

*Laws of Her Majesty's Province of United Canada*, passed in the year 1851. York: Stewart Derbshire and George Desbarts, 1851.

14 & 15 Victoria – Chapter 26

**An Act to amend the Montreal Trinity House Act. 2d August, 1851.**

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 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.

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.

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far as it relates to the recovery of the tonnage duties imposed by the forty-first section of the said Act, is hereby repealed, and that the following provisions be substituted in its place, viz: That the said tonnage duties shall or may be collected from the owner, agent, master,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.