

The Provincial Statutes of Lower-Canada, Being the second session of the thirteenth Provincial Parliament of Lower-Canada. Quebec: P. E. Desbarats, Printer to the King's Most Excellent Majesty, 1829.

9 George IV – Chapter 12

An Act to establish certain Rates, Tolls and Duties on the Lachine Canal, and to provide for the care and management of the said Canal. (14th March, 1829.)

Whereas it is expedient to establish Tolls to be taken upon the Lachine Canal, and to make provision for the management, care and repair of the said Canal; Be it 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 from and after the passing of this Act, the several rates, tolls and duties herein-after mentioned, shall be demanded for and payable upon all boats, barges, vessels and rafts of lumber or wood merchandize and effects passing through or upon the said Canal, that is to say: For each ton of timber, three pence, currency; For each cord of firewood in rafts, one shilling, currency; For each cord of firewood in boats or scows, six pence, currency; For each boat, barge or vessel of five tons measurement, or 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 merchandize or liquors, one shilling and nine pence, currency; For each barrel of pot or pearl ashes, five pence, currency; For each barrel of pork or beef, three pence, currency; For each tierce of flour or rice, four pence, currency; for each barrel of flour or rice, two pence, currency; For each half barrel of flour or rice, one penny, currency; For each ton of salt, nine pence, currency; For each bushel or minot of wheat or other grain, three farthings, currency; For each person not being one of the crew of any raft, boat, barge or other vessel passing on the said Canal, six pence, currency; For each horse, mare, mule, bull, ox, cow or other horned or neat cattle, per head, six pence, currency; For each hog, goat, sheep, calf or lamb, one penny half penny, currency; For each toise of stone, two shillings and six pence, currency; For each hogshead of lime, three pence, currency; For each thousand of shingles, three pence, currency; For each thousand of standard pipe staves, fifteen shillings, currency; Foreach hundred bundles of hay, one shilling, currency; which said rates shall be paid for the whole distance between Lachine and Montreal in ascending or descending the said Canal, and so in proportion for each and every mile of the said distance, that any such raft, boat barge or other vessel or merchandize or effects aforesaid may pass or be conveyed upon the said Canal.

II. 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, merchandize or effects shall have gone or passed upon the said Canal, such fraction shall in respect to the rates aforesaid, be deemed to be 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 or effects so to be navigated or conveyed upon the said 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 rates and 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.

III. And provided further and be it enacted by the authority aforesaid, that all boats, scows, vessels or rafts, loading or unloading, below the Lock. No. 4, of the said Canal, whether in ascending or descending the same shall pay the like Tolls as if they passed through all the locks of the said Canal.

IV. And be it further enacted by the authority aforesaid that all boats and scows laden solely with Fire wood or other Timber having passed down the said said Canal and paid the rates and duties hereby imposed shall be entitled in ascending, if unladen and empty, to pass through the said Canal free and exempt of all duty; and in all cases where any boat, barge or other vessel, laden in whole or in part with any Cargo, shall instead of passing through the said Canal, to the Port of Montreal, have descended through the Rapids of the River Saint Lawrence to the said Port or lower down the said River, such boat, barge or other vessel and all Merchandize and effects therein laden, shall in ascending, the said Canal be subject to and shall pay one third, more than the rates, tolls and duties by this Act imposed upon the same respectively.

V. And be it further enacted by the authority aforesaid, that it shall and may be lawful for the Governor, Lieutenant Governor or Person administering the Government of the said Province for the time being, by an Instrument under the Great Seal of the said Province to constitute and appoint from time to time such and so many persons as he shall think, fit to be Commissioners for super intending preserving and keeping in repair the said Canal and such Commissioners from time to time to remove and others to appoint in the room and stead of such as may from time to time die or resign; and also to appoint in like manner a fit and proper person to be Secretary, Treasurer and Toll Collector to the said Commissioners and from time to time to remove the said Secretary, Treasurer and Toll Collector, and to appoint another in his stead; Provided always that the said Commissioners shall not be entitled to or receive, any remuneration for their services in that capacity.

VI. And be it further enacted by the authority aforesaid, that the said Commissioners and their Successors to be appointed as aforesaid shall be and they are hereby declared to be a body corporate under the name of the “Commissioners of the Lachine Canal,” and shall and may as such body Corporate, do all and whatsoever a body Corporate legally may do, in and about the superintending preserving and keeping in repair the said Canal; and Service of any Summons upon the Secretary of the said Commissioners, in any Action against them as such corporate body, shall be sufficient to compel them to appear accordingly, and defend such action in any Court of competent jurisdiction.

VII. And be it further enacted by the authority aforesaid, that it shall be lawful for the said Commissioners to employ such Lock Keepers, or other Assistants or Servants as they shall from time to time deem necessary for the due execution of the trust committed to them, and to allow such remuneration to the said Lock Keepers, Assistants or Servants, as shall to the said Commissioners appear reasonable.

VIII. 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 and at such place or places, near to the said Canal and in such manner and under such regulations as the said Commissioners shall direct and appoint; and in case of denial or neglect of payment of any such rates or dues or any part thereof on demand to the person or persons appointed to receive the same as aforesaid the said Commissioners may sue for and recover the same in any Court having competent jurisdiction, or the person or persons appointed as aforesaid, to receive the said rates or dues may, and he and they is and are hereby empowered to seize, any boat, vessel, barge or raft merchandize or effects, for or in respect whereof such rates or dues ought to be paid; and to detain the same until payment thereof.

IX. And be it further enacted by the authority aforesaid, that if any injury shall be done to the said Canal, or to any of the bridges, weirs, locks, dams, fences, or other works, in, upon or near the same, by any boat, barge, vessel or raft, passing or being conveyed thereon, or by any of the crew or other persons belonging to or on board of such boat barge, vessel or raft, it shall and may be lawful for the said Commissioners or for any of the persons employed by or under them as aforesaid, to seize and detain such boat, barge, vessel or raft, until the injury so done shall have been repaired by the crew or persons belonging to the same, or until security shall have been given by the owner, manager, conductor or consignee of such boat, barge, vessel or raft to the satisfaction of one of the said Commissioners, to pay such amount as shall be awarded, with costs, by the Judgment of any Court of competent jurisdiction in a suit or action to be brought by the said Commissioners, by reason of such injury. Provided always that when the amount of the damage or penalty sued for by the said Commissioners shall not exceed five pounds currency, the same may be sued for and recovered upon the Oath of two Credible Witnesses, before any two Justices of the Peace, any law, usage or custom, to the contrary notwithstanding. And provided always, that if it should be proved, that such detention was un-necessary, the said Commissioners shall be responsible for such damages as shall be proved to have been occasioned thereby, and

the amount of such damages, shall be sued for and recovered in any Court of competent Jurisdiction.

X. And be it further enacted by the authority aforesaid, that it shall be lawful for the said Commissioners in all cases where the Province ought by law or in equity to bear the charge of making, maintaining or keeping in repair any fence or fences along the said Canal, to agree with the several proprietors of land on which such fence or fences are or with his or their lawful representative and to allow such fair and reasonable indemnity to such proprietor or proprietors as may be equivalent to the charge and trouble of making, maintaining and keeping in repair such fence or fences, for such period as may be agreed upon not exceeding the duration of this Act, and the agreement being concluded by Act before a Notary an authentic copy thereof shall be transmitted by the said Commissioners to the office of the Prothonotary of the Court of King's Bench at Montreal, and shall be there filed and preserved, to serve and avail, as it is already by law provided with respect to other agreements and papers relating to the said Canal.

XI. And be it further enacted by the authority aforesaid, that the several rates, tolls and duties by this Act imposed, shall be paid over quarterly to the Receiver General of this Province, after deducting thereout the salary of the said Secretary, treasurer and toll Collector, and the wages of the persons to be employed by the said Commissioners as aforesaid, and all other necessary expenses incurred by the said Commissioners in superintending, preserving and repairing the said Canal, and shall remain for the future disposition of the Legislature, and 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.

XII. And be it further enacted by the authority aforesaid, that there shall be allowed to the said Secretary, Treasurer and toll Collector a sum of two hundred pounds, currency, annually, for his services respecting the execution of this Act, and no further or other sum for or in respect of the same; and that the sum shall in each and every year be taken out of the monies to be levied by virtue of this Act.

XIII. And be it further enacted by the authority aforesaid, that before entering upon the discharge of the duties of his office, the said Secretary, Treasurer and toll Collector shall, before one of the Justices of His Majesty's Court of King's Bench for the district of Montreal, enter in a bond to His Majesty, His heirs and successors in a sum of five hundred pounds, currency, with-two good and sufficient securities to the satisfaction of the said Commissioners in a sum of two hundred and fifty pounds each, conditioned for the due and faithful performance by the said Secretary, Treasurer and toll Collector of all and every the duties required of him by virtue of this Act.

XIV. And be it further enacted by the authority aforesaid, that the said Commissioners shall annually submit to three branches of the Legislature within the first fifteen days after the opening of each session of the Provincial Parliament, a detailed and particular account of the

monies by them received and expended under and by virtue of this Act, and of the boats, barges, vessels and rafts, merchandize and effects upon which tolls shall have been levied during the preceeding year, together with a statement of their proceedings in the execution of their duties.

XV. And be it further enacted by the authority aforesaid, that this Act shall continue and be in force, until the thirty-first day of December, one thousand, eight hundred and thirty-one, and no longer.