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No. 197.

1st Session, 6th Parliament, 21 Victoria, 1858.

(LOCAL BILL.)

BILL.

An Act to provide for the further improvement of the Harbour of Montreal.

Received and read, first time, Tuesday, 1st
June, 1858.

Second reading, Wednesday, 2nd June, 1858.

MR. GALT.

TORONTO:

PRINTED BY JOHN LOVELL, YONGE STREET.

An Act to provide for the further improvement of the
Harbour of Montreal.

WHEREAS the rapidly increasing trade of Western Canada and of the Western States, urgently requires that increased Harbour accommodation and other facilities should be provided at Montreal, through which a very large portion of the said trade with this Province, with the other British Provinces, with the Eastern States, and with Europe, now passes, and through which a much larger portion thereof may be expected to pass, if such accommodation and facilities are provided; Therefore Her Majesty, &c., enacts as follows: Preamble:

I. The Harbour Commissioners of Montreal are hereby authorized to erect, construct, and maintain, new docks, wharves, basins, with a proper canal for the supply thereof with water, and all other works and erections for the convenient use thereof, according to such plans and on such site and locality within the City or Harbour of Montreal, as may be determined, fixed, and approved of by the Governor in Council; and such plans, when signed and certified by the Provincial Secretary, shall be, to all intents and purposes, of the same effect as if prescribed by this Act and appended to and formally incorporated into the same: Provided nevertheless, that deviations or alterations from or in the said plans may be directed and approved by the Governor in Council, or such additional plans may be directed, made, and approved of as aforesaid, as may be found necessary for better carrying out the works contemplated. Harbour Commissioners to make new docks, &c., on a plan and site approved by the Governor in Council.

Proviso: as to alterations.

II. So soon as a copy of the said plans, certified as aforesaid, shall have been deposited in the office of the said Harbour Commissioners, the said Harbour Commissioners and their successors in office shall have full power and authority, and it shall be their duty, to carry the said plans into effect; And for all and every the purposes of the said improvements and works, shall have power to receive, take, and hold all voluntary grants or donations of land, to purchase from any person, corporation, or community, and to hold any land or other property for the construction, maintenance, or use of the said docks, wharves, basins, canal, and other works necessary for the trade of the Harbour, and to build warehouses, grain elevators or hydraulic cranes,—to lease and rent, for manufacturing purposes, any surplus water,—to agree with any owner of land or real property as to the price and value of such land or property, and as to compensation to such owner or other parties interested for damages sustained by reason of said work,—to take, use, occupy and hold so much of the beach or land covered by the waters of the St. Lawrence, or of the bed of the said River, as may be required for all or any of the said purposes,—to enter into any lands of Her Majesty, or of any corporation or person Powers of the Commissioners for constructing the said works.

lying in the line of the said works,—to carry the said works across and to intersect any street, lane, road, railroad, or canal,—to erect and maintain all necessary bridges, sewers, drains, and all division fences and all gates, crossings,—and generally to do any matter or thing necessary to carry the said plans into effect.

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Provision in case the works injuriously affect the Lachine Canal, &c.

III. In case the said plans or the carrying out of the said works shall in any way interfere with or injuriously affect the Lachine Canal or any property or rights vested in Her Majesty, or in the Commissioners of Public Works, for the public uses of the Province, it shall be lawful for the Governor in Council from time to time to make all necessary regulations and orders in respect thereof, and to direct in what manner and at what time the works contemplated by this Act shall be constructed, maintained, or used in so far as they interfere with or injuriously affect the said Canal or other property or rights; and such regulations and directions shall be binding on the said Harbour Commissioners and all others concerned, as if the same had formed part of this Act.

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Map and book of reference to be made and deposited by the Commissioners.

IV. It shall be the duty of the said Harbour Commissioners to cause a map or book of reference to be made of the lands and property required for the said works or through which the same or any part thereof shall pass, with a general description of such lands and property, and the names of the owners and occupiers thereof, which map or book of reference shall be examined and certified by the person performing the duties assigned to the Surveyor General, or his deputies, who shall deposit a copy thereof in the office of the Provincial Secretary, another copy thereof in the office of the Clerk of the Peace at Montreal, and shall deliver a third copy thereof to the said Harbour Commissioners, to which copies all persons shall have access without charge; and the said map or book of reference or a copy thereof certified by the Provincial Secretary or by the said Clerk of the Peace, shall be held and taken as a true copy and as duly proved.

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Certified copies to be evidence.

Certain provisions of 14 15 V. c. 51, incorporated with this Act.

V. The provisions of the Railway Clauses Consolidation Act (14 and 15 Vict. cap. 51) under the headings, "Interpretation," "Lands and their Valuation," shall be considered and construed as forming part of and incorporated with this Act; and in construing the said provisions for the purposes of this Act, the said Commissioners shall be understood as intended wherever the railway company is mentioned or referred to therein, and the works hereby authorized shall be understood as intended whenever the railway itself is mentioned or referred to.

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Commission may borrow £500,000 for carrying this Act into effect; and issue debentures therefor.

VI. It shall be lawful for the said Harbour Commissioners to borrow under the authority of this Act and for the purpose of carrying its provisions into effect, a sum or sums of money not exceeding the sum of £500,000 currency, and at such rates of interest not exceeding eight per cent. per annum and for such a number of years as may be found expedient, and to issue under the hands of three of the said Commissioners and the seal of the Corporation, debentures or bonds to be also countersigned by the Secretary of the said Commissioners for the sum or sums so to be borrowed, and to make the same payable at such time and times as may be agreed on, to the bearer thereof, either within this Province or at any place or places without this Province, and either in currency or sterling, with interest payable semi-annually, and with coupons for such interest annexed and signed by one of said

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Harbour Commissioners and countersigned by the said Secretary, which coupons shall be payable to bearer at the time when the said interest shall be made payable ; and such debentures or bonds may be recalled and other debentures or bonds issued in their stead as aforesaid with
 5 coupons, and the said sum and sums so borrowed shall be paid out of the revenues of the Harbour in the same manner as sums already borrowed by the Commissioners for improvements in the said Harbor without priority or preference.

10 VII. The said Harbour Commissioners shall have the same powers and authority over and with respect to the works authorized to be made under this Act, as over any part of the present Harbour and works therein constructed, and the said docks, wharves and basins and works so to be constructed shall be taken to be and shall form and be considered as part of the Harbour of Montreal.

Their powers over the said works to be the same as over this Harbour.

15 VIII. This Act shall be deemed a public Act.

Public Act.