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No. 126.

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

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(LOCAL BILL.)

**BILL.**

An Act to enable the Municipal Council of the Township of Stanley to construct a Harbour at the entrance of the River Bayfield into Lake Huron.

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Received and read, first time, Tuesday, 17th March, 1857.

Second reading, Friday, 20th March, 1857.

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HON. MR. CAYLEY.

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TORONTO:  
PRINTED BY JOHN LOVELL,

**An Act to enable the Municipal Council for the Township of Stanley, to construct a Harbour at the entrance of the River Bayfield into Lake Huron.**

**W**HEREAS the Municipal Council for the Township of Stanley, in the County of Huron, have petitioned that they may have authority to construct a Harbour at the entrance of the river Bayfield into Lake Huron, and to collect Tolls to defray the expense of the same; And whereas the improvement of the harbour at Bayfield would be of great advantage to the owners of vessels navigating the said Lake, as well as tend to the general improvement of property in the adjacent country, and the said Municipal Council have already expended the sum of £3,700 in improving the said harbour, and are desirous of completing the said work in such a manner as would render the Harbour available to such class of vessels as usually navigate Lake Huron, by carrying out additional piers and such walls, and doing such dredging as would effectually remove the remains of the bar at the mouth of the said river, and also of erecting suitable wharves and warehouses for the accommodation of vessels loading or discharging their cargoes: Therefore Her Majesty, by and with the consent of the Legislative Council and Assembly of Canada, enacts as follows:

I. It shall and may be lawful for the Municipal Council of the said Township of Stanley, at any time within seven years from the passing of this Act, to improve the harbour at the place aforesaid so as to render it accessible to, and fit, safe, and convenient for, the reception of such description and burden of vessels as commonly navigate Lake Huron, and in the constructing of the said harbour, to erect and build all such needful wharves, moles, piers, buildings and edifices as shall be useful and proper for the protection of the said harbour, and for the accommodation of vessels entering and lying within the same: Provided always, that such Harbour shall not be made by the said Municipal Council, nor shall any part of the beach or land covered by the waters of the said Lake or other public property, be taken by the said Municipal Council until the plan of the said Harbour shall have been approved by the Governor in Council, and the terms upon which the Council shall acquire and hold such public property, shall be settled, nor shall such plan be thereafter changed without the consent of the Governor in Council.

Preamble.

The said Council may construct such Harbour at any time within seven years.

Proviso: as to plan of Harbour and as to taking public property for it.

II. The said Municipal Council shall be and are hereby empowered to acquire and hold such land and property as may be necessary for constructing and using the said harbour, and to contract, compound, compromise, and agree with the owners and occupiers of any land through or upon which they may determine to cut and construct the said harbour, with all necessary and convenient roads, streets, and approaches thereto, to be con-

Council may take private property for their works.

Arbitration if they cannot agree with the owner as to the value or damages.

structed and made, either for the absolute purchase of so much of the said land as they shall require, or for the damages which he, she, or they may be entitled to recover from the said Municipal Council, in consequence of the said harbour, roads, streets, or approaches thereto, being cut, made, or constructed in and upon his, her, or their respective lands: and in case of any disagreement between the said Municipal Council and the owner or owners, occupier or occupiers as aforesaid, it shall and may be lawful from time to time as often as the said Municipal Council shall think fit, for each owner or occupier so disagreeing with the said Municipal Council, either upon the value of the lands and tenements proposed to be purchased or upon the amount of damages to be paid to them as aforesaid, to nominate and appoint one or more indifferent person or persons, and for the said Municipal Council to nominate an equal number of indifferent persons, who, together with one other person to be elected by the persons so named before they proceed to arbitration, shall be arbitrators to award, determine, adjudge and order the respective sums of money which the said Municipal Council shall pay to the respective persons entitled to receive the same, and the award of the majority of such arbitrators shall be final; and the said arbitrators shall, and they are hereby required to, attend at some convenient place in the vicinity of the said harbour, to be appointed by the said Municipal Council after eight days notice to be given them for that purpose by the said Council, then and there to arbitrate, award, adjudge and determine such matters and things as shall be submitted to their consideration by the parties interested; and each arbitrator shall be sworn before one of Her Majesty's Justices of the Peace in and for the United Counties of Huron and Bruce, well and truly to assess the damages between the parties according to the best of his judgment; provided that the said Municipal Council shall in no case take possession of any lands, the value of which shall be so awarded, unless payment be made according to the said award, or a tender thereof made to the party or parties therein interested, nor unless such payment or tender be so made within days after the making of such award.

Proviso.

When Tolls may be levied.

III. So soon as the said harbour shall be so far completed as to be capable of admitting the free passage of vessels into the same, the said Municipal Council shall have full power and authority to ask for demand, and levy tolls as hereinafter provided.

Tolls limited; and upon what vessels and goods to be collected.

IV. It shall and may be lawful for the said Municipal Council to ask, demand and receive toll of and from all and every master, owner, and person in charge of any vessel or boat passing into the said Harbour, and also on any goods, wares, or commodities, laden or unladen within the same, or shipped or landed on or from any boat or vessel upon any part of the Lake Shore between one mile north and one mile south of the said river, in the Townships of Goderich and Stanley, according to the rates following, that is to say:

Maximum Tolls.	For Pot and Pearl Ashes per barrel.....	£0	0	4	45
	Pork, Whiskey, Beef, Salt, Lard or Butter, per barrel..	0	0	3	
	Flour, per barrel.....	0	0	2	
	Lard or Butter per firkin or keg.....	0	0	1	
	Grain of all kinds per bushel.....	0	0	1	
	Horned Cattle or Horses each.....	0	0	4	50
	Calves, Sheep or Swine each.....	0	0	1	
	Merchandise per ton.....	0	3	0	
	Coal per ton.....	0	0	6	

	Sawed lumber, per 1000 feet, board measure.....	0	1	3
	Square timber, per 100 feet cubic measure.....	0	0	9
	Saw logs each.....	0	0	1½
	Building stone per cord.....	0	0	6
5	Bricks per 1000.....	0	1	3
	Unenumerated articles per ton.....	0	2	0
	Boats over 50 tons each.....	0	3	0
	Do over 12 tons not over 50 tons each.....	0	2	0
	Do over 5 tons not over 12 tons each.....	0	1	0

10 V. If any person or persons shall refuse or neglect to pay the said tolls or dues to be collected under this Act, it shall and may be lawful for the said Municipal Council, or their agent, for collecting such tolls or dues, to seize and detain such boat, or the goods upon which the same are payable, until such dues shall be paid; and if the same shall remain unpaid for the space  
 15 of thirty days after such seizure, the said Municipal Council or their agent shall have power to sell and dispose of the same or such part thereof as may be necessary to pay the said tolls or dues by public auction, after ten days public notice, returning the overplus, if any, after deducting costs and charges, to the owner or owners thereof.

Powers for enforcing payment of Tolls.

20 VI. It shall and may be lawful for the said Municipal Council to make By-laws for the proper regulation and management of the said harbour with power to impose penalties in the same, but the said penalties shall in no case exceed the sum of *five pounds* and costs, nor shall any period of imprisonment exceed one month; such penalty or imprisonment to be imposed  
 25 by any one or more of Her Majesty's Justices of the peace in and for the said United Counties; and the said Municipal Council may also amend or repeal any of the said By-laws at their pleasure.

Council may make By-laws for the management of the Harbour.

Penalties limited.

VII. The whole sum expended and to be expended by the said Council in making and completing the said Harbour and works, shall not exceed Ten  
 30 Thousand Pounds, and may be raised by the said Municipal Council by rate or loan, at such times and in such proportions as the said Municipal Council shall deem fitting, but subject otherwise to the provisions of Law touching the raising of monies by Municipalities by rate or loan as the case may be.

Cost of Harbour—and how to be raised.

35 VIII. The said Municipal Council shall be empowered and are hereby empowered to set, let, lease, or sell their interest in the said harbour to any party or parties who may be disposed to become tenants or purchasers of the same: Provided always, that the consent of a majority of the Rate-payers, present at a meeting to be publicly called for the special purpose of  
 40 considering the terms of lease or sale, be first obtained, which public meeting shall be convened by notice in a newspaper published and circulated within the County, and by at least three public notices posted in each ward in the Township of Stanley, which publication and notice shall have currency for one month prior to the day of meeting.

Council may dispose of the Harbour.

Proviso.

45 IX. This Act shall be deemed a public Act.

Public Act.