

The Provincial Statutes of Lower-Canada, Being the first session of the fourteenth Provincial Parliament of Lower-Canada. Quebec: P. E. Desbarats, Printer to the King's Most Excellent Majesty, 1831.

1 William IV – Chapter 11

An Act to authorize the Commissioners appointed under a certain Act passed in the eleventh year of the Reign of His late Majesty, intituled, "An Act to provide for the improvement and enlargement of the Harbour of Montreal," to borrow an additional sum of money, and for other purposes therein mentioned. (31st March, 1831.)

MOST GRACIOUS SOVEREIGN

Whereas it is expedient to authorize the Commissioners appointed under the authority of a certain Act passed in the eleventh year of the Reign of His late Majesty, intituled, "An Act to provide for the improvement and enlargement of the Harbour of Montreal," to borrow an additional sum of money, and to provide for the payment of the same and of the legal interest thereon: May it therefore please your Majesty that it may be enacted, and 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 mere 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 here declared and enacted by the authority of the same, that it shall be lawful for the Commissioners appointed under the authority of the said Act, for the purpose of defraying the expences attending the execution of the work therein mentioned, to borrow from time to time at the legal rate of interest, or on more advantageous terms if it be in their power, and as the same may become necessary for the purposes aforesaid, any sum not exceeding ten thousand pounds currency, in addition to a like sum of ten thousand pounds currency, which the said Commissioners are by the said Act authorized to borrow.

II. And whereas it is expedient that Legislative provision should be made for the due payment of the interest of the monies so borrowed, until the work shall be executed, and wharfage and other dues collected, out of which the said interest may be paid: Be it therefore enacted by the authority aforesaid, that it shall be lawful for the Governor, Lieutenant-Governor, or person administering the Government, to authorize by warrant under his hand, the advance to the said Commissioners of such sums of money out of any unappropriated monies in the hands of the Receiver General, as may be necessary to enable the said Commissioners to pay the said interest, and such advances shall be made in the months of January and July, in each and every year, and the said Commissioners shall on receipt thereof, immediately pay over the sums so advanced, to the persons to whom such interest may be due.

III. And be it further enacted by the authority aforesaid, that the several rates of wharfage mentioned in the Schedule hereunto annexed, shall be payable on all vessels, craft, boats and rafts of any description, lying at any part of any of the Wharves or Quays erected or to be erected under the authority of the Act hereinbefore cited, and on all the articles enumerated in the said Schedules, that may be landed or shipped on board any such vessel, craft, boat, or raft, and the nett Revenue arising from the collection of the said rates shall be implied in the first instance to the payment of the interest on the sums borrowed under the authority of this or of the Act herein before cited, and the surplus (if any) shall, alter the payment of the said interest to the persons from whom the said money shall have been borrowed, be applied to the payment of the sums advanced to the said Commissioners under the authority aforesaid; and such payment shall be made by the said Commissioners to His Majesty's Receiver-General in sums of not less than one hundred pounds currency.

IV. And be it further enacted by the authority aforesaid, that the powers granted by this Act to the said Commissioners, concerning the levying the Tolls and dues hereinbefore mentioned, shall extend or be continued until the first day of May one thousand eight hundred and thirty three and no longer.

V. And be it further enacted by the authority aforesaid, that whenever the whole amount of the sums so advanced shall have been so paid to His Majesty's Receiver General, the said Commissioners shall pay off the principal of the sums borrowed under the authority aforesaid, by payments of not less than ten per cent, on the whole amount so borrowed; and the intended payment of any part of the said principal shall be announced by the said Commissioners by an advertisement inserted during at least three successive weeks, in one of the News-Papers published in the English, and one in the French languages in the City of Montreal; and the persons to whom the said principal shall be due, shall receive the portion thereof so announced to be payable, and shall grant to the said Commissioners an acquittance of the same.

VI. And be it further enacted by the authority aforesaid, that the several rates and dues hereinbefore imposed by this Act shall be paid to such person or persons and at such place or places near the said Wharves or Quays, 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 and dues, may, and he or they is or are hereby empowered to seize any Vessel, Craft, Boat or Raft, Merchandise or effects, for and in respect whereof such rates or dues ought to be paid and to detain the same until payment thereof.

VII. And be it further enacted by the authority aforesaid, that if any injury shall be done to the said Wharves or Quays, or to any of the works erected under the authority of the Act

herein before cited by any Vessel, Craft, Boat or Raft, or by any of the crew or other persons belonging to or on board of such Vessel, Craft, Boat or Raft, it shall and may be lawful for the said Commissioners or for any of the persons employed by them or under them as aforesaid, to seize and detain such Vessel, Craft, Boat 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 Vessel, Craft, Boat 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, and for any injury done to the said Wharves, Quays, or other works by any other person or persons whatsoever, the said Commissioners may sue for and recover with costs, in any Court of competent jurisdiction, such amount as shall be awarded as damages, by the judgment of such Court:—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 also, that if it should be proved that such detention was unnecessary, 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.

VIII. And be it further enacted by the authority aforesaid, that the due application of all monies advanced or received under the authority of 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.

IX. And be it further enacted by the authority aforesaid, that the said Commissioners shall annually submit to the 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, or of the Act herein before cited, and of the Vessels, Craft, Boats and Rafts, Merchandize and effects, upon which Tolls shall have been levied during the preceding year, together with a statement, of their proceedings in the execution of their duties.

SCHEDULE.

Rates of Wharfage to be levied in the Harbour of Montreal.

Vessels from sea, for each day they remain in Port, two shillings and six-pence, currency.

On goods landed from these vessels, three-pence currency, per Ton measurement.

On Steam Boats and Barges of Steam Boats, for each day they remain in Port, two shillings and six-pence, currency.

On goods landed from Steam Boats and Barges of Steam Boats, one penny currency, per Ton measurement.

On Durham Boats, five shillings currency, each trip.

- On River Craft, five shillings currency, each trip.
- On Ferry Boats, impelled by Steam, two shillings and six-pence currency, each, trip.
- On Bateaux, one shilling currency, each trip.
- On Boards and Plank, five shillings currency, per Raft.
- On Fire Wood, one penny currency, per Cord.
- On Ashes, shipped on board any Vessel, Boat, Barge or Craft, two-pence currency, per Barrel.
- On Beef and Pork, one penny currency, per Barrel.
- On Flour and Meal, one half penny currency, per Barrel.
- On Wheat, one shilling per hundred Bushels.
- On Oats, three-pence currency, per hundred Bushels.
- On other Grain and Seeds, six-pence currency, per hundred Bushels.
- On Stone from the Quarries, six-pence currency, per Toise.
- On all unenumerated articles, three-pence currency, per Ton measurement.