. 4, *part*; 25 V., c. 46, s. 2; 40 V., c. 51, s. 5, *part*.

(21.) The doing of everything necessary for the effectual execution and working of this Act and the attainment of the intention and objects thereof. Execution of objects of Act.

30 22 V. (1858), c. 32, s. 4, ss. 4.

27. No by-law shall have force or effect until confirmed by the Governor in Council and published in *The Canada Gazette*. Confirmation of by-laws.

22 V. (1858), c. 32, s. 4, subsect. 5.

35 2. Upon such confirmation and publication any by-law made in accordance with this Act shall have the same force and effect as if specifically enacted in this Act, and judicial notice shall be taken thereof in all proceedings under this Act. Force and effect.

40 3. A copy of any by-law bearing a certificate, under the seal of the corporation and signed by the secretary-treasurer, that it is a true copy and that such by-law has been confirmed and published as by this section required, shall be admitted in all Courts in Canada as full and sufficient evidence of such confirmation and publication and shall make proof of the contents of the by-law. Copies, when evidence.

45 22 V. (1858), c. 32, s. 5.

HARBOUR RATES.

28. The corporation may, from time to time, levy such rates as are approved of by the Governor in Council upon— Levying of harbour rates.

50 (a.) All vessels entering or plying in the harbour of Quebec, except vessels merely passing through the harbour to or from Montreal without discharging or loading goods or ballast.

25 V., c. 46, s. 3, *part*; 36 V., c. 62, s. 18, *part*.

(b.) All vessels moored, or fastened to or lying at any dock, pier, wharf or slip belonging to the corporation.

(c.) All goods landed, shipped or brought on any such dock, pier, wharf or slip, or moved by rail within the harbour, or stored, warehoused or handled by the corporation.

22 V. (1858), c. 32, s. 15, *part.*

(d.) All goods imported into or exported from the Customs Port of Quebec by sea to or from any place out of the Province of Quebec; and all goods imported into or exported from the Customs Port of Quebec, to or from the United States or by transist from any other country through the United States, whether by sea or otherwise.

But no rate to be levied under this paragraph shall exceed one tenth of one per cent on the invoice value of the goods.

40 V., c. 51, s. 2. *part.*

2. The corporation shall not levy any rates for wharfage or moorage in respect of any of the lands, buildings, wharves, quays, piers, docks, slips or other immoveables mentioned in paragraph (a) of subsection two of section 6 of this Act.

22 V (1858) c. 32, s. 2. *part.*

Valuation of goods.

29. The valuation of goods on which *ad valorem* rates are imposed by this Act shall be made according to the provisions of *The Customs Act*, or any Act in amendment thereof, and the said provisions shall for the purposes of such valuation be held to form part of this Act as if actually embodied herein; and the collector of customs at Quebec shall direct the appraiser to attend and make such valuation at any place and time needful, on application being made to him to that effect by the corporation or its authorized agent; and the said appraiser shall act herein without taking any new oath of office for the purpose.

22 V. (1858), c. 32, s. 25; 36 V., c. 62, s. 22.

Payment of rates.

30. Rates imposed upon or in respect of vessels shall be paid by the master or person in charge of the vessel.

2. Rates imposed upon or in respect of goods landed from or shipped on sea-going vessels shall be paid by the owner, consignee, agent or shipper of the goods.

3. Rates imposed upon or in respect of goods landed from or shipped on other vessels, shall be paid by the master or person in charge of the vessel; but the corporation may demand and recover, if it sees fit so to do, such rates from the owner, consignee or agent of the vessel, or from the shipper of the goods.

4. Nothing in this section shall affect the recourse which the master or person in charge of any vessel may have by law against any other person for the recovery of any sum paid by him to the corporation for rates.

22 V. (1858), c. 32, s. 15, *part.*; 25 V., c. 46, s. 3, *part.*; 36 V., c. 62, s. 22 *part.*

Commutation of rates.

31. The corporation may commute any rates authorized by this Act to be levied, on such terms and conditions and for such sum or sums of money as the corporation deems expedient.

22 V., c. 32, s. 17, *part.*; 25 V., c. 46, s. 3, *part.*; 36 V., c. 62, s. 22, *part.*

Collection of rates through customs.

32. The corporation may require the collectors of customs at Montreal, Quebec and any intermediate ports, to collect on

its behalf such portion of the rates authorized by this Act to be levied as it deems expedient for the convenience of trade to collect through them, and may allow them therefor a commission not exceeding one-half per cent.

5 22 V. (1858), c. 32, s. 18.

2. Every collector so required to make collections on account of the corporation, shall pay over to the corporation on the first day of each month all moneys collected for it; and shall make monthly returns in detail, specifying the date of each collection, the name and tonnage of each vessel, and the name of the commander or master thereof.

Duty of collectors of customs as to accounting.

EXPROPRIATION OF LANDS.

33. Whenever the corporation desires to acquire any immovable property for the improvement or extension of the Harbour of Quebec or the accommodations thereof, it shall cause to be prepared a plan of such immovable property in triplicate, one triplicate whereof shall be deposited in the office of the Clerk of the Peace of the City of Quebec, another triplicate thereof in the office of the Minister of Marine and Fisheries, and the third in the office of the Minister of Public Works:—And such plan shall be submitted to the Governor in Council for approval, and upon being duly approved, if an amicable arrangement with the proprietor of such immovable property is not made, the corporation shall have the right to acquire the same without the consent of the proprietor or proprietors thereof, and the provisions of sections 99 to 172, both inclusive, of *The Railway Act*, shall apply to the acquisition of immovable property for the purposes aforesaid, to the same extent and in the same manner as if the said sections had been passed with express reference to the harbour of Quebec instead of with reference to railways and the corporation were therein referred to instead of the railway company.

Expropriation of lands, how made.

1888, c. 29.

36 V., c. 62, s. 14, *part*.

2. The notice required under section 149 of *The Railway Act* shall be given by inserting the said notice three times in the course of one month in two newspapers, one in the French and the other in the English language, published in the city of Quebec.

Notice, how given.

36 V., c. 62, s. 14, *part*.

ADVANCES BY GOVERNMENT, BORROWING POWERS, &c.

34. For the relief of the corporation and for the improvement of the harbour of Quebec, the Governor in Council may raise, under the provisions of *The Consolidated Revenue and Audit Act*, the sum of three hundred and sixty-two thousand one hundred and ninety-seven dollars and fifty-eight cents, being the amount, unborrowed and negotiable, of the loans authorized for that purpose by the several Acts, 36 V., c. 62, 43 V., c. 17, 45 V., c. 47, 47 V., c. 9, 49 V., c. 19 and 50-51 V., c. 41.

Power of Governor in Council to raise money.

R.S.C., c. 29.

2. The sum so raised shall be advanced from time to time to the corporation to meet payments on account of improvements in the harbour of Quebec, if such improvements have been previously sanctioned by the Governor in Council, on the joint report of the Minister of Marine and Fisheries and the Minister of Public Works; and shall be applied to no other purpose whatever.

And make advances for harbour improvements.

Corporation to deposit bonds as security.	3. Upon the advance of any sum, by the Governor in Council to the corporation, under the foregoing provisions of this section, the corporation shall deposit with the Minister of Finance and Receiver General their own bonds for the same amount, in such form as the Minister of Finance and the Receiver General may approve, and bearing interest, at the rate of four per cent per annum, payable by the corporation from the time of such advance.	5
Rate of interest.		
Interest, how secured.	4. The said interest shall be payable by the corporation out of its income from the rates, penalties and other sources of income under this Act; and shall rank as a charge thereon as provided by section 36 of this Act.	10
	36 V., c. 62, s. 17; 43 V., c. 17, ss. 1, 2, 3; 45 V., c. 47, s. 1; 46 V., c. 39, s. 1; 47 V., c. 9, s. 1; 49 V., c. 19, ss. 1, 2, 3; 51 V., c. 6, ss. 3, 4; 61 V., c. 48, s. 1, <i>provisio as to priority.</i>	15
Borrowing powers.	35. To acquire additional lands upon the river front and to improve the same, and to extend the wharf accommodation for vessels using the harbour of Quebec, or for any or either of such purposes, the corporation may borrow, in such sums, and for such number of years not exceeding thirty years, and at such rates of interest not exceeding four per cent per annum, as is found expedient, an amount not exceeding in the whole two hundred thousand dollars, being the balance of the amount authorized so to be borrowed under the Act 61 V., c. 48.	20
Amount.		
Issue of bonds.	2. The corporation may issue, under the hands of three of the commissioners and the seal of the corporation, debentures or bonds, to be countersigned by the secretary-treasurer of the corporation, for the sums or sums so borrowed, and may make such bonds or debentures payable at such time or times as are agreed upon, to the bearer thereof, either within the province of Quebec or at any place or places without the said province, and either in Canada currency or in sterling, with interest payable semi-annually and with coupons for such interest annexed and signed by one of the commissioners, and countersigned by the secretary-treasurer, which coupons shall be payable to bearer at the times when the said interest is payable.	25 30
Security for bonds.	3. Any sum so borrowed, together with the interest thereon, shall be payable by the corporation out of all its property, assets, tolls, rates, dues, penalties and other sources of revenue and income whatsoever, and shall rank as a charge thereon as provided by section 36 of this Act.	35 40
	61 V., c. 48, s. 1 <i>part.</i>	
Charges on revenue.	36. The lawful charges upon the revenue of the corporation, arising from all sources whatsoever, shall be as follows and shall be paid in the following order:—	45
Collection.	(1.) All necessary expenses incurred in collecting the said revenue and the indispensable expenses of management; 22 V. (1858) c. 32, s. 9, <i>part</i> ; 36 V., c. 62, s. 17 <i>part.</i>	
Repairs.	(2.) The necessary expenses attendant on keeping the wharfs and other works and property of the corporation in a thorough state of repair; 22 V. (1858) c. 32, s. 9, <i>part</i> ; 36 V., c. 62, s. 17 <i>part.</i>	50
Principal and interest of bonds.	(3.) The principal and interest of all debentures or bonds issued by the corporation under the provisions of chapter 48 of the statutes of 1898 or of this Act.	55
	61 V., c. 48, s. 1.	

- (4.) All claims and charges, outstanding on 13th June, 1898; Claims, from
of the Government of Canada, on account of moneys certain date,
borrowed for, and paid on account of or advanced to the of Govern-
corporation by the Governor in Council under the ment.
5 authority of any Act repealed by this Act.
61 V., c. 48, s. 1., *part*.
- (5.) The principal of all sums so borrowed and paid or Principal of
advanced by the Governor in Council under any such Government
Act or under this Act. advances.
- 10 22 V (1858) c. 32, s. 9, *part*; 36 V., c. 62, s. 17 *part*; 51 V.
c. 6, s. 4 *part*; 61 V. c. 48, s. 1., *part*.
- (6.) All liabilities, if any, of the corporation to any per- Liabilities on
son other than the Governor in Council, on account of former bond
bonds or debentures issued by it under the authority of issues.
15 any Act repealed by this Act, other than chapter 48 of
the statutes of 1898, according to the respective privileges
and priorities of such bonds or debentures.

RECOVERY OF RATES, PENALTIES, &c.

37. All sums of money due (except the expenses referred Summary
to in subsection 3 of this section) and all penalties incurred procedure for
20 under this Act or under any by-law in force under this Act, the recovery
may be recovered in a summary manner under the provisions of money and
of Part LVIII of *The Criminal Code*, 1892, before any two penalties.
justices, or before any person having the power of two justices.
22 V. (1858), c. 32, s. 20, s. 23 *part*; 25 V., c. 46, s. 3
25 *part*; 36 V., c. 62, s. 22. *part*; 40 V., c. 51, s. 5 *part*; "*The*
Criminal Code, 1892," ss. 840, 842.

2. In certain cases they may also be recovered by proceeding Recovery
as hereinafter provided before the corporation sitting in its before cor-
judicial capacity and exercising, under the provisions of this poration.
30 Act, the judicial powers formerly vested in the Trinity House
of Quebec.

12 V., c. 114, s. 66, s. 105, *part*; 23 V., c. 123, s. 28 *part*;
32-33 V., c. 42, s. 4 *part*; 36 V., c. 55, s. 38 *part*; R.S.C.,
c. 79, s. 8; R.S.C., c. 80, s. 101; R.S.C., c. 91, s. 6.

3. Expenses incurred by the corporation, in placing or Recovery of
35 maintaining signals or lights to indicate obstructions to naviga- expenses in
tion in the Port of Quebec, may be recovered by civil suit or certain cases.
action in any court in Canada, within the limits of whose
jurisdiction the defendant is served with process, if such court
has jurisdiction in civil cases to the amount of the expenses
40 claimed.

32-33 V., c. 42, s. 4.

38. The corporation may, in the following cases, seize and Seizure and
detain any vessel at any place within the limits of the province detention of
of Quebec:— vessels.

45 (a.) Whenever any sum is due, in respect of the vessel, for For non-pay-
rates, or for commutation of rates, or for any other ment of rates.
charge which under this Act the corporation may lawfully
make, and is unpaid.

23 V. (1858), c. 32, s. 16, *part*; 25 V., c. 46, s. 3, *part*; 36
50 V., c. 62, s. 22, *part*.

- For penalties. (b.) Whenever the master, owner, or person in charge of the vessel has infringed any provision of this Act or any by-law in force under this Act, and has thereby rendered himself liable to a penalty.
22 V. (1858), c. 32, s. 16, *part*, s. 17, *part*; s, 23, *part*; 32-33 5
V., c. 42, s. 4, *part*; 36 V., c. 55, s. 38, *part*
- For injury to property. (c.) Whenever any injury has been done by the vessel, or by the fault or neglect of the crew while acting as the crew or under the orders of their superior officers, to any property of the corporation. 10
22 V. (1858), c. 32, s. 21, *part*,
- Effects of seizure, duration, etc. 2. In the last mentioned case the vessel may be seized and detained until the injury so done has been repaired by the master or crew, or by other persons interested, and until all other damages thereby directly or indirectly caused to the corporation, including the expense of following, searching for, discovering and seizing such vessel, have been paid to the corporation, for the amount of all which injury, damages, expenses and costs, the corporation shall have a preferential lien on the vessel and upon the proceeds thereof, or until security has been given by the master to pay such amount for such damage, direct or indirect, and for such injury and costs, as may be awarded in any suit brought against him for the same, and he shall be liable to the corporation for any such injury and damages. 15 20 25
22 V. (1858), c. 32, s. 21, *part*.
- Lien on vessel and proceeds. 3. The corporation shall have a special privilege upon any vessel and upon the proceeds thereof, by preference to all other claims and demands whatsoever, for the payment of all or any rates or penalties, due and payable in respect of such vessel, or in respect of the acts of the master, owner or person in charge thereof, or in respect of commutation of rates. 30
- Master's liability. 4. Such vessel may be seized and sold, under any writ or warrant of execution, or of distress issued by any court or by any magistrate, upon any judgment or conviction at the suit of the corporation against the master, owner or person in charge thereof. 35
- Special privilege for rates, penalties, etc. 5. A vessel may be so seized and detained or so seized and sold, in the possession or charge of any person whatever, whether in the charge or possession or the property of the person who was proprietor when such rates, or commutation thereof, or penalties accrued, or in the charge or possession or the property of any third person. 40
- Seizure after judgment. 6. The rights conferred by this section shall not be exercised after one year from the period when such rates, or commutation thereof, or penalties accrued and became exigible. 45
- In whose hands seizure may be made. **39.** The corporation may in the following cases seize and detain any goods:—
(a.) Whenever any sum is due for rates in respect of such goods, or for any other charge which under this Act the corporation may lawfully make, and is unpaid. 50
22 V. (1858), c. 32, s. 16, *part*; 25 V., c. 46, s. 3, *part*; 36 V., c. 62, s. 22, *part*.
- Prescription. (b.) Whenever any provision of this Act, or any by-law in force under this Act, has been infringed in respect of such goods and a penalty thereby incurred. 55

22 V. (1858), c. 32, s. 16, *part*, s. 17, *part*; 25 V., c. 46, s. 3, *part*; 36 V., c. 62, s. 22, *part*.

2. Any goods so seized may be sold by the corporation, at public auction, if an advertisement containing a description of the goods, an announcement of the intention to sell them, and the reason of the sale, has been inserted for at least eight days previous to the sale, in at least two newspapers published daily in the city of Quebec, one of which is published in the English and the other in the French language

10 22 V. (1858), c. 32, s. 22, *part*; 25 V., c. 46, s. 3, *part*; 36 V., c. 62, s. 22, *part*.

Sale of goods seized.

40. Every seizure and detention made under this Act shall be at the risk, cost and charges of the owner of the vessel or goods seized, until all sums due and penalties incurred, together with all costs and charges incurred in the seizure and detention, and the costs of any conviction obtained for the infringement of any provision of this Act or of any by-law in force under this Act, have been paid in full.

Seizure and detention to be at owner's charge.

22 V. (1858), c. 32, s. 16, *part*, s. 17, *part*, s. 21, *part*, s. 23, *part*; 25 V., c. 46, s. 3, *part*; 32-33 V., c. 42 s. 4, *part*; 36 V., c. 55 s. 38, *part*; 36 V., c. 62 s. 22, *part*.

2. The seizure and detention may take place either at the commencement of any action or proceeding for the recovery of any sums of money due, penalties or damages, or pending such action or proceeding, or as an incident thereto.

When seizure may be made.

22 V. (1858), c. 32 s. 24, *part*; 25 V., c. 46, s. 3, *part*; 36 V., c. 62, s. 22, *part*.

3. The seizure and detention may be effected upon the order of any judge, of any magistrate having the power of two justices, of the collector of customs at either of the ports of Quebec or Montreal, or of the president or president *pro tempore* of the Corporation, who, for the purposes of such order and of all proceedings for enforcing it, shall have concurrent jurisdiction with such magistrate.

Order for seizure.

4. The said order may be made at the application of the corporation, or of its authorized agent, or of its attorney or solicitor, on the affidavit of any one credible person, that any sum is due to the corporation for any rates or commutation thereof whatever, or for any other charge which the corporation may lawfully make under this Act, or that any penalty has been incurred under the by-laws of the corporation, or under the provisions of this Act, by the master, owner or person in charge of the vessel or goods, or that the provisions of this Act have been infringed by any vessel or by the master, owner or person in charge thereof, or by the owner or person in charge of any goods, stating the particulars of such infringement.

Application and affidavit.

22 V. (1858), c. 32, s. 24, *part*.

5. Such order may be executed by any constable, bailiff or other person whom the corporation entrust with the execution thereof, and the said constable, bailiff or other person is hereby empowered to take all necessary means and to demand all necessary aid, to enable him to execute the same.

Execution of order.

22 V. (1858), c. 32, s. 24, *part*.

SPECIAL JUDICIAL POWERS.

- Special judicial jurisdiction. **11.** The Corporation may continue to exercise, within the limits of the port of Quebec, jurisdiction, power and authority, civil and criminal, for the hearing and decision of the following matters :—
- R.S.C., c. 80. (a.) Any matter arising from the provisions of *The Pilotage Act* or of any by-law made thereunder. 5
12 V., c. 114, s. 66, *First and Secondly, part*; 23 V., c. 123, s. 28, *part*; 25 V., c. 70, s. 4, *part*; 38 V., c. 55, s. 2, *part*; *The Pilotage Act*, R. S. C., c. 80, s. 4, s. 20.
- Pilotage matters under this Act. (b.) Any matter arising from the provisions of this Act or of 10 any by-law made thereunder, if such matter relates to pilots or pilotage.
12 V., c. 114, s. 66, *Secondly, part*; 23 V., c. 123, s. 28, *part*; 25 V., c. 70, s. 4, *part*; 38 V., c. 55, s. 2, *part*; *The Pilotage Act* R. S. C., c. 80, s. 4, s. 20 15
- Navigation matters under this Act, if no other jurisdiction exists. (c.) Any matter arising from such provisions of this Act or 20 of any by-law made thereunder, as relate to navigation or shipping, if it is a contravention of any such provision and if no express provision is made by law for the hearing and decision thereof by any other judicial tribunal. 20
12 V., c. 114, s. 66, *thirdly*; 32-33 V., c. 42, s. 4, *part*; 37 V., c. 29, s. 2, *part*; 38 V., c. 55, s. 2, *part*; 48-49 V., c. 36, s. 6; R. S. C., c. 91, s. 6.
- Procedure. 2. The provisions of Part LVIII of *The Criminal Code*, 1892, 25 except sections 861 and 902 to 906 both inclusive, shall apply to all proceedings had under this section, with the following modifications :—
- Reference of certain cases to other authority. (a.) If upon application to the corporation to receive any 30 information or complaint, the corporation is of opinion that the questions involved do not affect any interests of the port or harbour of Quebec, the corporation may require the informant or complainant to go before any other proper authority having jurisdiction to receive such information or complaint. 30
- Record of proceedings. (b.) All proceedings and evidence had before the corporation 35 shall be preserved of record.
- Service of process. (c.) Service of any warrant shall be made by the proper 40 person designated by the provisions of the said Part LVIII of *The Criminal Code*, 1892; but service of any summons, order, or notice may also be made by any bailiff of the Superior Court in and for the province of Quebec. 40

SERVICE OF SUMMONS, &C.

- Mode of service of process, etc. **12.** Service of any warrant, summons, writ, order, notice or other document, may be made as follows, when personal service cannot be effected :—
- On owners and masters of vessels. (a.) Upon the owner, master or person in charge of any 45 vessel, at his residence on shore, by showing the original to and leaving a copy with any reasonable person there found, or by showing the original to, and leaving a copy with, any reasonable person found on board the vessel and appearing to be one of her crew. 50
12 V., c. 114, s. 67, *part*.
- On pilots. (b.) Upon any pilot by showing the original to, and leaving 50 a copy with, any reasonable person found at the pilot's residence, or found on board of any vessel belonging to the pilot,

or found on board of any vessel then under the pilot's charge, or found on board of any vessel belonging to the Corporation of Pilots for and below the Harbour of Quebec, if the pilot to be served is then cruising in such vessel but is not in charge of any other vessel.

12 V., c. 114, s. 75.

43. Nothing in this Act contained shall authorize the service of any summons or the execution of any warrant on board of any vessel in Her Majesty's service.

No writs to be served on H. M. vessels.

10 12 V., c. 114, s. 67, *part*, s. 71, *part*.

APPLICATION OF PECUNIARY PENALTIES.

44. Every pecuniary penalty recovered before any court or magistrate, or before the corporation in the exercise of its judicial powers, shall be applied as follows:—

Application of penalties.

15 (a.) If recovered from a pilot for a violation of such provisions of this Act or of any by-law in force thereunder as relate to pilots or pilotage, it shall be paid over to the corporation of pilots for and below the Harbour of Quebec for the purposes of the fund for the support and maintenance of decayed pilots, their widows and children.

If recovered from pilot.

20 12 V., c. 114, s. 106, *part*; 25 V., c. 70, s. 4, *part*; 23 V., c. 123, s. 21, as substituted by 25 V., c. 70, s. 2. *The Pilotage Act*, R.S.C., c. 80, s. 102.

25 (b.) If so recovered from any person other than a pilot for a violation of any provisions of this Act or of any by-law in force thereunder, it shall be paid into and form part of the income of the Quebec Harbour Commissioners.

If recovered from any other person.

12 V., c. 114, s. 106, *part*; 22 V. (1858), c. 32, s. 23, *part*; 32-33 V., c. 42, s. 4, *part*; 36 V., c. 62, s. 22, *part*. *The Pilotage Act*, R.S.C., c. 80, s. 102.

30 **45.** Whenever any person is required by or in pursuance of this Act to take any oath, any commissioner, the secretary-treasurer of the corporation, the harbour master of Quebec, or any justice of the peace may administer such oath.

Administration of oaths.

12 V., c. 117, s. 102.

35 **46.** The Governor in Council may waive or remit all duties of customs on any articles or merchandise whatsoever imported by the corporation for the purposes of this Act, but not for private use or profit, on application being made to him to the said effect by the corporation.

Remission of customs duties.

ACCOUNTING FOR MONEYS.

40 **47.** The corporation shall, within twenty-one days after the first of January in every year, make a report to the Minister of Marine and Fisheries of their doings in office during the preceding calendar year and furnish him with an account in detail of their receipts and expenditure during the same period,

Report and statement of accounts.

45 in such form as the Minister directs.

38 V. c. 55, s. 14.

LIMITATION OF SUMMARY PROCEEDINGS.

Prescription
of prosecu-
tions.

48. In the case of any violation of this Act or of any by-law in force under this Act no complaint or information shall be made or laid under Part LVIII of *The Criminal Code*, 1892, after two years from the time when the matter of complaint or information arose.

12 V., c. 114, s. 100 ; 38 V., c. 55, s. 2, *part*.

5

SCHEDULE ONE.

ACTS REPEALED.

Year and Chapter.	Title of Act.	Extent of repeal.
ACTS OF THE FORMER PROVINCE OF LOWER CANADA.		
9 Geo. IV, c. 24.	An Act to appropriate a certain sum of money towards erecting Lighthouses on the Shores of the River St. Lawrence, and for other purposes therein-mentioned.	The whole.
10-11 Geo. IV, c. 13.	An Act to amend an Act passed in the ninth year of His Majesty's reign, intituled "An Act to appropriate a certain sum of money towards erecting Light-houses on the Shores of the River St. Lawrence and for other purposes therein-mentioned."	The whole.
1 Wm. IV., c. 12.	An Act to make further provision for establishing Lighthouses on the Island of Anticosti.	The whole.
2 Wm. IV., c. 49.	An Act to appropriate certain sums of money for ascertaining the practicability of ensuring the annual formation of an Ice Bridge from Quebec to the South Shore, in the manner proposed by John Le Breton, and for remunerating him in the event of his success therein.	The whole.
ACTS OF THE FORMER PROVINCE OF CANADA.		
9 V., c. 55. . . .	An Act to authorize the Quebec Trinity House to licence as Pilots a certain class of persons therein mentioned.	The whole.
9 V., c. 60	An Act to authorize the appropriation of nineteen thousand pounds to the improvement of the Gulf of St. Lawrence.	The whole.
10-11 V., c. 27 . .	An Act to amend the Act to authorize the Quebec Trinity House to licence as Pilots a certain class of persons therein mentioned.	The whole.
12 V., c. 114. . . .	An Act to consolidate the Laws relative to the Powers and Duties of the Trinity House of Quebec, and for other purposes.	The whole.
12 V., c. 116. . . .	An Act to provide for the Health of the City of Quebec.	The whole.
13-14 V., c. 99 . .	An Act to oblige the Trinity House of Quebec to lay down buoys to mark the Shoals in the North Channel of the River St. Lawrence, and to facilitate the Traverse from Cape Tourmente to Isle-aux-Reaux.	The whole.
14-15 V., c. 25 . .	An Act to provide for defraying the expense of the River Police at Quebec.	The whole.
16 V., c. 234. (1853)	An Act to transfer the possession and control of the <i>Cul-de-Sac</i> Harbour from the Trinity House of Quebec, to the Mayor and Councillors of the City of Quebec.	The whole.

SCHEDULE ONE—Continued.

Year and Chapter.	Title of Act.	Extent of repeal.
20 V., c. 121....	An Act to amend the Act intituled, <i>An Act to consolidate the Laws relative to the powers and duties of the Trinity House of Quebec, and for other purposes.</i>	The whole.
22 V., (1858) c. 31	An Act to extend the powers of the Trinity House of Quebec.	The whole.
22 V., (1858) c. 32	An Act to provide for the improvement and management of the Harbour of Quebec.	The whole.
23 V., c. 123...	An Act to incorporate the Pilots for and below the Harbour of Quebec.	Sections 36, 37, 38, 39; all the words from "Quebec" in the fifth line of section 41 to the end of section 41: and by substituting the words "Quebec Harbour Commissioners" for the words "Trinity House of Quebec" throughout the Act.
25 V., c. 46.....	An Act to amend the Act to provide for the improvement and management of the Harbour of Quebec.	The whole.
25 V., c. 70.....	An Act to amend an Act to incorporate the Pilots for and below the Harbour of Quebec.	Section seven.
26 V., c. 53.....	An Act to amend the Act twelfth Victoria, chapter one hundred and fourteen, relating to the Quebec Trinity House.	The whole.
29 V. (1865), c. 57.....	An Act to amend and consolidate the provisions contained in the Acts and Ordinances relating to the incorporation of and supply of water to the City of Quebec.	Sections 3 and 4; subsections 7, 37, 73 and 77 of section 29; and the first paragraph of section 39.
29-30 V., c. 57.	An Act to amend the Act to amend and consolidate the provisions contained in the Acts and Ordinances relating to the incorporation of, and the supply of water to, the City of Quebec.	Section 26.
29-30 V., c. 58..	An Act to extend the powers of the Trinity House of Quebec.	The whole.
ACTS OF THE PARLIAMENT OF CANADA.		
31 V., c. 79.....	An Act to amend: "An Act to provide for the improvement and management of the Harbour of Quebec," and the Act amending the same.	The whole.
32-33 V., c. 42.	An Act to amend the Act of the late Province of Canada twelfth Victoria, Chapter one hundred and fourteen, <i>To consolidate the laws relative to the powers and duties of the Trinity House of Quebec, and for other purposes.</i>	The whole.
32-33 V., c. 44..	An Act to amend the Acts respecting the improvement and management of the Harbour of Quebec.	The whole.
33 V. c. 44.....	An Act further to amend the Acts respecting the Improvement and Management of the Harbour of Quebec.	The whole.
34 V. c. 31.....	An Act respecting certain officers of the Trinity House of Quebec.	The whole.

SCHEDULE ONE—*Continued.*

Year and Chapter.	Title of Act.	Extent of repeal.
34 V. c. 34.....	An Act further to amend the Acts respecting the improvement and management of the Harbour of Quebec.	The whole.
36 V. c. 10.....	An Act to add to the number of the Members of the Corporation of the Trinity House of Quebec, and to increase the powers thereof.	The whole.
36 V. c. 55.....	An Act respecting Wreck and Salvage.	Sections 38 and 39.
36 V. c. 62.....	An Act further to amend the Acts to provide for the management and improvement of the Harbour of Quebec.	The whole.
38 V. c. 55.....	An Act respecting the Trinity House and Harbour Commissioners of Quebec.	The whole.
38 V. c. 56.....	An Act respecting the Graving Dock in the Harbour of Quebec, and authorizing the raising of a loan in respect thereof.	The whole.
39 V. c. 39.....	An Act to remove doubts under the Acts therein mentioned respecting the Corporation of the Quebec Harbour Commissioners.	The whole.
40 V., c. 51.....	An Act further to amend the Acts to provide for the management and improvement of the Harbour of Quebec, and "The Pilotage Act, 1873."	The whole.
43 V. c. 17.....	An Act to authorize the raising of a further sum to enable the Quebec Harbour Commissioners to complete their Tidal Dock.	The whole.
45 V. c. 47.....	An Act further to amend the Acts to provide for the improvement and management of the Harbour of Quebec.	The whole.
46 V. c. 39.....	An Act to amend the Act thirty-sixth Victoria, chapter sixty-two, and the Act forty-third Victoria, chapter seventeen, respecting the Quebec Harbour Commissioners.	The whole.
46 V. c. 40.....	An Act to amend the Act thirty-eighth Victoria, chapter fifty-six, intituled "An Act respecting the Graving Dock in the Harbour of Quebec, and authorizing the raising of a loan in respect thereof"	The whole.
47 V., c. 9.....	An Act to make further provision towards the completion of the Tidal Dock in the Harbour of Quebec.	The whole.
47 V., c. 10.....	An Act to authorize the advance of a further sum for completing the Graving Dock in the Harbour of Quebec.	The whole.
48-49 V., c. 77..	An Act for facilitating navigation of the River St. Lawrence, in and near the Harbour of Quebec.	The whole.
49 V., c. 19.....	An Act respecting the Improvement of the Harbour of Quebec.	The whole.
50-51 V., c. 41..	An Act to authorize the advance of further sums for completing the Graving Dock and the Improvements in the Harbour of Quebec.	The whole.
51 V., c. 6.....	An Act relating to certain advances made to the Quebec Harbour Commissioners.	The whole.
61 V., c. 48.....	An Act to authorize the Quebec Harbour Commissioners to borrow money.	The whole.