## Technical and Bibliographic Notes / Notes techniques et bibliographiques

10x	14x	18x	22x	26x	30x
	item is filmed at the reduction ratio cl ocument est filmé au taux de réductio				
	Additional comments / Commentaires supplémentaire	es:			
	Blank leaves added during rest within the text. Whenever poss omitted from filming / Il se peut blanches ajoutées lors d apparaissent dans le texte, ma possible, ces pages n'ont pas	ible, these have been que certaines pages 'une restauration ais, lorsque cela était	film	orations variables ou d nées deux fois afin d'obt ssible.	
$\checkmark$	Tight binding may cause shado interior margin / La reliure se l'ombre ou de la distorsion l intérieure.	rrée peut causer de e long de la marge	Opt dis	enir la meilleure image p posing pages with va colourations are filmed to ssible image / Les page	ossible.  Arying colouration or wice to ensure the best is s'opposant ayant des
	Only edition available / Seule édition disponible		pai	ssible image / Les p tiellement obscurcies par ure, etc., ont été filmées	run feuillet d'errata, une
	Bound with other material / Relié avec d'autres documents	3	tiss	ges wholly or partially obues, etc., have been refi	lmed to ensure the best
	Planches et/ou illustrations en		1 i	ludes supplementary ma mprend du matériel supp	
	Encre de couleur (i.e. autre qu Coloured plates and/or illustrat	·	1. / 1	ality of print varies / alité inégale de l'impress	iion
	Coloured maps / Cartes géogr. Coloured ink (i.e. other than bl		√ Sh	owthrough / Transparenc	e
	Coloured mans / Cartes géogr	·	Pa	ges detached / Pages dé	tachées
	Couverture restaurée et/ou pe	liculée		ges discoloured, stained ges décolorées, tachetée	
	Couverture endommagée  Covers restored and/or lamina	ted /		ges restored and/or lami ges restaurées et/ou pell	
	Couverture de couleur  Covers damaged /		Pa	ges damaged / Pages er	ndommagées
	Coloured covers /		Co	loured pages / Pages de	couleur
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.		été possible de se procurer. Les détails de cet exem- plaire qui sont peut-être uniques du point de vue bibli- ographique, qui peuvent modifier une image reproduite ou qui peuvent exiger une modification dans la métho- de normale de filmage sont indiqués ci-dessous.			
one institute has attempted to obtain the best original				a microfilme le meilleu	• •

20x

24x

28x

32x

16x

12x

3rd Session, 5th Parliament, 20 Victoria, 1857

## (LOCAL BILL.)

## RILL.

An Act to amend the Act intituled "An Act to provide for the management and improvement of the Harbour of Montreal and the deepening of the Ship Channel between the said Hurbour and the Port of Quebec, and to repeal the Act now in force for the said purposes."

Received and read, first time, Monday, 30th March, 1857.

Second reading, Tuesday, 31st March, 1857.

MR. WHITNEY.

TORONTO: PRINTED BY JOHN LOVELL, YONGE STREET.

An Act to amend the Act to provide for the management and improvement of the Harbour of Montreal and the deepening of the Ship Channel between Montreal and Quebec.

HEREAS defects have been found to exist in the details of the Preamble. Act 18 Vict., chapter 143, for the management and improvement 18 V., c. 143. of the Harbour of Montreal and the deepening of the ship channel between the said Harbour and the Port of Quevec, which in some respects diminish 5 its efficiency for the purposes therein contemplated, and it is expedient to amend the same: Therefore Her Majesty, &c., enacts as follows:

I. In addition to the purposes, which are in and by the said Act declared Commissionto be the purposes for which the corporation of the Harbour Commissioners By-laws for Montreal may make By-laws under its provisions, the said corporation the control 10 shall have power also to make By-laws for the control of the ice in the said over the ice Harbour in the Winter season and of the cutting the same and of the in the Harbour deposit upon the same of any substance or matter whatever and of the in Winter. situation and boundaries of any roads thereon; and also for the allotment For allotting of berths in the said Harbour to any steamer or other vessel, or to any berths to vessels, de. 15 regular line of steamers, or other vessels, either on each trip of such steamer or other vessel, or for the whole business season; and also for the allotting, Regulating the letting or leasing any lot or lots, space or spaces, or portions of the wharves powers of the or piers, or vacant ground in the said Harbour, or any of them, and also Master. for regulating the powers of the Harbour Master of the said Harbour in 20 respect of the enforcement of his lawful directions and orders in the said Harbour, and in respect of the necessary force, aid or assistance by him required for that purpose; and to impose penalties for the infringement of Penalties. such by laws in the manner and to the extent, and subject to the restrictions fixed by the said Act and by this Act.

II. From and after the passing of this Act, the said corporation of the Power to Harbour Commissioners of Montreal, shall have power and authority in the imprison perby-laws to be by them made under the authority of the said Act and of By-laws and this Act to provide that any person who shall be convicted of infringing not paying the any of such By-laws, or any of the provisions of the said Act or of this penalty. 30 Act, and who shall be condemned to the payment of any pecuniary penalty for such infringement, and who shall make default in the payment of

imprisoned for a period to be fixed by the said By-laws but not to exceed sixty days; unless the amount of such penalty and costs be sooner paid; 40 the said powers to be in addition to the powers granted by the seventh section of the said Act.

such pecuniary penalty, and of the costs of such conviction, may be

Br-laws sanctioned by the Governor to have the force of Law.

III. All By-laws from time to time made by the said corporation under the provisions of the said Act or of this Act, upon being sanctioned by the Governor and published in the Canada Gazette as provided in the said Act shall become and be law: and shall have the same force and effect as if specifically enacted in, and forming part of the said Act or of this Act; 5 and such sanction shall be conclusive evidence of the legality of such By-laws.

Scizure of vessel or goods before judgment for intraction of By-laws.

IV. In every case wherein the master, owner or person in charge of any vessel or goods shall infringe any of the By-laws of the said corporation, or any of the provisions of the said Act or of this Act, and shall thereby 10 render himself liable to a penalty, such vessel or goods may be forthwith seized by the said corporation before judgment, and may be detained at the risk, cost and charges of the owner until the penalty so incurred, and the costs and charges incurred in the seizure and detention of the same. and the costs of any conviction that may be obtained for such infraction 15 be paid in full.

How seizure may be authorized, evidence, &c.

V. In every case wherein under the said Act, or under this Act, the said corporation or its authorized agent, is empowered to seize, or to seize and upon what and detain, any vessel or goods, such seizure and detention may be effected upon the order of any Magistrate for the district of Montreal, or for the 20 district of Quebec, or for the district of Three Rivers, or of the Collector of Customs at either of the ports of Montreal or Quebec; and such Magistrates and Collectors respectively are hereby authorized to give such order upon the application of the said corporation, or of its authorised agent, or of its attorney or solicitor, on the affidavit of any one credible person, that 25 any sum is due to the said corporation for any tolls, rates or dues whatever; or that any penalty has been incurred under the By-laws of the said corporation, or under the provisions of the said Act or of this Act, by the master, owner or person in charge of the said vessel or goods; or that the provisions of the said Act or of this Act have been infringed by any 30 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; and such seizure and detention may take place either at the commencement of any action or proceeding for the recovery of any dues, penalties or damages; or pending such action or proceeding, as an incident 35 thereto; or without the institution of any action or proceeding whatever.

Provisions of V. c.143.to apply to this Act,

Service of process.

defendant.

VI. The provisions of the tenth section of the said Act regulating the resect. 10. of 18 covery of dues and penalties and the competency and sufficiency of witnesses, shall apply to this Act and to the By-laws made under the authority of this and to By laws Act, to the same extent as if contained herein; and the service of any 40 made under it. writ of summons, warrant, or notice which may be required by law or by the practice of any court of justice to be made upon the master, owner or person in charge of any vessel whatever, shall be held to be well and validly made, if a duplicate, or copy, or original of such writ, warrant, or notice, as the case may be, is delivered to any grown person on board of such 45 Description of vessel, for the master, owner or person in charge thereof; and in any action or proceeding by the said corporation the defendant shall be held to be sufficiently described by the mention of his surname only; and no plea in abatement, exception à la forme, or other preliminary plea shall be received or fyled by the defendant to any such action or proceeding: And if any 50 writ of certiorari be issued at the suit of the defendant on any conviction

being had, neither party shall have any costs in the Superior Court on the No costs on quashing of such writ or conviction. certiorari.

VII. The said corporation shall have a special privilege upon any vessel Special lien on and upon the proceeds thereof, by preference to all other claims and the vessel for 5 demands whatsoever, for the payment of all or any penalties, rates and penalties, rates dues due and payable in respect of such vessel, or of the acts of the master, owner or person in charge thereof, and of all commutation of rates or dues; and any such vessel may be seized and sold, under any writ or Seizure and warrant of execution, or of distress issued by any Court, or by any magis- sale of vessel. 10 trate upon any judgment or conviction at the suit of the said Corporation against the master, owner, or person in charge thereof; and the said corporation may seize and detain such vessel, or such vessel may be seized and sold, in manner aforesaid, in the possession or charge of any person whatever, whether in the charge or possession or the property of the person 15 who was proprietor, when such penalties, rates or dues or commutation thereof accrued, or in the charge or possession or the property of a third person or persons: Provided always, that the rights conferred by this sec- Proviso. tion be exercised within one year from the period when such penalty or penalties, rates, dues, or the commutation thereof shall have accrued and 20 become exigible.

VIII. From and after the passing of this Act the master or person in Master or charge of every vessel in the said Harbour shall make the reports, exhibit person in the bills of lading, cargo book, or other vouchers mentioned in the 16th charge of any section of the said Act, and conform himself to all the provisions of the Report at the 25 said section, and shall make such reports under oath at the office of the office of the wharfinger of the said Harbour, which oath the said wharfinger is hereby Wharfinger, authorised to administer, the whole within the time mentioned in the said required by section, and in default thereof shall be, and such vessel shall be subject to seet, 16, of 18 all the pains and penalties in the said section mentioned; and to the further V., c. 143. 30 penalty of five pounds currency for every twenty-four hours that shall clapse after the arrival of such vessel in the said Harbour until such report shall be so made and sworn to, and such bills of lading, cargo book, and other vouchers exhibited; the whole without any notice, demand or requirement on the part of the said corporation so to do; and the master or 35 person in charge of every vessel in the said Harbour shall be bound under the penalties in the nineteenth section of the said Act mentioned, to conform to the provisions of the said nineteenth section, without being notified or required by the said corporation so to do.

IX. If any injury be done to any of the quays, buoys, floating stock, Corporation 40 steamers or dredging vessels of the said corporation, used in the said Har- may seize bour, or in the said River Saint Lawrence between Montreal and Quebec, vessels doing injury to the or any obstruction whatever offered or made to the operations of the said works. corporation in the said River between the said places, by any ships, vessels or rafts, or by the carelessness or wantonness of the crew thereof while in 45 the execution of their duty, or of the orders of their superior officers, it shall be lawful for the said corporation to seize any such ship, vessel or raft and detain her until the injury so done shall have been repaired by the master or crew, or until security shall have been given by the said master to pay such amount for injury and costs as may be awarded in any suit 50 which may be brought against him for the same, and he is hereby declared to be liable to the said corporation for any such injury.

Schedule F to the said Act amended.

X. From and after the passing of this Act the rates and dues in Schedule F annexed to the said Act, shall be amended, by striking out the words "nine pence per ton measurement of forty cubic feet," and substituting in lieu thereof the words, "three shillings and four pence upon every one hundred pounds of the value thereof."

5

Inconsistent enactments repealed.

XI. So much of the said Act as is inconsistent with the enactments contained in this Act are hereby repealed.

Interpretation. XII. The interpretation Act shall apply to this Act.

Public Act. XIII. This Act shall be a public Act.

10