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No. 191.

1st Session, 4th Parliament, 16 Victoria, 1852.

B I L L .

An Act to provide for the improvement and enlargement of the Harbour of Montreal and for the deepening of Lake St. Peter, and the improvement of the Navigation of the St. Lawrence between the said points, and for other purposes.

**Received and read first time, Wednesday, 3rd
November, 1852.**

Second Reading, Thursday, 4th Nov. 1852.

(450 Copies.)

The Honorable Mr. Young.

S. Derbshire & G. Desbarats, Queen's Printer.

BILL.

An Act to provide for the improvement and enlargement of the Harbour of Montreal and for the deepening of Lake St. Peter, and the improvement of the Navigation of the St. Lawrence between the said points, and for other purposes,

WHEREAS it is expedient to consolidate and amend the Preamble.

Acts in force relating to the improvement of the Harbour of Montreal and of Lake St. Peter, and to authorize the borrowing of a further sum of money in order to carry on the improvements of the said Harbour and Lake and for other purposes : Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, intituled, *An Act to re-unite the Provinces of Upper and Lower Cunada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That from and after the passing of this Act, the Act of the Legislature of Canada, passed in the Eighth year of Her Majesty's reign, intituled, *An Act to provide for the improvement and enlargement of the Harbour of Montreal, to authorize the Commissioners to borrow a further sum of money for that purpose, to consolidate the Laws now in force relating to the same and for other purposes therein mentioned*, and the Act of the said Legislature, passed in the Session held in the tenth and eleventh years of Her Majesty's reign, intituled, *An Act to amend a certain Act passed to provide for the improvement and enlargement of the Harbour of Montreal, and for other purposes*, and the Act of the said Legislature, passed in the Session held in the thirteenth and fourteenth years of Her Majesty's reign, intituled, *An Act to amend the Acts for the improvement of the Harbour of Montreal, and provide for the improvement of the Navigation of the River Saint Lawrence within the Port of Montreal*, be and the same are and each of them is hereby repealed ; Provided always, that no Act or Ordinance, or part of any Act or Ordinance repealed by any of the above named Acts shall be revived by virtue of this Act.

Certain Acts repealed.

8 Vic. Cap. 76.

10 and 11 Vic. Cap. 56.

13 and 14 Vic. Cap. 97.

Proviso.

II. And be it enacted, That notwithstanding the repeal of the above recited Acts, all contracts and undertakings made or entered into by the said Commissioners with any person whatsoever, all Debentures issued for which the Province is liable for the due payment of the interests thereon, and those issued for the deepening of Lake St. Peter for which the Province is not so liable, all things done and all rights acquired, in virtue of the said Acts, shall be valid, all penalties incurred shall be recoverable, and all proceedings or matters commenced may be continued as if the Acts so repealed were still in force : Provided always, that the present Commissioners and Officers appointed under and by virtue of any of the above mentioned Acts or of any of the Acts or Ordinances repealed thereby shall continue and be such

All contracts made and Debentures issued by Commissioners, &c., valid.

Proviso. Present officers continued.

Commissioners and Officers until their removal and the appointment of others in their stead as hereinafter provided.

Commissioners constituted a Corporation. Corporate names and powers.

III. And be it enacted, That the said Commissioners and their successors to be appointed as hereinafter provided, shall be a Body Corporate and Politic for the purposes of this Act, under the name of the *Harbour Commissioners of Montreal*, and shall be entitled to such emolument as the Governor in Council may approve, and shall have power to hold, take and purchase immoveable property for the purposes of this Act, and to build, acquire, hold and possess such Steamboats, Dredgers, Scows and other Vessels as they may deem necessary for the due and efficient discharge of the purposes of this Act, and to procure Registers for the same in their Corporate name and capacity, and to dispose of the said Steamboats and other Vessels as often as they may see fit so to do. 15

Limits of Harbour of Montreal.

IV. And be it enacted, That the said Harbour of Montreal, which shall be and is hereby declared to be under the control and management of the said Corporation, shall be, for the purposes of this Act, bounded as follows, that is to say : commencing at the mouth of the Little River St. Pierre ; thence, downwards, following the course of the bank of the River St. Lawrence and including the beach of the said river as far back as high water mark and the ground above high water mark reserved for a public road or path, down to the lower extremity of the lower basin of the Lachine Canal ; thence, downwards, following the north-west side of the water course running parallel with and adjoining the revetment wall in the street or highway running along the whole line of the wharves now known as Commissioners Street, to a point where the said wall joins the Government Works at the Commissariat Store and the Government Wharf ; thence, downwards, following the course of the bank of the River St. Lawrence and including the beach of the said river as far back as high water mark, and any ground above high water mark reserved for a public road or path, as far as Ruisseau Migeon. 35

Powers of Trinity House in the Harbour vested in Corporation.

V. And whereas certain powers are now exercised by the Trinity House of Montreal in the said Harbour, which it is desirable to commit for the better regulation and administration of the affairs of the said Harbour, to the said Corporation hereby erected : Be it therefore enacted, That from and after the passing of this Act, so much of the Act of the Legislature of Canada passed in the Session held in twelfth year of Her Majesty's Reign, intituled, *An Act to repeal a certain Act and Ordinance therein mentioned relating to the Trinity House at Montreal, and to amend and consolidate the provisions thereof*, as may be inconsistent with the provisions of this Act, or as may give to the Trinity House of Montreal either directly or indirectly the exercise of any authority whatever, or the power to make any By-laws, Rules or Regulations whatever in or relating to the said Harbour, shall be and the same is hereby repealed : Provided always, that all By-laws, Orders, Rules and Regulations made by the said Trinity House, before the 40 45 50

12 Vic. Cap. 117.

Proviso. By-Laws, &c. of Trinity House not

passing of this Act, for the regulation and management of the affairs of the said Harbour, in so far as they contain nothing inconsistent with this Act, shall remain in force until repealed or amended, or until others shall be enacted in lieu thereof by the said Corporation hereby erected.

contrary to this Act to remain in force.

VI. And be it enacted, That the said Corporation shall have power and authority to make By-laws, not repugnant to the Laws of this Province, or to the provisions of this Act, for the following purposes, to wit: the direction, conduct and government of the said Corporation and of its property, real and personal, the good government, improvement and regulation of the said Harbour, preventing injury thereto, and encroachment and incumbrances thereon and the removal of the same: the anchoring, mooring, riding and fastening of all Vessels resorting to the said Harbour, and the ordering of the same while lying in the stream, or at any wharf or other landing place in the said Harbour; the regulation and control of the use of lights and fires on board of such Vessels when lying at any wharf or other landing place, or in the stream in the said Harbour; the regulation and control of the landing and shipping of Gunpowder within the same; regulating the manner of boiling and melting pitch, tar, turpentine or resine, or any other inflammable substance in the said Harbour, or the beaches thereof; the maintaining order and regularity and preventing theft and other depredations therein; the collecting of the dues, fines and penalties imposed by this Act; and finally, the revoking, altering and amending of the said By-laws, as often as may be deemed fitting and expedient the said Corporation: Provided always that no such By-law shall have any force or effect until sanctioned by the Governor and published in the Canada Gazette published by Authority; and all such By-laws, so made and sanctioned as aforesaid shall be printed and hung up in some conspicuous place in the Custom House of the Port of Montreal, and also in some conspicuous place in the Offices of the said Corporation, and copies thereof certified by the Secretary of the said Corporation, under the Seal thereof, shall be admitted as full and authentic proof of the same in all Courts of Law or Equity in this Province.

Corporation empowered to make By-laws, &c.

Provino.

VII. And inasmuch as the said dues hereby imposed are chiefly *ad valorem* dues, and it is expedient to provide for the protection of the Revenue to be derived therefrom; Be it enacted, That the valuation for and towards the payment of such dues shall be made according to the provisions contained in the Act of the Parliament of Canada, passed in the twelfth year of Her Majesty's Reign, intituled, *An Act to amend the Law relative to duties of Customs*, in the manner contained in and by the Appraisers appointed under and in virtue of the said provisions, and the said provisions shall for the purposes of this Act be held and considered to form part of this Act as if the same were embodied herein, and the said dues shall for the said purposes of the said valuation be held and considered as duties of Customs.

Valuation for *ad valorem* dues.

12 Vic. Cap. 1.

Duties of Appraisers. VIII. And be it enacted, That it shall be lawful for the said Governor to direct the said Appraisers to attend at such place or places in the said Harbour for the purpose of such valuation as the said Corporation shall require, and there to act as such Appraiser during any time needful which such Appraiser shall 5 accordingly do without taking any new Oath of Office, and such Appraiser shall be deemed an Officer of the Customs :
Proviso. Provided always that on Goods the value of which cannot be satisfactorily ascertained, and on Goods not subject to specified dues under this Tariff, it shall be lawful for the said Commis-10 sioners to levy such rates as may correspond in their judgment with those on analogous Articles, Packages, or Quantities detailed in the Schedule hereto annexed.

Corporation may impose certain penalties. IX. And be it enacted, That the said Corporation may by any By-law made under this Act, impose penalties not ex-15 ceeding twenty pounds currency, on any person contravening such By-law or any By-law which the said Corporation may lawfully make under this Act.

Harbour Master's appointment and duties of. X. And be it enacted, That a Harbour Master for the said Harbour shall be appointed by the said Corporation, and it 20 shall be the duty of the said Harbour Master to superintend and enforce the execution of this Act and all By-laws that may emanate from the said Corporation in virtue of this Act, for the regulation and good government of the said Harbour.

Deputy Harbour Master to be appointed. XI. And be it enacted, That a Deputy or Assistant Har-25 bour Master may also be appointed by the said Corporation whose duties shall be defined by such By-laws as the said Corporation may see fit to enact.

Dues to be levied on goods. XII. And be it enacted, That there shall be levied on all Vessels whatsoever, and on all goods landed from or taken on 30 board the same, lying any where within the limits of the said Harbour in the stream or otherwise, the several dues mentioned in the Schedule A and appended to this Act, and the said dues shall be levied by and paid to the said Corporation, provided 35 however that no goods transhipped outwards (that is to say, into a Vessel bound down the river to some place out of the Port of Montreal,) from one Vessel to another within the limits of the said Harbour without being landed, shall be subject to pay any other than the outward dues ; and that goods transhipped from one vessel to another inwards (that is to say, into 40 a vessel bound to some place within the said Harbour or up the river to some place out of the said Harbour,) without being landed, shall only be subject to pay the landing dues ; but if any such goods be landed upon the wharves or piers, or any of them, whether for immediate reshipment or otherwise, then 45 such goods shall pay the landing dues and also the shipping dues, if re-shipped.

Proviso.

XIII. And be it enacted; That the said dues of any kind whatsoever shall be payable by and may be levied from the consignee or shipper of any goods imported or exported by sea, and from the owner, master, purser, conductor or person in charge of any vessel, (sea-going vessels excepted), upon which or in respect of goods shipped on board or landed from which such dues are payable as may be mentioned in the said Schedule A, saving to such person paying the same the recourse which he may by law have against any other person for the recovery of the sums so paid : (Provided always, that none but the master or person in charge of any sea-going vessel shall be liable for the tonnage dues on the said vessel ;) and all the said dues shall be payable to the Collector of Customs at the Port of Montreal, or such other person as the said Corporation may appoint, for and on behalf of the said Corporation on demand, and the said Corporation may sue for and recover any and all such dues, from such owner, master, purser, conductor or consignee, before any Court of competent jurisdiction, or before any Magistrate residing in the City of Montreal, if the sum demanded do not exceed Eleven pounds currency ; and if the sum demanded do exceed Eleven pounds currency, then before any Court of competent jurisdiction ; and the said Corporation shall also have power and authority, upon non-payment of the said dues, or any part thereof, even before judgment therefor, to seize any vessel or any goods upon which the said dues may be owing, and detain it or them at the risk, cost and charge of the owner, until the sum due and the costs and charges incurred in and about such seizure and detention be paid in full ; and such seizure may be had and obtained upon the order of any Judge or Magistrate for the District of Montreal, or upon the order of the Collector of Customs at the Port of Montreal, which order such Judge, Magistrate and Collector are and each of them is hereby authorized and required to give upon the application of the said Corporation, on the affidavit of any one credible person that any sum is due for such dues as aforesaid ; and the said order may and shall be executed by any Constable, Bailiff or other person whom the said Corporation may choose to entrust with the execution thereof, and which said Constable, Bailiff or other person is hereby authorized and empowered to take all necessary means, and to take and require all necessary aid to enable him to execute the said order.

Dues how payable, and to whom.

Proviso : only Master of a vessel to be liable for tonnage dues.

Corporation empowered to seize for non-payment of dues.

XIV. And be it enacted; That the master or purser, conductor or person in charge, or agent of each and every Steamboat and Steamboat Barge, plying between Montreal and any other Port in the River St. Lawrence, (Steam Ferry Boats excepted, which shall not be required to report oftener than once each day) shall immediately on the arrival of the same in the said Harbour, make and deliver to the Corporation or to the person authorized by it to receive the same, a report in writing which shall be signed and declared to by him shewing

Masters, &c. of all steamboats to make reports.

the number of days such Steamboat or Steamboat Barge shall have remained in the said Harbour on its then last preceding voyage; and also a correct and true list of the goods landed from or taken on board as freight during such time; and he shall also exhibit the Bills of Lading, or other Vouchers, of the said cargoes, when required so to do, and shall immediately and without delay pay all dues chargeable thereon; and in default of making and delivering such report or of exhibiting and giving communication of such Bills of Lading or other Vouchers, or of paying such dues, the said Corporation shall have power and authority forthwith to seize and detain the said Steamboats, Steamboat Barges and Ferry Boats in manner and form as prescribed by the next preceding section of this Act, and to detain the same at the cost, risk and charges of the owners thereof, until payment as aforesaid: Provided always, that nothing herein contained shall prevent the said Corporation or their authorized agent, from requiring the said master, purser, conductor or person in charge of such Steamboat or Steamboat Barge to make oath to the accuracy of such report in writing if they or their authorized agent see fit to require the same; and if such report shall be found not to contain the whole of the goods taken on board at the said Harbour, or landed thereat from such Steamboat or Steamboat Barge, and such omission shall be proved on the oath of a credible witness, sworn before such Magistrate or the said Collector, then and in such case such master, purser, agent or person in charge as aforesaid, shall be subject to a penalty not exceeding *twenty pounds* currency, for each false return so given in, to be recovered in like manner as the dues already provided for in this Act; Provided also, that nothing herein contained shall prevent the said Corporation from appointing a person to take an account of the cargoes landed and shipped by any such Steamboat or Steamboat Barge, or other Vessel whatsoever, should such be deemed necessary or expedient.

On his neglect to make report, Corporation may seize.

Proviso.

Proviso.

Corporation may seize for damage done by the crew of any vessel to the harbour works.

XV. And be it enacted, That if any injury shall be done to the wharves, quays or piers in the said Harbour, or to any of the works now erected, or which may be erected under the management of the said Corporation, by any vessel unlawfully or by the carelessness of the crew, but not otherwise, it shall and may be lawful for the said Corporation to seize and detain, in the manner prescribed by the eleventh section of this Act, such vessel, until the injury so done shall have been repaired by the crew or persons belonging to the same; or until security shall have been given by the owner, manager, conductor, person in charge, agent or consignee of the same, to the satisfaction of the said Corporation, to pay such amount as shall be awarded, with costs, by the judgment which may be rendered as hereinafter mentioned, in any suit to be brought by the said Corporation by reason of such injury; and for any injury done to the said wharves, quays, piers, or other works as aforesaid, or 50 for any other injury whatsoever, by any person whomsoever,

the said Corporation may sue for, and recover with costs, in any Court of competent jurisdiction, such damages as may be proved to have been occasioned; and such suit may be brought against the master or owner, or the conductor, or person in charge of the said vessel: Provided always, that when the amount of the damage sued for by the said Corporation shall not exceed ten pounds currency, the same may be sued for and recovered, upon the oath of one credible witness, and any one of the Members of the Corporation, or of the Officers and servants thereof, shall be competent as such witness, either before any such Magistrate, or before any Court of competent jurisdiction, as the Corporation may see fit.

XVI. And be it enacted, That it shall be lawful for the said Corporation, or for any person by the same duly authorized, to require and exact of the captain, master, purser or other person in charge of every boat, barge or other craft, upon or after its arrival in the said Harbour, that there shall be painted on the stern or side, or on some conspicuous part thereof, its number or name, a register of which number or name the Corporation may keep; and if he shall refuse to allow such number or name to be so painted as aforesaid, or if he shall remove or deface or permit such name or number to be removed or defaced, such master, owner, captain or other person in charge for the time being, shall be subject to a fine of two pounds and ten shillings currency for every such offence, which shall be recovered, after service of the process on any person on board such boat, barge or crafts and shall be levied by distress and sale, either of the goods and chattels of the said owner, or by the sale of such boat, barge or craft which shall and may be detained until such fine, together with all costs attendant upon such detention, be paid in full; Provided always, that the expense of painting the said name or number shall be paid and borne by the said Corporation.

XVII. And be it enacted, That it shall be lawful for the said Corporation to commute with the Owner, Agent or Master of any Steam boat or Steam or other Ferry-boat plying between the said Harbour and any other port or place on the River St. Lawrence, for all dues accruing thereon under this Act, in such manner and upon such terms, and with such security for the payment thereof as the Corporation shall see fit and to accept such gross sum of money as may be considered by the Corporation a fair equivalent for the said dues and upon such commutation being effected then and in that case the Report of Cargo otherwise required by this Act shall be dispensed with, and the said commutation money so agreed upon by the said Corporation shall be in lieu of such dues, and shall be recovered in the manner already provided in this Act for the recovery of such dues.

XVIII. And be it enacted, That the monies arising from the said dues and from all fines and penalties collected and levied

Proviso.

Name of all vessels to be conspicuously painted.

Penalty in case of removal or defacement of name.

Proviso.

Owner, &c., of Ferry-boat &c., may commute for dues.

How moneys levied by Cor-

poration applied. under and by virtue of this Act, shall be applied and d by the said Corporation as follows, to wit :

1. To the payment of the reasonable expences of collecting the same, and of all other expences indispensably incurred by the said Corporation, in the performance of its duties hereby assigned. 5

2. In defraying any expences by the Corporation, incurred in deepening and cleaning the said Harbour, and in keeping the works constructed or to be constructed in and for the improvement of the said Harbour, in efficient repair, which said expences may be incurred, without any special application to or approval by the Governor ; any thing in any law to the contrary notwithstanding.

3. In paying off the interest of all sums of money borrowed or hereafter to be borrowed, at the periods when such interest is or may be made payable. 15

4. In repaying to the Receiver General any sums of money which may have been advanced by that officer out of the public funds of the Province, to the said Corporation, or to the said Commissioners of the said Harbour. 20

5. In paying off the principal of any sums of money to be borrowed by the said Corporation, and which shall not have been made redeemable at any certain time.

Appointments of Officers and Servants.

XIX. And be it enacted, That the said Corporation, may, from time to time, appoint such and so many Officers or Servants, as may be deemed necessary to carry out the provisions of this Act, and may allow to them such compensation or salaries as to the said Corporation shall seem meet ; and may require them to furnish good and sufficient security to the satisfaction of the said Corporation, for the due and faithful performance of the duties which they may be respectively called on or required to perform, and also for the proper and regular accounting for all and every the moneys to be received by them respectively. 25 35

How fines to be recovered.

XX. And be it enacted, That all fines and penalties imposed by this Act, other than those for which special provision is made, may be recovered by civil action or proceeding at the suit of the said Corporation only, before any one Magistrate for the District of Montreal, in a summary manner and on the oath of one credible witness, and shall be paid to the said Corporation. 40

Lower Basin of Lachine Canal included in Harbour.

XXI. And be it enacted, That for the purposes of this Act, the Lower Basin of the Lachine Canal shall be construed and taken to be a part of the said Harbour of Montreal, and that 45

the said Corporation shall have power and authority to levy from all vessels entering the same for the purpose of discharging and loading there, but making no other use of the said Lachine Canal, the same dues as may be levied in the said Harbour of 5 Montreal, provided that in all other respects the said Lower Basin shall be and remain under the jurisdiction of the Commissioner of Public Works as at present provided for. Proviso.

XXII. And be it enacted, That it shall be lawful for the said Corporation to borrow any sum not exceeding Ten Thousand Pounds, in sterling or in currency, in this Province, or elsewhere, for any term of years, and at any rate of interest not exceeding eight per cent per annum, for the purpose of constructing a wharf at or near the foot of Monarque street, in the City of Montreal, and for the purpose of making such further unforeseen improvements in the said Harbour as the requirements of trade and public convenience may from time to time show, in the judgment of the said Corporation, to be necessary, and for defraying the cost of a Steam Dredging Vessel and Scows for the purpose of cleaning out and deepening the said Harbour. Corporation empowered to contract a loan of £10,000 at 8 per cent.

XXIII. And be it enacted, That the interest on any sums of money borrowed under the next preceding section shall be payable out of the revenues of the said Harbour as provided for in the eighteenth section of this Act. Interest on loan, how payable.

XXIV. And be it enacted, That the said Corporation shall annually submit to the Governor a detailed and particular account of the monies received and expended by them under and by virtue of this Act, together with a statement of their proceedings in the execution of their duties. Annual statement.

XXV. And whereas by the Act thirdly above cited, the Harbour Commissioners therein mentioned were authorized to borrow a sum not exceeding Thirty Thousand Pounds at any rate of interest not exceeding eight per cent. per annum, for the purpose of deepening and otherwise improving Lake St. Peter, so as to afford a safe and convenient channel through the same with a depth of water of not less than sixteen feet throughout and at all times, and the said channel to be made in such manner, direction and place as the said Commissioners should deem best, and also for the purpose of deepening and improving the channel of the St. Lawrence, at and near Isle Platte, in such manner as the said Commissioners might think best and in like manner to have a depth of water therein at all times of at least sixteen feet; and whereas the said Commissioners have borrowed and expended the said sum of money, and the said improvements are not yet complete; and whereas it is desirable that the said improvements should be made and completed as soon as possible, and also that provision should be made for deepening the channel of the river Corporation empowered to borrow £40,000 at 8 per cent.

St. Lawrence to sixteen feet wherever it may require to be deepened between the said Lake St. Peter and the upper boundary of the said Harbour of Montreal: Be it therefore enacted, that it shall be lawful for the said Corporation, to borrow in this Province or elsewhere, and in Sterling or in Currency, a further sum not exceeding Forty Thousand Pounds, at such rate of interest not exceeding eight per cent. per annum (but upon the most advantageous terms in their power,) and for such length of time as may be agreed upon, or as may be deemed expedient by the said Corporation, for the purpose of carrying out and completing the aforesaid improvements in Lake St. Peter, and in the Channel of the river St. Lawrence, wherever the same may be required between the said Lake St. Peter and the said upper boundary of the said Harbour—and it shall also be lawful for the said Corporation, from time to time (if necessary) to borrow further sums under like provisions for the purpose of paying off any such debentures as may be come due and payable and which the said Corporation shall not otherwise be able to pay, but for no other purpose whatever: Provided that the sums so borrowed and owing by the said Corporation under this section at any one time, (except during such short interval as may necessarily intervene between the raising of money to pay off any Debentures and their actually being paid off,) shall never exceed the sum of Forty Thousand Pounds in addition to the sum of Thirty Thousand Pounds already borrowed under and by virtue of the said Act thirdly above cited, less the sum by which it ought then to be diminished by the operation of the Sinking Fund hereinafter mentioned.

Proviso—liabilities of Corporation under this section not to exceed £40,000.

How sums borrowed to be payable.

XXVI. And be it enacted, That the guarantee of the Province shall not be given for the payment of either the principal or the interest of any sum to be borrowed under the next preceding section, but the same shall be payable,—firstly, out of any surplus which may remain of the proceeds of the tonnage duty hereinafter mentioned after defraying all expenses to be incurred in managing and keeping in repair the works also hereinafter mentioned; and secondly, out of any surplus which may remain of the moneys arising from dues and other moneys coming into the hands of the Corporation, after paying off and providing for all other charges upon and payments directed to be made out of the same.

How money borrowed under section 26 to be applied.

XXVII. And be it enacted, That the money to be borrowed by the said Corporation, under the authority of the Section next but one preceding, shall be by them applied to defray the expense of deepening and otherwise improving Lake Saint Peter, so as to afford a safe and convenient channel through the same, with a depth of water not less than sixteen feet throughout the same, and at all times; the said channel to be made in such manner, direction and place as the said Corporation shall deem best; and also in deepening and improving

the channel of the River St. Lawrence at and near *Isle Platte*, in such manner as the Corporation may think best, but so as to have a depth of water not less than the depth in the said channel through Lake Saint Peter; and also in deepening and
 5 improving the channel of the River Saint Lawrence, wherever it may require it, between Lake Saint Peter and the upper boundary of the Harbour of Montreal, so as to give throughout the same and at all times a depth of water of not less than
 10 sixteen feet; And to aid the Corporation in performing the said work, it shall be lawful for the Commissioners of Public Works to place at the disposal of the said Corporation all steamers, dredging vessels, machinery, tools and implements constructed or acquired for the purpose of carrying on the
 15 work connected with the improvement of Lake Saint Peter, which shall be then in the possession of the said Commissioners of Public Works, and the said Corporation shall, for the purpose of carrying on the said works, have the same powers and facilities as the Commissioners of Public Works would have if the same were carried on under their manage-
 20 ment and control.

XXVIII. And be it enacted, That it shall be the duty of the said Corporation to mark out the Channel of the said River Saint Lawrence from the said Harbour through the deepened Channel of the said Lake Saint Peter down to the mouth of the
 25 River Richelieu, by such and so many buoys and other beacons or land marks as may be deemed necessary, and to provide the said buoys and beacons or land marks out of any moneys which it may have in hand not otherwise specially appropriated.

Corporation to mark out channel by buoys and beacons.

XXIX. And be it enacted, That it shall be lawful for the
 30 Governor on the application of the said Corporation, at any time after the passing of this Act, to impose a tonnage duty not exceeding one shilling per ton of the registered tonnage of all vessels drawing ten feet of water or upwards, and passing through Lake St. Peter, such duty to be payable for each time of
 35 passing the Lake; and the said duty shall be payable to the said Corporation, and may be collected, recovered, and payment thereof enforced in the manner provided by this Act, with regard to the Harbour dues payable to the said Corporation, and no vessel upon which such duty shall be payable shall be entered or
 40 cleared at the Port of Montreal, or cleared at the Port of Quebec if she has left Montreal without being cleared, until the Collector or other Officer granting such Clearance shall be satisfied that such duty has been paid.

Tonnage duty imposed, and how collected.

XXX. And be it enacted, That the proceeds of the said
 45 tonnage duty shall be applied by the said Corporation:

How tonnage duty shall be applied.

First. To the payment of all reasonable expenses incurred in collecting the same.

Secondly. To the payment of the expenses of managing and keeping in efficient repair the said improvements and works on Lake St. Peter, and the said channel of the River St. Lawrence and at *Isle Platte*, made and to be made, performed and managed by the said Corporation. 5

Thirdly. To the payment of the interest of the sums borrowed under and by virtue of this Act and the Act thirdly above cited and of the principal thereof, at the periods when the same shall respectively become due.

Fourthly. To the payment of not less than two per centum 10 per annum on the sum to be so borrowed as last aforesaid, for the purpose of forming a Sinking Fund towards paying off the principal of the sum so borrowed, the amount to be so paid; the officer to whom it shall be paid, and the mode of paying; managing and investing the same, to be from time to time 15 determined by the Governor: Provided always, that if the proceeds of the said tonnage duty, added to the surplus remaining out of the proceeds of the dues and other moneys coming into the hands of the Corporation, after paying all prior charges thereon, shall not at any time be sufficient to meet the 20 charges imposed by this Section, then it shall be lawful for the Governor to add such per centage to the said tonnage duty (above the rate of one shilling per ton), and to the said Harbour dues, as will, in his opinion, be sufficient to enable the Corporation to meet all the charges imposed by this Section, out of the 25 duty and surplus hereby directed to be applied to the payment thereof.

Proviso.

Corporation to keep separate accounts of all monies borrowed.

XXXI. And be it enacted, That the said Corporation shall keep separate accounts of all moneys borrowed, received and expended by them, under the authority of the next preceding 30 five Sections of this Act, and shall annually account for the same in the manner provided in Section twenty-four of this Act; such accounts being rendered to the Governor in such manner and form as he shall from time to time direct, and being accompanied by a full and particular statement of the proceedings of 35 the Corporation for the same space of time.

Penalty for removing or destroying buoys, beacons, &c.

XXXII. And be it enacted, That any person wilfully removing or destroying, or procuring to be removed or destroyed, any buoy, light, beacon or land mark placed by the said Corporation for the purposes of navigation, either in the said Har- 40 bour or in the said Lake Saint Peter, or in the Channel of the River Saint Lawrence between the said points or elsewhere, such person, upon conviction, before any competent tribunal or Magistrate, for every such offence (of which he may be convicted by the testimony of one competent witness, and any one 45 of the Members of the Corporation, or of their officers and servants, and any persons appointed by virtue of this Act shall be competent as such witness,) shall incur and pay to the said

Corporation a penalty not exceeding One Hundred Pounds, with costs of suit, and in default of payment shall be committed to the Common Gaol of the District of Montreal, until the same be paid.

5 XXXIII. And be it enacted, That the Members and Officers Exemptions.
of the said Corporation shall be exempt from serving on Juries
or Inquests whatsoever, or as Assessors or Constables.

XXXIV. And be it enacted, That the words "By-Laws," Interpretation
"Vessels," "Goods" and "Dues," in the provisions of this clause.
10 Act, wherever the same occur, shall severally be construed to
mean and shall mean as follows: the words "By-Laws" shall
mean and include all By-Laws, Rules, Orders and Regulations
made by the said Corporation or other competent authority;
15 the word "vessels" shall mean and include all Ships, Vessels,
Boats, Barges, Steamboats, Scows, Rafts, or other craft what-
ever; the word "Goods" shall mean and include all Mer-
chandize, Wood, Animals, articles and things whatever landed
from or taken on board of any vessel; and the word "Dues"
20 shall mean and include all Rates, Tolls and Duties, Tonnage
and Wharfage Dues, payable by any vessel or upon any goods,
as mentioned in the said Schedule appended to this Act.

XXXV. And be it enacted, That whenever the said Cor- Appointment
poration, shall desire to acquire any land for the purposes of of arbitrators
this Act, and an amicable arrangement with the proprietor in case of dis-
25 shall not take place, the price to be paid for such land shall agreement as
be determined as follows: the said Corporation and the prop- to price of
rietor, shall each appoint a disinterested arbitrator, and the two land.
arbitrators shall name a third also disinterested, and the three
30 arbitrators after being sworn by or before any legally qualified
person to fulfil their duty honestly and impartially, and having
reciprocally given notice of the time and place of their meeting,
shall determine the price to be paid by this Corporation for
such land, and their decision shall be final.

XXXVI. And be it enacted, That if the proprietor of the land Proprietor ne-
35 shall, after being notified by the said Corporation, refuse or glecting,
neglect to appoint an arbitrator to fix the price thereof, or if Judge to ap-
the two arbitrators appointed by the two parties interested point arbitra-
shall not agree upon a third, one of the Judges of the Superior tors.
Court shall name an arbitrator for the proprietor, or, as the case
40 may be, the third arbitrator; and in case of the death of an
arbitrator, or his refusal to act, the party who shall have ap-
pointed him, or the Judge, as the case may be, may appoint
another in his place; and the three arbitrators being respec-
tively sworn by any legally qualified person shall decide
45 finally on the price to be paid by the said Corporation for the
land.

XXXVII. And be it enacted, That when the arbitrators shall Corporation
may take the

land at price
fixed by arbi-
trators.

have determined the price of any land, the said Corporation may take the same and become proprietor thereof, by paying the price so fixed either to the proprietor or into the hands of the Prothonotary of the Superior Court for the proprietor, and the price agreed upon or awarded for any land taken or kept by the said Corporation, shall be in the place and stead of the land, and all claims to or upon the land shall be converted into claims to or upon such price; and if the said Corporation have reason to apprehend that any claims may exist to or upon the price on the part of any third party, it may pay such price into the hands of the Prothonotary of the Superior Court, filing at the same time a copy of the deed of purchase or of the award, and the Court after having caused due notice to be given for the calling in of all claimants, shall make such order for the distribution of the price and with regard to interest thereon and to costs as to law may appertain.

Public Act. XXXVIII. And be it enacted, That this Act shall be a Public Act.

SCHEDULE A—TARIFF C.

Tolls, Rates and Wharfages to be levied in the Harbour of Montreal, by virtue of this Act.

On Steamboats measuring fifty tons and upwards per ton of their Burthen per Register, for each day of twenty-four hours they remain in port, reckoned from the hour of their arrival to that of their departure..... ½d.

On Vessels from Sea, Steamboats, Barges and River Craft, do do ½d.

On Steamboats measuring under fifty tons per day..... 2s.

On Vessels from Sea and River Craft with firewood..... 6d.

And on the following Animals, Articles, Goods, Wares and Merchandize, to wit :

Ashes, Pot or Pearl, per Barrel..... 3d.

Peas, Beans and Corn or Grain of all kinds, except Wheat, per hundred minots..... 9d.

Wheat..... do 1s. 3d.

Malt..... do 10d.

Salt..... do 10d.

Flour, per Barrel of one hundred and ninety-six pounds. ½d.

Half Barrel..... ½d.

Pork and Beef, per Barrel of pounds..... ½d.

(Other packages in proportion.)

Cinders	}	Per Chaldron.....	6d.
Coals			
Coke			
Deals		per one hundred pieces.....	1s. 3d.
Deal ends.....	do	.....	5d.
Boards.....	do	.....	5d.
Planks.....	do	.....	10d.
Scantling.....	do	.....	5d.
Shingles.....	per Bundle	.....	1d.
Handspikes..	per one hundred	.....	7½d.
Staves, Barrel...	per mille	.....	9d.
Puncheon..	do	.....	1s.
Standard...	do	.....	3s.
Timber, (except Bottoms of Rafts)	per one hundred feet.	.....	5d.

Bottoms of Rafts; free, till discharged :

Firewood.....	per cord	.....	3d.
Bark.....	do	.....	3d.
Hogs.....	each	.....	1d.
Horses, Mares, Colts	do	.....	1d.
Sheep, Lambs..	do	.....	½d.
Neat Cattle....	do	.....	1d.
Calves.....	do	.....	½d.
Hay or Straw	per one hundred bundles.....	.....	6d.
Stones	per one hundred feet.....	.....	5d.
Iron	}	Per Ton.....	10d.
Lead			
Oysters..	per minot	.....	¼d.
Bur Stones..	each	.....	½d.

And upon all Goods, Wares and Merchandize whatsoever not enumerated in the foregoing list, there shall be levied and paid a rate of one half penny on and for every pound currency of the value of the same.