

Laws of Her Majesty's Province of United Canada, passed in the year 1847. Montreal:
Stewart Derbishire & George Desbarats, 1847.

10 & 11 Victoria – Chapter 1

An Act to enlarge the powers of the Trinity House of Montreal, in certain cases where the public health of the City may be endangered. 9th July, 1847.

Whereas by the sixth section of the Ordinance of the Legislature of Lower Canada, passed in the Third Session held in the second year of Her Majesty's Reign, and intituled, *An Ordinance to suspend in part certain Acts therein mentioned, and to establish and incorporate a Trinity House in the City of Montreal*, no fine or penalty can be imposed under any By-law to be passed by the Master, Deputy Master and Wardens of the Trinity House of Montreal, and sanctioned and confirmed by the Governor, Administrator, or person administering the Government, exceeding Ten Pounds, currency, and it is expedient that higher penalties should be imposed in the cases hereinafter mentioned: 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 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 said Master, Deputy Master and Wardens, or any three of them, of whom the Master or Deputy Master shall be one, may and they are hereby empowered to impose and lay any fine or penalty not exceeding Five Hundred pounds, currency, upon all and every person or persons guilty of infringing any By-law sanctioned by the Governor in Council, which shall hereafter be passed by them, (or any three of them, of whom the Master or Deputy Master shall be one,) for regulating, within the jurisdiction of the said Trinity House, the number of Emigrants and Passengers other than Cabin Passengers, to be carried at any one time, by any Steamboat or Vessel impelled by steam or otherwise, or the hours, place and manner at and in which such Emigrants or Passengers shall be landed in the Port or Harbour of Montreal; and such penalty shall be recoverable with costs in a summary manner, upon the oath of one credible witness, on the information of the Corporation of the said Trinity House, or any Officer thereof, before any one of Her Majesty's Justices of the Court of Queen's Bench for the District of Montreal in Chambers, or before any Justice of the Peace for the said District, who shall summon the party defendant to appear before him on the same day he shall be served with the summons, or on any subsequent day, and may, on such evidence as aforesaid, convict any party making default to appear; and the penalty, if not paid immediately on conviction, shall be enforced by the seizure and detention, on the warrant of such Justice or Judge, of the Steamboat or Vessel by the Master, owner or person in charge whereof or by means or in respect whereof such By-law as aforesaid shall have been infringed, and all tackle and apparel thereof; and if the said penalty and the costs (including the costs of seizure and detention, all which shall be taxed by such Justice or Judge) be not paid within ten days after such seizure, the Steamboat or Vessel may be sold (on such warrant as aforesaid) and the said penalty and costs, and those of the sale, paid out of the proceeds thereof, and the surplus, if any, shall be returned to the owner: nor shall any information or proceeding under such By-law and this Act, be removeable by Certiorari, or

otherwise, into any Superior Court, nor shall any appeal lie from any conviction, judgment or order made in any such case as aforesaid: and all such penalties as aforesaid shall belong to Her Majesty for the public uses of the Province; any thing in the aforesaid Ordinance to the contrary notwithstanding.

II. And be it enacted, That this Act shall remain in force during four months from the passing thereof, and no longer, except as to any penalty incurred under it before that time, with regard to which it shall remain in full force and effect.