

commander of such vessel shall have paid to such Collector the full amount of tonnage duty payable in respect of such vessel under the foregoing section of this Act.

Penalty on Masters of vessels not requiring clearance for leaving without paying the said duty.

III. And be it enacted, That the master or commander of any vessel liable to pay such tonnage duty as aforesaid and not requiring a clearance, who shall leave the port of Quebec for any port or place situate beyond the eastern limits of this Province, without having paid to the Collector of Her Majesty's Customs at the Port of Quebec the full amount of tonnage duty payable in respect of such vessel under the provisions of this Act, shall incur a penalty not exceeding Fifty Pounds to be recoverable in like manner as penalties for breach of the laws relative to duties of customs.

Duties to be paid over to Receiver General.

IV. And be it enacted, That the moneys levied under the authority of this Act as aforesaid, shall be paid by the Collector of Her Majesty's Customs at the Port of Quebec, into the hands of the Receiver General, for the purpose hereinafter mentioned.

Duty may be reduced and again raised.

V. And be it enacted, That it shall be lawful for the Governor in Council from time to time to reduce, and having reduced, again to raise, and so, as often as may be deemed advisable, the rate of tonnage authorized to be levied as aforesaid, but so as the same shall at no time exceed the said rate of Three Farthings per ton measurement.

Sums arising from certain sources to be paid over to the Inspector of Police.

VI. And be it enacted, That it shall be the duty of every person having in his hands or possession any sum or sums of money heretofore raised by voluntary contribution, for the purpose of defraying the expense of a River Police in the Port of Quebec, or arising from the public sale by the Harbour Master of the Harbour of Quebec of any unclaimed timber or other things found by the members of the Police Force aforesaid in the River Saint Lawrence, or any boats, oars, boat-tackle or other effects or property of any kind heretofore used by such River Police, forthwith to pay and deliver over the same to the Inspector and Superintendent of the Police for the City of Quebec, who is hereby authorized and required to receive the same.

Inspector of Police to be deemed the finder of certain articles under 12 Vict. c. 116.

VII. And be it enacted, That the Inspector and Superintendent of the Police for the City of Quebec, shall be held and deemed to be the finder of any thing found in the River St. Lawrence by the members of the Police Force aforesaid, within the true intent and meaning of the ninety-ninth Section of the Act passed in the twelfth year of Her Majesty's Reign, intituled, *An Act to consolidate the Laws relative to the powers and duties of the Trinity House of Quebec, and for other purposes*, and that two thirds of the net proceeds of the sale of any such thing in virtue of the said Act, shall revert and be paid to him accordingly.

Application of money raised under this Act, &c.

VIII. And be it enacted, That all moneys raised, levied and received under the authority of this Act, and all moneys heretofore raised by voluntary contribution, as aforesaid, and paid over and received under the authority of this Act, shall be applied by such Officers or persons, and under such rules and regulations as the Governor of this Province shall from time to time appoint for that purpose, in defraying the expense of maintaining and paying the members of the Police Force acting as Constables in the Port of Quebec, under the Ordinance cited in the Preamble to this Act.

C A P . X X V I .

An Act to amend the Montreal Trinity House Act.

[2d August, 1851.]

Preamble.

12 Vict. c. 117.

WHEREAS it is expedient to amend a certain Act of the Legislature of this Province, passed in the Session held in the twelfth year of the Reign of Her present Majesty, 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*, for the purpose of empowering the said Trinity House to regulate the rates of certain tonnage duties, and establishing a summary mode of enforcing the payment of the same : 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

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the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the Master, Deputy Master and Wardens of the Trinity House at Montreal, shall have power from time to time, with the approval of the Governor in Council, to reduce or increase the rate of tonnage duties imposed by the forty-first section of the Act hereby amended, so that no greater or less sum may be exacted from the shipping than it is necessary to expend for the maintenance of the lights and the security of the navigation : Provided always, that the rate of the said tonnage duties shall never be made to exceed the rate fixed by the forty-first section of the said Act.

Trinity House may reduce or increase duty under Sect. 41.

Proviso.

II. And be it enacted, That any reduction that may have heretofore been made in the rate of the said tonnage duties by the Master, Deputy Master and Wardens of the Trinity House at Montreal, under the sanction of the Governor in Council, shall be and is declared to be valid and is hereby ratified and confirmed, and all parties concerned in the said reduction are hereby indemnified from all legal liabilities consequent on their participation therein.

Reduction already made confirmed.

III. And be it enacted, That the forty-sixth section of the said Act, in so far as it relates to the recovery of the tonnage duties imposed by the forty-first section of the said Act, is hereby repealed, and that the following provisions be substituted in its place, viz : That the said tonnage duties shall or may be collected from the owner, agent, master, commander or person in charge of any ship, steamer or other vessel subject thereto, by the Collector of Her Majesty's Customs at the Port of Montreal or the Port of Quebec, or by the Master, Deputy Master and Wardens of the Trinity House of Montreal, or the Registrar and Treasurer thereof (as the case may be,) before any Court of competent jurisdiction, or if they or each of them deem it advisable, before any Magistrate residing in the City of Montreal or in the City of Quebec, 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 above named parties, or each of them, shall also have power and authority immediately upon the non-payment of the said duty or any part thereof, even before judgment, to seize any ship, steamer or vessel, or any article or thing thereunto belonging, upon which the said duties 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 Quebec, or upon the order of the Collectors of Customs at the Ports of Montreal or Quebec respectively, when not acting as applicants themselves in the matter as hereinafter enacted, which order such Judge, Magistrate and Collectors of Customs are and each of them as aforesaid is hereby authorized and required to give upon the application of the Master, Deputy Master and Wardens of the Trinity House of Montreal or the Registrar and Treasurer thereof, or of the Collector of Customs of the Port of Montreal or the Port of Quebec, on the affidavit of any one credible person, that any sum is due for such duty as aforesaid ; and the said order may and shall be executed by any constable, bailiff or other person whom the said parties or any of them may choose to intrust 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.

Sect. 46 repealed as regards the duties.

Mode of recovering such duties.

Power to seize the Vessel, &c. on which they may be due.

On what application such seizure may be made.