

Laws of Her Majesty's Province of United Canada, passed in the year 1854. Quebec: Stewart Derbishire and George Desbarts, 1854.

18 Victoria – Chapter 24

An Act to amend the Act incorporating the Commissioners of the Port Hope Harbour, and to authorize them to borrow a further sum of money for the completion thereof. Assented to 18th December, 1854.

Whereas the Commissioners of the Port Hope Harbour, constituted and incorporated under the provisions of the Act passed in the sixteenth year of Her Majesty's Reign, and intituled, *An Act to vest the Harbour of Port Hope and adjacent premises in Commissioners*, have petitioned that the said Act and the Act therein and hereinafter mentioned may be amended in the manner hereinafter provided, and it is expedient to grant the prayer of their Petition: 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, as follows:

I. For and notwithstanding any thing in the eighth Section of the Act cited in the Preamble to this Act, or in any other part thereof, or in any ether Act or law, it shall be lawful for the Board of the Commissioners of the Port Hope Harbour, to borrow from time to time, for the purposes in the said eighth Section mentioned, and upon the security of the said Harbour, or on the security of the Tolls thereof, or upon such other security as the said Commissioners and the party or parties lending the money borrowed or any part thereof, may agree upon, such sums of money as with the sum or sums for which Debentures of the said Board shall then be outstanding and unredeemed, shall not in the whole exceed the sum of seventy-five thousand pounds, and to secure and provide for the payment of the same, by issuing from time to time in the name of the said Board, Debentures for sums not less than five hundred pounds, redeemable within thirty years from the passing of the said Act, and bearing interest at a rate not exceeding eight per cent per annum, payable at such times as shall be mentioned in such Debentures respectively; and such Debentures shall be transferable, and the holder or holders of such Debentures may at any time sue for and recover from the said Board, the amount which shall then be due and unpaid of the principal or interest therein mentioned: Provided always, that it shall be lawful for the said Board to apply any part of the money to be so borrowed, to redeem any of their Debentures of which the principal shall be then payable, or to issue new Debentures in exchange for any of the said Debentures theretofore issued; provided the total debt owing by the said Board at any time shall not exceed seventy-five thousand pounds as aforesaid, and that no Debenture issued, nor any part of the debt contracted under this Act or the Act hereinbefore cited, shall be redeemable or payable at a later period than thirty years from the passing of the said Act.

II. The provisions of the said Act relative to the Sinking Fund therein mentioned, and generally all the provisions thereof not inconsistent with this Act, shall apply to any debt to be contracted and any Debentures to be issued by the said Board under this Act, in like manner as to any debt contracted or any Debentures issued under the said Act.

III. The said Board of Commissioners have and shall have full power and authority from time to time to appoint one of themselves to be Chairman or President of the Board, and in the absence of any such Chairman at any meeting, to appoint a temporary Chairman to preside at such meeting; and any majority of the members of the Board shall at any meeting thereof form a *quorum* for the despatch of the business of the Board, and may exercise all the powers thereof; and the signature of the Chairman presiding at any meeting and of the Secretary of the Board, to the minute of the proceedings had at any meeting thereof, or the signatures of the Chairman or President and Secretary of the Board for the time being, to any copy thereof, or to any extract therefrom, under the Corporate Seal of the Board, shall be *primâ facie* evidence of such proceedings, or such of them as may be contained in such extract, and that the same were regularly had.

IV. And for the avoidance of all doubts, Be it declared and enacted, That nothing in the Act cited in the Preamble to this Act, or in any other Act relating to the Port Hope Harbour, has affected or shall affect the right of the Town Council of the Town of Port Hope to make By-laws for the regulation of the said Harbour, and of all persons and vessels using the same; and that it has been and shall be lawful for the said Town Council, to make By-laws for the purposes aforesaid, and to impose and enforce penalties for the contravention thereof, or to ratify, confirm and adopt as By-laws of the said Town Council any By-laws lawfully made by the Commissioners of the Port Hope Harbour, and to impose and enforce penalties for the contravention thereof; Provided that such penalties shall not in any case exceed those which the said Town Council is empowered to impose for the contravention of Bylaws, by the Upper Canada Municipal Corporations Acts; And provided further, that the tolls to be taken upon goods shipped or landed at the said Harbour, shall be exclusively regulated by the said Commissioners, subject to the approval of the Governor in Council, as provided in the sixth section of the Act vesting the said Harbour in the said Commissioners, and cited in the Preamble to this Act.

V. This Act shall be held to be a Public Act.