

The Provincial Statutes of Lower-Canada, Being the fifth session of the Special Council, begun and holden at the City of Quebec, in the said Province of Lower Canada, the eleventh day of November, 1839. Quebec: John Carleton Fisher & William Kemble, Law Printer to the Queen's Most Excellent Majesty, 1839.

3 Victoria – Chapter 28 (Session 5)

An Ordinance to authorize the Commissioners for the improvement and enlargement of the Harbour of Montreal, to borrow a further sum of money, and for other purposes.

Whereas it is expedient to make further provision for more fully carrying into effect a certain Act of the Legislature of this Province, passed in the Session held in the tenth and eleventh years of the Reign of His Majesty King George the Fourth, and intituled, "An Act to provide for the improvement and enlargement of the Harbour of Montreal," and a certain other Act of the said Legislature, passed in the second year of the Reign of His late Majesty King William the Fourth, intituled, "An Act to authorize the Commissioners appointed under a certain Act therein mentioned, to borrow a further sum of money to be applied to the improvement and enlargement of the Harbour of Montreal, and for other purposes;" —Be it therefore Ordained and Enacted by His Excellency the Governor of this Province of Lower Canada, by and with the advice and consent of the Special Council for the affairs of this Province, constituted and assembled by virtue and under the authority of an Act of the Parliament of the United Kingdom of Great-Britain and Ireland, passed in the first year of the Reign of Her present Majesty, intituled, "An Act to make temporary provision for the Government of Lower Canada," and also by virtue and under the authority of a certain other Act of the same Parliament, passed in the Session held in the second and third years of the Reign of Her present Majesty, intituled, "An Act to amend an Act of the last Session of Parliament, for making temporary provision for the Government of Lower Canada;" and it is hereby Ordained and Enacted by the authority of the said Acts of Parliament, that it shall be lawful for the Commissioners appointed under the authority of the said Acts of the Provincial Legislature, for the purpose of defraying the expenses attending the execution of the Works mentioned in the said Acts, and in other Acts and Ordinances relative to the said Harbour, and in this Ordinance, and all other expenses hereby authorized, to borrow, with the consent and approbation of the Governor, Lieutenant Governor, or person administering the Government of this Province for the time being, at any rate of interest, whether greater or less than six per cent per annum, (any law to the contrary notwithstanding,) but on the most advantageous terms in their power, and from time to time as the same may become necessary for the purposes aforesaid, any sum or sums of money not exceeding in the whole Twenty-three thousand pounds, currency. Provided always that no further or other sum or sums of money than may have, before the passing of this Ordinance, been borrowed under the authority of any Act or Acts or any Ordinance of the Legislature of this Province, for the purposes aforesaid, shall hereafter be borrowed under the authority of any such Act or Ordinance.

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

III. And be it further Ordained and Enacted by the authority aforesaid, that it shall be lawful for the said Commissioners, from and after the passing of this Ordinance, in and for the improvement and enlargement of the Harbour of Montreal, to proceed to the entire execution of the plan heretofore approved and sanctioned, with reference to such improvement and enlargement of the said Harbour, and to the completion of all and every the Works which may be necessary for such entire execution of the said plan, and of all and every the Works mentioned in the Ordinance herein last above cited.

IV. And be it further Ordained and Enacted by the authority aforesaid, that it shall and may be lawful for the said Commissioners, with the consent and approval of the Governor, Lieutenant Governor, or person administering the Government of this Province for the time being, to continue the Revetment Wall and filling in, from their present termination at Grey Nuns Street, upwards to the entrance lock of the Lachine Canal, and to make a double Ramp at Grey Nuns Street, and to purchase and hold so much of the ground now belonging to Nahum Hall, Esquire, or his legal representatives, as may be necessary for the said purposes, or to make a wide and easy access to the Wharves of the said Harbour from the said Canal; and to continue the said Revetment Wall and filling in from their present lower termination from Saint Gabriel Lane downwards, to the Government Works at the Commissariat Store.

V. And be it further Ordained and Enacted by the authority aforesaid, that the Steam-Dredging Vessel, and all the apparatus and machinery thereunto belonging, mentioned in a certain Act of the Provincial Legislature, passed in the Session held in the tenth and eleventh years of the Reign of His Majesty King George the Fourth, and intituled, "An Act to appropriate a certain sum of money for the purchase of a Steam Dredging Vessel," and to defray the expense of purchasing and constructing which., divers sums of the public money have been by the Act last cited, and by other Acts and Ordinances appropriated, shall be, and the said Steam Dredging Vessel, machinery and apparatus, are hereby placed in and under the control, management, keeping and charge of the said Commissioners, subject to such directions and instructions as they may from time to time receive from the Governor, Lieutenant Governor, or person administering the Government of this Province for the time being, with regard to the same: and the said Commissioners shall, out of the sum they are hereinafter authorized to borrow for the said Vessel and apparatus, pay all debts due for or

with regard to the same, and which the sums heretofore appropriated for that purpose may be insufficient to. discharge.

VI. And be it further Ordained and Enacted by the authority aforesaid, that it shall be lawful for the said Commissioners to complete and keep in efficient repair and working order the said Steam-Dredging Vessel, machinery and apparatus, with the necessary Scows, Barges and Boats, and to work and use the same within the said Harbour, and during the years one thousand eight hundred and forty, and one thousand eight hundred and forty-one, in such manner and for such purposes as they shall think best adapted to promote the public good; subject always to such instructions and directions as aforesaid, any tiling in any Act, Ordinance or LAW to the contrary notwithstanding.

VII. And whereas it is expedient to provide for the completion of the said Steam-Dredging Vessel and rendering it efficient; be it therefore further Ordained and Enacted by the authority aforesaid, that it shall be lawful for the said Commissioners to borrow, with the consent and approbation of the Governor, Lieutenant Governor, or person administering the Government of the Province for the time being, in like manner as is hereinbefore provided for the borrowing of the sum and sums of money hereinbefore mentioned, any sum or sums of money not exceeding the sum of five thousand pounds currency, for completing and working the said Steam Dredging Vessel, and it shall be lawful for the said Governor, Lieutenant Governor, or person administering the Government of this Province, from time to time to authorize the advance of such sums of money out of the unappropriated monies in the hands of the Receiver General of this Province, as may be necessary to enable the said Receiver General to pay the interest of this said last mentioned sum and sums of money to be borrowed as last aforesaid, in like manner as is hereinbefore provided for the payment of the interest on the money mentioned in the second Section of this Ordinance.

VIII. And be it further Ordained and Enacted by the authority aforesaid, that all the provisions of the fifth, sixth, seventh, and eighth Sections of a certain Ordinance passed in the first year of Her Majesty's Reign, and intituled, "An Ordinance to authorize the Commissioners appointed under a certain Act of the Legislature of this Province therein mentioned, to borrow a further sum of money to be applied to the improvement and enlargement of the Harbour of Montreal, and for other purposes," shall extend and are hereby extended, and shall apply to the valuation and purchase of and payment or compensation for any land or real property which the said Commissioners are hereby authorized to acquire, as if they had been authorized to acquire the same under and by the said Ordinance; and such land or real property, being so acquired, shall be vested in the Commissioners and their successors for the purposes of this Ordinance, and of the said Ordinance and the Acts of the Provincial Legislature relative to the said Harbour and hereinbefore cited and mentioned.

IX. And be it further Ordained and Enacted by the authority aforesaid, that it shall be lawful for the said Commissioners or their successors in office, to pay such price and prices, compensation and compensations, as may be finally agreed upon, fixed and determined, for

or with regard to any land or real property acquired under the authority of this Ordinance, and also to defray all expenses attending the execution of any work or the doing of anything hereby authorized, from and out of the sum or sums of money to be borrowed in pursuance of the first Section of this Ordinance.

X. And be it further Ordained and Enacted by the authority aforesaid, that the said Commissioners or their successors in office, shall report their doings and account for all monies by them borrowed or received under the authority of this Ordinance, in such manner and form, and at such time or times, as the Governor, Lieutenant Governor, or person administering the Government of this Province for the time being, shall direct.

XI. And be it further Ordained and Enacted by the authority aforesaid, that the due application of all public monies hereby appropriated, or expended under the authority of this Ordinance, shall be accounted for to Her Majesty, Her Heirs and Successors, through the Lords Commissioners of Her Majesty's Treasury for the time being, in such manner and form as Her Majesty, Her Heirs and Successors, shall direct.

XII. And be it further Ordained and Enacted by the authority aforesaid, that this Ordinance shall be and is hereby made permanent, and shall remain in force until repealed or altered by competent authority.

C. POULETT THOMSON.

Ordained and Enacted by the authority aforesaid, and passed in Special Council, under the Great Seal of the Province, at the Government House, in the City of Montreal, the Thirteenth day of May, in the third year of the Reign of Our Sovereign Lady Victoria, by the Grace of God, of Great Britain and Ireland, Queen, Defender of the Faith, and so forth, and in the year of our Lord one thousand eight hundred and forty.

By His Excellency's Command,
W. B. LINDSAY,
Clerk Special Council.