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No. 195.

3d Session, 3d Parliament, 13 & 14 Vict. 1850.

BILL.

An Act to provide for the future management of the Toronto Harbour.

Received and Read a first time, Friday, 19th
July, 1850.

Second Reading, Tuesday, 23rd July, 1850.

Hon. Mr. HINCKS.

TORONTO: PRINTED BY LOVELL AND GIBSON.

195.

BILL.

An Act to provide for the future management of the Toronto Harbour.

WHEREAS under the Act of the Parliament of Upper Canada passed in the third year of the Reign of King William the Fourth, and intituled, "*An Act granting a sum of money for the construction of works to improve and preserve the Harbour of York, and for other purposes therein mentioned,*" and the Act of the said Parliament passed in the seventh year of the said Reign, and intituled, "*An Act granting a sum of money to complete the improvement of the Harbour of Toronto,*" certain improvements in the Harbour of Toronto were made and sums of money were advanced by the Government for making the said improvements, the claim of the Province for any balance whereof can easily be adjusted in a satisfactory manner, and it is expedient that the operation of the said Acts should cease and that better provision should be made for the improvement and management of the said Harbour: Be it therefore enacted, &c.

Preamble.

U. C. 3 W. 4
c. 31.

U. C. 7 W. 4
c. 64.

That from and after the passing of this Act the operation of the Acts cited in the Preamble to this Act shall cease, and the improvements made under the same or hereafter to be made in the said Harbour shall be under the control and management of the Commissioners hereinafter mentioned.

The said Acts
to cease.

II. And be it enacted, That it shall be lawful for the Common Council of the City of Toronto to appoint two persons to be Commissioners under this Act, and for the *Toronto Board of Trade* to appoint two other persons to be Commissioners under this Act, and for the majority of such Commissioners to recommend another person to be a Commissioner under this Act, who shall upon such recommendation be appointed by the Governor of this Province, but if such majority shall report that they cannot agree on such person, then the Governor shall appoint such fifth Commissioner without such recommendation; and the four first mentioned Commissioners shall hold office respectively during the pleasure of the authority by whom they shall have been appointed and by whom they may be removed, re-appointed or others appointed in their stead; and the fifth Commissioner shall be removable by the Governor, and in case of such removal another shall be appointed in the manner aforesaid.

Commissioners to be appointed and by whom.

Commissioners to be a body corporate.

III. And be it enacted, That the said Commissioners shall be a body corporate by the name of *The Commissioners of the Harbour of Toronto*, and shall by that name have and may exercise the powers vested in bodies corporate by the Interpretation Act, and all such powers as may be necessary for carrying this Act into effect, according to its true intent and meaning; and such powers may be exercised by any three of the said Commissioners as effectually as by all of them; and if any three of them shall execute any deed and affix the corporate seal of the Commissioners to the same, it shall be held to be the deed of the Commissioners. 5 10

Quorum.

What property shall be vested in the Commissioners.

IV. And be it enacted, That the works and property constructed and acquired by the Commissioners appointed under the Acts hereinbefore cited shall be and are hereby vested in the Commissioners under this Act as shall be also all such works and property as shall be constructed or purchased by them under this Act for the purposes thereof, or as may be assigned and conveyed to them for the said purposes by the Common Council of the City of Toronto, acting for the Municipal Corporation thereof; and the said Common Council acting as aforesaid, shall have power to take any property which may be required by the said Commissioners for the improvement of the said Harbour, in like manner and under like conditions as they are empowered to take property for the opening of any street in the said City, and upon the conveyance of such property to the said Commissioners, the sum which the said Municipal Corporation shall have paid for the same (or such less sum as the Common Council and the Commissioners may agree upon) may be paid by the Commissioners out of the moneys they are hereby empowered to borrow: or the said Municipal Corporation may place any property under the control of the said Commissioners for any period without absolutely conveying it to them. 15 20 25 30 35

Common Council may take property required by the Commissioners.

Commissioners to prepare plans and estimates, &c.

V. And be it enacted, That it shall be the duty of the said Commissioners, with such assistance as they may find necessary, to prepare plans and estimates for the improvement of the said Harbour of Toronto, and it shall be lawful for the Commissioners to acquire such property as may be requisite to enable them to execute the same, and to do all lawful things which may be necessary for the execution thereof. 40

Commissioners may make By-laws for certain purposes, and impose tolls.

VI. And be it enacted, That it shall be lawful for the said Commissioners at any time after their appointment, to make By-laws for regulating the use of the works and property vested in them or placed under their control; and for the government of all parties using the same, and of all vessels and floats coming into or using the said Harbour, and by such By-laws to impose tolls to be paid upon such vessels and upon goods landed from 45 50

or shipped on board of the same, and upon such floats, which tolls they may, if they think fit, levy according to the use which may be made of such Harbour and works aforesaid and the period during which such use shall continue in any case; and by such By-laws the said Commissioners may direct in what manner, at what time, and to what persons the said tolls shall be paid, and may impose fines not exceeding *five pounds* in any case, for the contravention of any such By-law, to be recovered by the said Commissioners, and for their use for the purposes of this Act, in any manner in which fines imposed by By-laws of the Municipal Corporation of the said City can be recovered; and such By-laws may from time to time be repealed or amended by other By-laws to be made by the Commissioners for that purpose; and the said Commissioners shall have power and authority to detain any vessel, float or goods on which any tolls may be due, at the cost and risk of the owner thereof, until the same are paid, and if they be not paid within after they have accrued, such vessel, float or goods may be sold by the said Commissioners by public auction to the highest bidder, and the Commissioners shall retain out of the proceeds the amount of the tolls due and of the expenses of detention and sale, and shall pay the surplus to the owner on demand; or the said Commissioners may recover such tolls from the master, owner, consignee or person in charge of the vessels, goods or floats on which they may be due, in the usual course of law as a debt due to them.

Recovery of tolls.

VII. And be it enacted, That the said Commissioners may in carrying this Act into effect, employ such persons to assist them as may be necessary, and assign to them such powers and duties as they may deem expedient, but no salary to be allowed to any such person for a longer period than , shall exceed the rate of per annum.

Persons employed by the Commissioners.

VIII. And be it enacted, That for defraying the expenses of improving the said Harbour and carrying the provisions of this Act into effect, it shall be lawful for the said Commissioners to borrow, either in this Province or elsewhere, such sums of money not exceeding in the whole *fifty thousand pounds* currency, and at such rate of interest not exceeding *eight per centum per annum*, as they may find necessary, but at the lowest rate at which they can obtain the same; and the interest on the sums so borrowed shall be payable half-yearly on days to be named in the debentures, and the principal at such period or periods as may be agreed upon, and such interest and principal may be made payable at such places within or without this Province, and in such currency or money, whether of this Province or of any other country, as the Commissioners shall find expedient; and the debentures to be issued by the said Commissioners for the sums so bor-

Commissioners empowered to borrow a sum of money.

rowed may be in such form as they shall think proper, and shall be signed by at least three of them and shall bear the seal of the Corporation ; and the principal and interest of the sums so borrowed as aforesaid shall be secured upon and payable out of the tolls and other revenues to be received by the said Commissioners under this Act, but shall not be guaranteed by this Province, or payable out of any Provincial Funds. 5

Order of charges on the tolls and revenues.

IX. And be it enacted, That the proceeds of the tolls and revenues to be received by the said Commissioners under this Act shall be applied by them, 10

First. To the payment of all reasonable expenses of collecting the same and of managing the said Harbour and works. and keeping the same in efficient repair.

Secondly. To the payment of the interest of the sums borrowed as aforesaid and of the principal thereof, at the periods when the same shall respectively become due. 15

Thirdly. To the payment of not less than *two* per centum per annum on the sum to be so borrowed, 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 determined by the Governor in Council : Provided always, that if the proceeds of the said tolls and revenues shall not at any time be sufficient to meet the charges imposed thereon by this section, then it shall be the duty of the Commissioners to increase the tolls aforesaid, to such extent as will in their opinion be sufficient to produce sufficient revenue to meet the said charges. 20 25 30

Accounting clause.

X. And be it enacted, That the said Commissioners shall keep detailed accounts of all moneys borrowed, received and expended by them under the authority of this Act, and shall account for the same to the Governor in such manner and form and at such periods as he shall from time to time direct, and such accounts shall be accompanied by a full and particular statement of the proceedings of the Commissioners under this Act. 35

Interpretation clause.

XI. And be it enacted, That the word "vessels" in this Act shall include ships, boats, vessels and water-craft of all kinds, whether impelled by sails or steam or both or in any other way whatever, and the word "floats" shall include all rafts, cribs, or timber afloat, and all other things floated in the water and not being vessels ; and the word "goods" shall include goods, wares, merchandize, animals, articles and things of any description whatever not being vessels or floats. 40 45

Public Act.

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