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4th Session, 6th Parliament, 24 Victoria, 1861

BILL.

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

Received and read first time, Tuesday, 8 April, 1861.
Second reading, Wednesday, 10th April, 1861.

Mr. ABBOTT.

QUEBEC:

PRINTED BY THOMPSON, HUNTER &
ST. URSULE STREET.

An Act further to amend the Act to provide for the management and improvement of the Harbor of Montreal, and the deepening of the Ship channel between Montreal and Quebec.

WHEREAS the increase of Trade has rendered necessary further
 5 accommodation of shipping in the Harbour of Montreal and increased facilities for the regulation and management of the said Harbour, and it is expedient that further powers should be granted to the Commissioners thereof; Therefore Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

10

I. For the purpose of extending and improving the wharves, structures and other accommodations in the said Harbour, it shall be lawful for the said Corporation to borrow, at par, in such sums and for such number of years, and at such rates of interest, not exceeding eight
 15 per cent. per annum, as may be found expedient, any sum or sums of money not exceeding in the whole the sum of one hundred thousand pounds sterling, either in this Province or elsewhere, and to expend the same in the said Harbour, for the said purposes, in such manner as may be best calculated to facilitate trade and increase the convenience and
 20 utility of the said Harbor.

Harbour Corporation may borrow £100,000 Sterling, to improve the Harbour.

25

II. The Interest upon the sums of money which may be borrowed under the last preceding section, as well as upon all sums already borrowed for the improvement of the said Harbour, shall be paid out of the
 25 revenue arising from the dues, rates and penalties imposed by or under the Act mentioned in the title of this Act, or under any Act amending the same, for and on account of the said Harbor.

How the interest shall be paid.

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III. The period of time limited by the seventh section of the Act
 30 20th Victoria, chapter 126, for the exercise by the said Corporation of the rights and privileges conferred upon it by the said section, is extended to one year, in lieu of three months, as provided by the said section.

Period limited by 20 Vic. c. 126, s. 7. extended.

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IV. If any injury be done to any of the quays, buoys, floating stock, steamers or dredging vessels of the said Corporation, used in the said
 35 Harbour, or in the said River St. Lawrence between Montreal and Quebec, or elsewhere, or any obstruction whatever be offered or made to the operations of the said Corporation in any River between the said places, by any ships or vessels, or by the carelessness or wantonness of the Crew thereof, while acting as such Crew, or while acting under the orders of their Superior Officers, it shall be lawful for the said Corporation to seize any such ship or vessel and detain her until the injury
 40 so done shall have been repaired by the Master or Crew thereof, or by other persons interested therein, and until all other damages thereby directly or indirectly caused to the said Corporation, including the ex-

Remedy against vessels injuring the works of the Corporation.

pense of following, searching for, discovering and seizing such ship or vessel, have been paid to the said Corporation, for the amount of all which injury, damages, expenses and costs, the said Corporation shall have a preferential lien on such ship or vessel and upon the proceeds thereof, or until security shall have been given by the said Master to pay such amount for such damages, direct or indirect, and for such injury and costs as may be awarded in any suit 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 and damages. 5

Power to impose penalties granted by 18 V. c. 143, extended to \$40. V. The power granted by any Act to the said Corporation to impose penalties not exceeding five pounds currency is hereby extended to the imposition of penalties amounting to but not exceeding *forty dollars* currency, with the same powers in default of payment thereof, and as to the collection and enforcement of payment thereof, and of the costs of proceedings for the collection thereof, as are by the said Act or any other Act amending the same, conferred upon the said Corporation in respect of the penalties which they are thereby permitted to impose. 10 15

Penalty on Judge on refusing order to seize under certain Acts. VI. Any Judge, Magistrate, or Collector of Customs, who shall refuse to issue his order for the seizure or detention of any vessel or goods in conformity with the 14th section of the Act 18th Victoria, chapter 143, or with the 5th section of the Act 20th Victoria, chapter 126, when lawfully required so to do according to the provisions of the said Acts, or of either of them, shall forfeit and pay the sum of one hundred dollars for every such refusal, to be recovered by the said Corporation by suit or information, before any Court of competent jurisdiction. 20 25

By whom order for the seizure of a vessel may be made or signed. VII. Any order or Warrant for the seizure or detention of any ship or vessel which, under the said Acts or any of them, might be lawfully made or signed by any Magistrate or Justice of the Peace, may be validly made or signed by the Chairman or Chairman *pro tempore* of the said Commissioners, who, for the purposes thereof, shall have concurrent jurisdiction with such Magistrate or Justice of the Peace in respect of any such seizure or detention, and of all proceedings for enforcing the same; and the seizure of any ship or vessel and the detention thereof for the causes or purposes for which such seizure or detention is authorized by the said Acts or either of them to be made and maintained, may be made and may take place in any place within the limits of Lower Canada. 30 35

Expense of Board limited. VIII. The annual sum appropriated by the said Corporation towards defraying the expenses of the Board of Commissioners, including remuneration for attendance to the members thereof, shall not exceed dollars currency. 04

Inconsistent enactments repealed. IX. All provisions contained in the Act cited in the title to this Act, or in any Act amending it, inconsistent with the present Act, are hereby repealed. 45

Public Act. X. This Act shall be deemed a Public Act.