

Power to build bridge over certain highway.

1. The Community of the Sisters of Charity of Providence is authorized to build a bridge over the public highway which divides lot number three hundred and thirty seven of the official cadastre of the parish of *Saint-François d'Assise de La Longue Pointe*, provided however that the height of the said bridge above the ground shall be at least fifteen feet and that there be an arch in the centre of the road at least thirty-five feet wide.

Plans to be approved.

The said works shall be built according to plans approved by the person selected by the Commissioner of Public Works in this Province.

Coming into force.

2. This act shall come into force on the day of its sanction.

C A P. X C V .

An Act to authorize the municipal council of the parish of *La Pointe-aux-Trembles* to levy certain wharfage dues.

[Assented to 21st March, 1889.]

Preamble.

WHEREAS the municipality of the parish of *La Pointe-aux-Trembles*, in the county of Hochelaga, has, with a view of the promoting trade and the progress of the locality, built in the village of the said parish a wharf of the value of fifteen hundred dollars, the cost whereof has been defrayed partly by voluntary subscriptions and partly by means of a special tax ;

Whereas the Harbour Commissioners of the city of Montreal have conceded to the said municipality all the rights they might have in and to the said wharf ;

Whereas the municipal council of the said parish unanimously resolved, on the twelfth of November, one thousand eight hundred and eighty-eight, to present a petition to the Legislature of Quebec praying, for the passing of an act to authorize it to levy certain wharfage dues during a maximum period of twenty-five years for the use of the aforesaid wharf ;

Whereas, owing to the heavy expense incurred in the construction of the said wharf, the municipal council of the said parish cannot provide for its maintenance without having recourse to the imposition of a special tax or to wharfage dues ;

Whereas the construction, maintenance, and keeping in good order of the said wharf are matters of public utility, and it is expedient to grant the aforesaid prayer ;

Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. The construction of the said wharf by the municipal council of the parish of *La Pointe-aux-Trembles*, in the manner set forth in the preamble of this act, is declared to have been legally done, notwithstanding any law to the contrary and particularly article 479 of the Municipal Code, and the corporation of the said parish has the power of holding the said wharf as owner, and its possession as owner of such wharf up to the date of the coming into force of this act is likewise declared valid and legalized; the whole without prejudice to acquired rights.

Certain wharf declared to have been lawfully constructed.

2. The municipal council of the parish of *La Pointe-aux-Trembles* is authorized to maintain the wharf above designated at the place where it is now built, as well as the hill leading thereto, to levy certain dues or tolls for wharfage according to the tariff hereinafter set forth in section 5, in order to provide for the maintenance of such wharf; to appoint an officer to collect such dues and to pass all by-laws not inconsistent with this act and necessary for keeping the wharf in good order and for the management thereof.

Council authorized to maintain wharf, &c., and levy wharfage dues, &c.

The council has also power to make provision for any difficulties or trouble which may arise in the event of too great a number of boats or barges endeavoring to moor at the said wharf at the same time, by determining the order in which the boats shall moor and take or discharge cargo at the wharf.

Power to make certain regulations respecting same.

3. The same municipal council is bound at all times to keep the wharf and hill leading thereto in good order and condition, and to effect, without delay, all repairs necessary for the safe use thereof and access thereto.

Wharf and approaches thereto to be kept in good order.

In default of so doing, it shall be liable to a penalty not exceeding twenty dollars for every day it shall neglect to replace the wharf in good order, without prejudice to recourse for damages, if any there be.

Penalty for neglect.

No person shall institute an action for the recovery of such penalty without having first, at his own expense, notified the council of such infringement by serving a written complaint upon its secretary-treasurer and the penalty shall commence to run only from the day following such service, if, however, the contravention still exists.

Notice to be issued upon council before suit to be brought.

The entire penalty shall belong to the prosecutor.

Application of penalty. Prescription of suit.

Such action shall be brought only within the six months from the contravention.

The demand for damages may be joined to the penal action, but there shall be no other derogation from the common law as regards such demand.

Damages may be included in action.

Wharf need not be rebuilt in certain event.

4. The said council shall not be bound to rebuild or replace the wharf, in the event of its being destroyed by accident or by irresistible force; and in default of rebuilding the same within six months following its being destroyed, the privileges conferred by this act shall cease.

Power to exact certain tolls, &c.

5. In order to meet the expenses necessary for the maintenance of the wharf, the said council is authorized to exact and levy for the use of such wharf, the dues and tolls not to exceed the amounts set forth in the following tariff for the articles mentioned therein, to wit :

Rate of wharfage dues.

- 1. For every cord of wood, English or French measure..... 7 cts
- 2. For every ton of coal, whether of 2,000 lbs or 2,240 lbs..... 7 „
- 3. For every thousand feet of sawn lumber or building stuff or any other wood except fire-wood and *pro rata*..... 10 “
- 4. For every thousand bricks and *pro rata*..... 10 “
- 5. For every barrel of sand for mortar..... 01 “
- 6. For every ton of flour, bran, iron, sugar, &c..... 20 “
- 7. For every boat, barge, scow which shall load or unload at such wharf, per day 50 “

Modification of tolls.

The council shall have the right to modify the said tolls by by-law as provided by the Municipal Code, as it may be necessary, but not to exceed the amounts above mentioned.

Penalty for certain offence.

6. Every person who shall, by force or violence, make use of such wharf without paying the tolls exigible under this act, or who shall evade payment thereof in any other manner, shall, for each infringement, incur a penalty not exceeding five dollars.

Privilege granted to corporation and no other wharf to be built within certain distance.

7. So long as the said wharf shall be sufficient for the object for which it has been built, no person or company shall establish or construct, within the limits of three hundred feet above or three hundred feet below on the River St Lawrence, on each side of the said wharf, any other wharf, jetty, platform or levee, or erect any other works for the use of boats, barges, scows or other vessels for embarking or disembarking, for loading, unloading or transshipping articles upon which wharfage dues are exigible under this act for the benefit of the corporation of the parish of *La Pointe aux Trembles*.

Suits before what court to be brought.

8. All prosecutions for infringement of this act may be brought before the Magistrates' Court of the district of

Montreal or before two justices of the peace of the same district.

9. The privilege granted by this act shall extend over fifteen years. Duration of privilege.

10. This act shall come into force on the day of its sanction. Coming into force.

C A P. X C V I.

An Act to appoint executors of the last will and testament of the late Taylor Little, and to provide for their replacement.

[Assented to 21st March, 1889.]

WHEREAS the school commissioners of the township of Hatley, in the Province of Quebec, and others interested in the estate of the late Taylor Little, in his lifetime of the township of Hatley aforesaid, farmer, have, by their petition, prayed that executors of the last will and testament of the said late Taylor Little, made and executed on the twenty-eighth day of February, 1851, should be appointed in the room and stead of the late John McConnell and Chester Hurd, the executors named in the said last will and testament, and who are now both deceased, and whereas it was manifestly the intention of the said late Taylor Little that his wishes as to his estate should be carried out by executors ; and whereas it is expedient to grant the prayer of the said petition ;

Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. Charles Orville le Baron, and John Ramsdell, both of the township of Hatley, in the Province of Quebec, are hereby named and appointed executors of the last will and testament of the late Taylor Little, in his lifetime of the said township of Hatley, in the room and stead of the late John McConnell and Chester Hurd, deceased. Executors appointed to estate late T. Little.

2. The executors appointed by the first section of this act shall be replaced by the Superior Court sitting in the district of St. Francis, or by any judge thereof residing in said district, whenever it may become necessary or advisable, on summary petition to that effect, after notice thereof shall have been given to the clerk of the Free Will Baptist Society in the said township, or to the minister of the said denomination, then residing in the said township, and Proviso for their replacement.