

Court, to be by him carefully preserved among the records and remembrances of his office, for such legal purposes as the same may serve pursuant to this Act.

Public Act.

XI. And be it further enacted by the authority aforesaid, that this Act shall be deemed a public Act, and shall be judicially taken notice of as such by all Judges, Justices of the Peace, and all other persons whomsoever, without being specially pleaded.

### CAP. XVI.

An Act to authorize the Commissioners appointed for the completion of the Canal between Lachine and Montreal, to effect a Loan for that purpose, and to establish rates of Tolls to pass thereon.

(9th March, 1824.)

Preamble.

**W**HEREAS it is expedient to adopt measures for the advancement and completing of the Lachine Canal, and for that purpose to enable the Commissioners for the said Canal to effect a Loan of Money under the authority of an Act of the Legislature;—Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Lower-Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great-Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, "*An Act for making more effectual provision for the Government of the Province of Quebec in North-America,*" and to make further provision for the Government of the said Province;"—And it is hereby enacted by the authority of the same, that the Commissioners for the Lachine Canal appointed under and in virtue of an Act of the first year of His Majesty's Reign, intituled, "An Act for making a navigable Canal from the neighbourhood of Montreal to the Parish of Lachine, and to appropriate a certain sum of money for that purpose, and to repeal a certain Act therein-mentioned," shall be, and they are hereby authorised for the purposes of the said Act and for none other, from time to time, as occasion may require, to effect a loan or loans of money not exceeding in the whole the sum of twenty thousand pounds, currency, at such rate of interest not exceeding legal interest, as they can obtain the same, to complete the said Canal

Commissioners  
empowered to ef-  
fect a loan of mo-  
ney.

to

to the neighbourhood of and above the Port of Montreal; which said sum or sums of money, of which a loan or loans shall be obtained as aforesaid, shall be reimbursed and repaid at pleasure to the lender or lenders thereof, with the interest thereupon annually accruing, one year after the loan shall have been effected and not later than five years thereafter, from and out of any unappropriated monies that actually are or that hereafter shall come into the hands of the Receiver-General of this Province.

Interest due on money raised by loan payable half-yearly.

II. And be it further enacted by the authority aforesaid, that the interest to become due upon the sum or sums of money of which a loan or loans shall be effected as aforesaid, shall be payable half-yearly, by a warrant or warrants to that effect, addressed to the Receiver-General of the Province for the time being, under the hand of the Governor, Lieutenant-Governor, or person administering the Government of the Province for the time being.

As soon as the Canal is navigable, certain rates of tolls to become payable.

The rates.

III. And be it further enacted by the authority aforesaid, that as soon as the said Canal shall have been made and completed so as to be navigable either in whole or in part for Boats, Barges, Vessels and Rafts, the several Rates, Tolls or Duties hereinafter-mentioned, shall be payable upon and demanded for all Boats, Barges, Vessels and Rafts of Lumber passing through or upon the said Canal, that is to say, for every ton of timber, three-pence, currency; for every cord of firewood, one shilling, currency; for each Boat, Barge or Vessel of five tons measurement and under, six shillings and three pence, currency; between five and twenty tons measurement, eight shillings and nine-pence, currency; between twenty and sixty tons measurement, twelve shillings and six-pence, currency; above sixty tons measurement, fifteen shillings, currency; for each ton of Merchandise conveyed in any of the said Vessels, two shillings and six-pence, currency; for each Puncheon, one shilling and three-pence, currency; for each barrel of Pot or Pearl Ashes, seven-pence half-penny, currency; for every tierce of Rice, Flour or other article, six-pence, currency; for every barrel of Pork or Beef, four-pence half-penny, currency; for every barrel of Flour, three-pence, currency; for every half-barrel of Flour, two-pence, currency; for every person not composing the crew of any Raft, Boat, Barge or other Vessel, six-pence, currency; for every Horse, Mare, Mule, Bull, Ox, Cow, and all other horned and neat cattle, each six-pence, currency; and for every Hog, Goat, Sheep, Calf or Lamb, one penny half-penny, currency; for every toise of stone, two shillings and six-pence, currency; for every Hogshead of Lime, three pence, currency; for every thousand Shingles, three pence, currency; the said rates to be paid respectively for the whole distance from Lachine to the Port of Montreal, and so in proportion

proportion for each mile of the said distance, that any such Rafts, Boats, Barges, or other Vessels may pass, and the said Persons, Cattle, Goods, and Effects may be transported upon such Canal.

Fractions how  
to be calculated.

IV. Provided always, and be it further enacted by the authority aforesaid, that in all cases where there shall be a fraction of a mile in the distance which any Boat, Barge, or other Vessel or any Raft shall have gone or passed upon the said Canal, such fraction shall, in respect to the said rates, be deemed a whole mile; and that in all cases where there shall be a fraction of a ton in the measurement of any Boat, Barge, or other Vessel so to be navigated on the said intended Canal, a proportion of the said rates shall be demanded and taken for such fraction according to the number of quarters of a ton contained therein; and in all cases where there shall be a fraction of a quarter of a ton in any such measurement as aforesaid, such fraction shall be deemed and considered as a whole quarter of a ton; and in all cases where Timber, Boards, Plank and Scantling in Rafts shall pass upon or through the said Canal, the aforesaid dues thereon shall be calculated in proportion to the quantity of feet, but no quantity under twenty-five feet thereof shall pay less than the proportion which may be charged for any twenty-five feet of such Timber, Boards, Plank, and Scantling as aforesaid.

Rates, &c. to  
be levied until 1st  
Dec. 1827, to be  
paid over to the  
Receiver-Gener-  
al.

V. And be it further enacted by the authority aforesaid, that the Rates, Tolls, and Duties herein above-imposed, shall after the said Canal shall have been fit for navigation either in whole or in part be raised, levied and collected until the first day of December, one thousand eight hundred and twenty-seven and no longer; and from time to time shall be paid over to the Receiver-General of the Province, to remain at the future disposition of the Legislature, and which as well as the said sum of twenty thousand pounds, currency, or such part of the same as shall be expended with the interest paid thereupon pursuant to this Act, shall be accounted for to His Majesty, his heirs and successors, through the Lords Commissioners of His Majesty's Treasury for the time being, in such manner and form, as His Majesty, his heirs and successors shall be pleased to direct.

The monies raised  
by this Act to  
be accounted for  
to His Majesty.

Rates and dues  
to be paid to such  
person and at  
such places near  
the Canal and un-  
der such regula-  
tions as the Com-  
missioners may  
appoint.

VI. And be it further enacted by the authority aforesaid, that the several Rates and Dues herein-before imposed, shall be paid to such person or persons, at such place or places near to the said Canal, in such manner and under such Regulations as the Commissioners for the said Canal shall direct or appoint; and

in case of denial or neglect of payment of any such Rate or Dues, or any part thereof, on demand, to the person or persons appointed to receive the same as aforesaid, the said Commissioners of the Lachine Canal may sue for and recover the same in any Court having competent jurisdiction, or the person or persons to whom the said Rates or Dues ought to be paid, may, and he is, and they are hereby empowered to seize and detain any Boat, Vessel, Barge or Raft, for or in respect whereof such Rates or Dues ought to be paid, and detain the same until payment thereof.

## C A P. XVII.

AN Act to provide more effectual means than heretofore have been, to compel, in the proper Jurisdiction, the appearance of Defendants residing in different Districts, who ought to be joined in the same Cause.

(9th March, 1824.)

Preamble.

Manner in which Plaintiffs are to proceed in cases where defendants reside in different Districts.

**W**HEREAS serious delays and inconveniences are oftentimes experienced by Suitors in His Majesty's Courts of Law in this Province, in cases where several persons who ought to be joined as Defendants in the same cause, reside in different Districts, so that process cannot be legally served upon them in such manner as to compel the appearance of all of them, in the jurisdiction wherein the cause or action may be legally instituted;— Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Lower-Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great-Britain, intituled, " An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, " *An Act for making more effectual provision for the Government of the Province of Quebec in North-America,*" " and to make further provision for the Government of the said Province,"— And it is hereby enacted by the authority of the same, that when and as often as the persons who ought to be joined in the same Action as Defendants, reside in different Districts, then and in such case it shall be lawful for the Plaintiff and at his choice to prosecute the said action:—First, in matters real in the jurisdiction wherein the object of the suit is situated:—Secondly, in matters of a mixed nature, in the jurisdiction wherein the object in litigation is situated or in the jurisdiction wherein the Defendants or any of them may reside :