

The Provincial Statutes of Lower-Canada, Being the second session of the fifteenth Provincial Parliament of Lower-Canada. Quebec: John Carleton Fisher & William Kemble, Law Printer to the King's Most Excellent Majesty, 1836.

6 William IV – Chapter 22

An Act to provide for the management and care of the Lachine Canal, and to establish certain rates, tolls, and duties to be taken thereon. (21st March, 1836.)

MOST GRACIOUS SOVEREIGN.

Whereas it is expedient to make provision for the management, care and repair of the Lachine Canal, and to establish tolls to be taken thereon: 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 malting 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 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, for a period not exceeding three years; five Commissioners for superintending, 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 be so removed, or 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.

II. 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.

III. 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.

IV. And be it further enacted by the authority aforesaid, that from and after the passing of this Act, the several rates, tolls, and duties hereinafter mentioned, shall be demanded for, and payable upon all boats, barges, vessels, rafts of lumber, passengers, merchandize, or effects passing through or upon the said Canal, that is to say:—

For each boat, barge, scow, 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;

Between sixty and eighty tons measurement, fifteen shillings currency; above eighty tons measurement, twenty shillings currency;

For each cord of fire-wood, six pence currency;

For each ton of timber, three pence 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 bushel of wheat or other grain, three farthings currency;

For each adult person, not being one of the crew of any raft, boat, barge, scow, or other vessel passing on the said Canal, six pence currency;

For each child under twelve years of age, three pence currency;

For each horse, mare, ass, mule, bull, ox, cow, or other horned or neat cattle, per head, six pence currency;

For each hog, goat, sheep, lamb, calf, or dog, one penny and a half currency;

For each toise of stone or brick, two shillings and six pence currency;

For each hogshead of lime or sand, three pence currency;

For each thousand of shingles, three pence currency;

For each thousand of standard pipe staves, fifteen shillings currency;

For each barrel of butter, lard, or grease, three pence currency;

For each ton of salt, nine pence currency;

For each 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, scow, or other vessel or passengers, merchandize, or effects aforesaid, may pass or be conveyed upon the said Canal.

V. 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 raft, boat, barge, scow, or other vessel, or any passenger, 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, scow 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.

VI. And provided also, and be it enacted by the authority aforesaid, that all boats, barges, scows, vessels, or rafts, loading or unloading below the Lock, number four, 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.

VII. And provided further, and be it enacted by the authority aforesaid, that every boat, scow, or other vessel, which shall remain either loaded or empty in or upon the said Canal, longer than forty-eight hours after commencing to discharge or take in her cargo, and all merchandize and other effects forming or to form any part of such cargo, which shall be suffered to remain upon any bank or banks, or upon any wharf or wharves of the said Canal longer than forty eight hours, shall be liable to and shall pay an additional or extra-toll, as for one mile upon the said Canal, for every day which the same shall remain after the expiration of the time hereby limited; and every fraction of a day shall be reckoned a whole day: Provided always, that nothing in this clause contained, shall extend to empty boats or other vessels, properly moored and listened in the basins or other parts of the said Canal, appropriated to their use when not employed in loading or unloading.

VIII. And be it further enacted by the authority aforesaid, that from and after the passing of this Act, no raft of firewood, shall be admitted into the said Canal.

IX. And be it further enacted by the authority aforesaid, that no firewood or staves shall be landed upon any bank or wharf of the said Canal, except only upon such part or parts thereof, and under such regulations as shall be from time to time appointed and established by the Commissioners of the said Canal; and all firewood and staves shall be removed from such bank or wharf within forty-eight hours after the unloading thereof shall have commenced; and for every hour which such firewood or staves shall be permitted or suffered to remain upon any bank or wharf of the said Canal beyond the time hereby limited, there shall be paid an additional rate or toll, equal to the rate or toll which such firewood or staves would be subject to for one mile on the said Canal; or, if after the expiration of the time hereby limited the owner or person in charge of such firewood or staves, shall refuse or neglect to remove the same immediately on being requested so to do, or if such firewood or staves shall be left without any person being upon the spot in charge thereof, then and in every such case, the said Commissioners may, if they see fit, cause the same to be removed, and may detain the same until all the toll, extra-toll, expenses of removal, and expenses incident to such removal shall be paid, and such toll, extra-toll, and expenses may be recovered in like manner as other rates, tolls, and duties imposed by this Act, are appointed to be recovered.

X. And be it further enacted by the authority aforesaid, that in all cases where any boat, barge, scow or other vessel, shall, instead of passing through the said Canal to the port of Montreal, have descended through the Rapids of the River St. Lawrence to the said port, or lower down the said river, such boat, barge, scow, 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.

XI. And be it further enacted by the authority aforesaid, that the master, owner, manager, consignee, or agent of every boat, barge, scow or other vessel navigating upon the said

Canal, shall, if thereto required, give a just account or manifest in writing, to the Collectors or Sub-collectors of the rates, tolls, and duties upon the said Canal, at the place or places where they shall attend for that purpose, of what quantity of merchandize, effects, and articles shall be in such boat, barge, scow, or other vessel, with the exact draught of water of such boat, barge, scow or other vessel, specifying the quantities and numbers liable to the payment of such toll; and in case of neglect or refusal to give such account or manifest, or in case a false account or manifest shall be given, every person so offending, shall forfeit and pay to the said Commissioners, double the amount of the respective rates, tolls and duties which shall be payable for the same; and in case of neglect, refusal, or denial of payment on demand of such forfeiture or forfeitures, or any part thereof, to the said Commissioners, the same shall be recovered and levied in such manner, and by such method as the said rates, tolls and duties are by this Act directed and appointed to be levied; and in case any Collector or Sub-collectors of the rates, tolls and duties upon the said Canal, shall see good reason to doubt the correctness of such account or manifest, he is hereby empowered to cause the boat, barge, scow, or other vessel mentioned in the said account or manifest, to be unloaded and examined, and if the said account or manifest shall be found to be incorrect, the expense of unloading and re-loading shall be paid by the master, owner, manager, consignee or agent of such boat, barge, scow, or other vessel, and shall be recovered and levied in such manner, and by such methods as the said rates, tolls, and duties are by this Act directed and appointed to be levied; and if the said account or manifest shall be found to be correct, the expense of unloading and reloading shall be paid by the said Commissioners.

XII. And be it further enacted by the authority aforesaid, that the several rates, tolls and duties by this Act 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, tolls, or duties, 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, tolls, and duties, may, and he and they is, and are hereby empowered to seize any boat, barge, scow, or other vessel or raft, merchandize or effects, for or in respect whereof such rates, tolls, or duties ought to be paid; and to detain the same until payment thereof.

XIII. And be it further enacted by the authority aforesaid, that no boats, barges, scows, or other vessels descending the said Canal, shall commence unloading at any part of the said Canal below Lock number four, until they shall have reported their arrival and delivered their permits to the Collector or Sub-collectors of the rates, tolls, and duties on the said Canal, stationed at Lock number five of the said Canal, under a penalty of forty shillings, currency, to be recovered in like manner as other rates, tolls, and duties aforesaid, are recovered by this Act.

XIV. 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, scow, or other vessel or raft passing or being conveyed thereon, or by any of the crew or persons belonging to, or on board of such boat, barge, scow, 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, scow, vessel or raft until the injury so done shall have been repaired by the crew or persons belonging to or on board of the same; or until written security shall have been given by the owner, manager, conductor, consignee, or agent of such boat, barge, scow, 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 one or more credible witnesses, before any justice 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 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.

XV. And be it further enacted by the authority aforesaid, that it shall and may be lawful for the said Commissioners from time to time to appropriate such part or parts of the Canal ground as they shall see fit, to the purposes of building and re. pairing boats, barges, scows, or other vessels used in or intended for the navigation of the said Canal, and to let the same by public auction, for any period not exceeding twelve months, at and for such rent as shall be agreed upon; and every person who shall build or repair, or shall haul up from, or launch into the said Canal, any boat, barge, scow, or other vessel, at any place within the said Canal ground other than such as shall be so appropriated for that purpose, without the special permission in writing of the said Commissioners, shall for each offence forfeit and pay the sum of five pounds, currency, and shall also pay the rates, tolls, and duties hereinafter imposed upon boats, barges, scows, and other vessels built or repaired within the said Canal ground, the said forfeiture and penalty recoverable in like manner as the rates, tolls, and duties imposed by this Act are recoverable.

XVI. And be it further enacted by the authority aforesaid, that for every boat, barge, scow, or other vessel of ten tons measurement and under, which shall be built within the said Canal ground, there shall be paid the sum of twenty shillings, currency, and for every ten tons over and above ten, there shall be paid an additional sum of two shillings and six pence, currency: Provided always, that the building of such boat, barge, scow, or other vessel shall not occupy more than ten days; and if the same shall occupy more than ten days, then and in that case there shall be paid an additional sum of two shillings and six pence, currency, for every ten tons for each day exceeding ten days; and a fraction of a day shall be reckoned a whole day; and for every boat, barge, scow, or other vessel of ten tons measurement and

under, which shall be repaired within the said Canal ground, there shall be paid the sum of ten shillings, currency, and for every ten tons over and above ten, there shall be paid an additional sum of one shilling and three pence, currency: Provided always, that the time occupied in such repairs shall not exceed three days, and if it shall exceed three days, then and in that case there shall be paid an additional sum of one shilling and three pence, currency, for every ten tons for each day exceeding three days; and a fraction of a day shall be reckoned a whole days which said rates and dues imposed by this section shall be recovered in like manner as the rates, tolls, and duties imposed by this Act are appointed to be recovered.

XVII. And be it further enacted by the authority aforesaid, that no boat, barge, scow, or ether vessel shall winter in the Canal or within the Canal ground, without the permission in writing of the said Commissioners, and the payment of the following rates and dues, namely:—

For each boat, barge, scow or other vessel of ten tons measurement and under, ten shillings, currency, and for every ten tons above ten, one shilling and three pence, currency, additional.

XVIII. And be it further enacted by the authority aforesaid, that from and after the passing of this Act, no vessel from sea, steam vessel, river craft, barge, boat, scow, or other vessel not having descended, or not being about to ascend the Canal, shall enter into the said Canal below Lock number seven, commonly called “the river lock,” or shall land any merchandize or other articles, or any passengers upon the Canal, wharf, or wharves below the said Lock number seven, under a penalty of ten pounds, currency, for each offence, unless with the special permission of the Commissioners in writing, and upon the performance of such conditions, and upon payment of such tolls and dues as are levyable in the Port of Montreal, and any thing in this Act contained to the contrary notwithstanding; one-half of which forfeiture and penalty shall go to the prosecutor or informer, and the other half to the said Commissioners, as part of the revenue of the said Canal, and to be accounted for as such.

XIX. And be it further enacted by the authority aforesaid, that all penalties, fines and forfeitures imposed by this Act, may be sued for and recovered by the said Commissioners, on the oath of one credible witness, before any one Justice of the Peace, who, on the conviction of the offender, shall, if such penalty, fine, or forfeiture be not forthwith paid, commit such offender to the Common Gaol for the District of Montreal, for a period not exceeding eight days, or until such penalty, fine, or forfeiture be paid; and all penalties, fines or forfeitures so recovered shall be considered as forming part of the revenue of the said Canal, and shall be paid to and accounted for by the Commissioners as such, excepting always such, the one-half whereof it is hereinbefore provided shall be paid to the prosecutor or informer.

XX. 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 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.

XXI. And be it further enacted by the authority aforesaid, that there shall be allowed to the 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 said sum shall, in each and every year, be taken out of the monies to be levied by virtue of this Act.

XXII. 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.

XXIII. And be it further enacted by the authority aforesaid, that the said Commissioners shall annually submit to 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 received and expended under and by virtue of this Act, and of the boats, barges, vessels, and rafts, persons and effects upon which tolls shall have been levied during the preceding year, as well as what are exempted from payment of tolls, as belonging to the military department, together with a statement of their proceedings in the execution of their duties.

XXIV. And be it further enacted by the authority aforesaid, that the Act passed in the fourth year of the Reign of His present Majesty, chapter twelve, intituled, "An Act to provide for the making of certain improvements about the Lachine Canal," shall continue to be in force, but the operation thereof shall be suspended until the Legislature shall have come to some determination with regard to the enlargement of the said Lachine Canal.