

Laws of Her Majesty's Province of United Canada, passed in the year 1851. Quebec: Stewart Derbyshire and George Desbarts, 1852.

16 Victoria – Chapter 70

An Act to amend the Act passed in the Session held in the fourteenth and fifteenth years of Her Majesty's Reign, intituled, *An Act to amend the Act of Incorporation of the Niagara Harbour and Dock Company*. 10th November, 1852.

Whereas the Niagara Harbour and Dock Company and Clarke Gamble, of the City of Toronto, Esquire, Assignee and Trustee thereof, have by their Petition to the Legislature, represented that they have found it impracticable under the powers conferred upon them by the Act relating to the said Company, passed in the now last Session of the now last Parliament of this Province, to effect the sale contemplated in and by that Act, the same being, as they are advised, ineffectual for the purpose proposed, and have therefore prayed that an Act may be passed amending the said Act in the manner and according to the terms of the draft annexed to their said Petition, and it is expedient and proper that the prayer of their said Petition should be granted: 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 Company and the said Clarke Gamble shall be and they are hereby authorized to sell and dispose of the Wharves, Docks, Rail-ways, Machinery and property generally of the said Company and the said Clarke Gamble or either of them, in like manner as the lands and premises referred to in the Act of the Parliament of this Province, passed in the Session thereof held in the fourteenth and fifteenth years of Her Majesty's Reign, intituled, *An Act to amend the Act of Incorporation of the Niagara Harbour and Dock Company*.

II. And be it enacted, That upon any such sale the said Company and the Stockholders therein and each and every of them and the said Clarke Gamble, shall cease to have any claim, estate, interest, control or privileges in or over the property real or personal that may be so sold; and any purchaser or purchasers of such property, his or their heirs or assigns, shall and may use and employ the same to and for his or their own use and benefit, free from any present or future claim of the said Company or the said Stockholders, or any of them, or of the said Clarke Gamble, in or to the same, or in respect thereof.

III. And be it enacted, That any such purchaser or purchasers, his or their heirs or assigns, is and are hereby empowered to repair and maintain the present Docks, Wharves, Piers and other constructions and erections of the said Company, and the said Clarke Gamble or either of them, or to substitute from time to time others in their place, and the same from time to time to maintain, repair and uphold, and generally to exercise the powers and privileges conferred upon the said Company in and by the Second Section of the Act of the Legislature of Upper Canada, passed in the first year of the Reign of His late Majesty King William the Fourth, intituled, *An Act to*

incorporate the Niagara Harbour and Dock Company; Provided however, that such purchaser or purchasers shall not acquire or take any right or title in or to the Harbour at Niagara further than as may be necessary for the erection thereat or therein of Wharves, Piers and Docks, as authorized by the original Act of incorporation of the said Company; and further provided that all and every the rights and privileges specially reserved to the Crown, under the nineteenth, twentieth and twenty-first Sections of the said last recited Act shall remain in force.

IV. And be it enacted, That it shall and may be lawful to and for any such purchaser or purchasers, his or their heirs or assigns, from time to time to fix, demand and receive, to and for his or their own use, wharfage, tolls and dues to be paid for or in respect of vessels using or partaking of the benefit of the said Wharves or Docks, and on goods, wares and merchandize shipped or unloaded at and from the said Wharves or Docks, or stowed in any storehouse there, and to detain any such vessel and any such goods, wares and merchandize until such charges thereon be paid, and if such charges be not paid within one month after the same shall have been incurred and notice thereof shall have been given to the owner or owners of any such vessel, goods, wares or merchandize, then the same to sell by public auction after an advertisement of such sale shall have been given in the newspaper published nearest to the locality of the said Wharves or Docks, at least one week prior to the time fixed in such advertisement for such sale.

V. And be it enacted, That it shall and may be lawful to and for any such purchaser or purchasers, his or their heirs or assigns from time to time, to lease and to farm let the whole or any part of the lands, tenements, hereditaments and premises of the said Niagara Harbour and Dock Company for such period or periods as he or they may choose, reserving such rent or rents as may from time to time be agreed to be paid by the lessee or lessees thereof, with power to such purchaser or purchasers, his or their heirs or assigns from time to time to distrain for arrears of rent due the Company or arising or accruing upon any such lease or leases hereafter to be executed.

VI. And be it enacted, That nothing in this Act contained shall be construed to interfere with or annul any existing legal rights of any Creditor or other person or persons having claims against the said Company, or of any person or persons to whom any such rights may have been transferred.