

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

2 Victoria – Chapter 62 (Session 4)

**An Ordinance for the more easy and certain collection of the Harbour dues at Montreal.**

Whereas it is expedient to make provision for the more sure and easy collection of the several rates, tolls, and wharfage dues, imposed by a certain Act passed in the first year of His late Majesty's Reign, chapter eleven, intituled, "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 by a certain other Act passed in the second year of His late Majesty's Reign, chapter thirty-six, 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 the Province of Lower Ca-nada, by and with the advice and consent of the Special Council for the affairs of the said Province, constituted and assembled by virtue of 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 Canadas;"—And it is hereby Ordained and Enacted by the authority of the same; that all and every the rates, tolls, wharfage dues and harbour dues, of any kind whatsoever, imposed by the said Acts or either of them, shall be levied by, and paid to the person or persons appointed or to be appointed from time to time, to receive and collect the same, by the Governor, Lieutenant Governor, or person administering the Government, and the person so appointed shall be called the Collector of Harbour Dues.

II. And be it further Ordained and Enacted by the authority aforesaid, that the rates, tolls and dues so imposed as aforesaid, on any goods, articles or things landed or shipped, or embarked in the Harbour of Montreal, shall be due and payable by the owner, master, purser, conductor, person in charge of, or consignee of the vessel, steamboat, boat, barge, scow, raft or craft of any kind, in, or upon which such goods or articles shall be brought into the said Harbour or shipped therein, as shall also the rates, tolls and dues on such vessel, steamboat, boat, barge, scow, raft or craft, saving the recourse any such person paying the same, may by law have against any other person or persons to recover the sum so paid; and the Collector of Harbour Dues, appointed or to be appointed as hereinbefore mentioned, may sue for and recover any such rates, tolls and dues from the owner, master, purser, conductor and consignee, or any of them, in any Court having jurisdiction to the amount due, or may seize any vessel, steamboat, boat, barge, scow, raft or craft, or any goods, articles or things upon which the same may be due, and detain it or them at the risk, costs

and charges of the owner, until the sum due, and the costs and charges incurred in and about such seizure be paid in full.

III. And be it further Ordained and Enacted by the authority aforesaid, that the master, purser, conductor, owner, or consignee of any vessel (not coming from sea,) or of any steamboat, barge or craft with regard to which no special provision is hereinafter made, or of any boat, scow, raft, shall within twenty four hours after the arrival thereof in the said Harbour, report such arrival in writing to the Collector of Harbour Dues, and shall in such report state the quantity and description of the goods, articles or things in or upon such vessel, steamboat, barge, boat, scow, raft or craft; and shall within the said delay pay all sums due and payable by him under the said Acts and this Ordinance, under a penalty of ten shillings currency, for each day during which such report shall remain unmade, or such sums unpaid after the delay aforesaid.

IV. And be it further Ordained and Enacted by the authority aforesaid, that all timber, firewood, plank, bark, grain or hay, which ought under the preceding section to be entered in the report thereby required, but which shall not be so entered, shall be forfeited.

V. And be it further Ordained and Enacted by the authority aforesaid, that the master or purser of each steamboat, barge, vessel or craft plying between Quebec and Montreal, shall within twelve hours after the arrival thereof in the Harbour of Montreal, make a report in writing to the Collector of Harbour Dues, showing the number of days such steamboat, barge, vessel or craft shall have remained in the said Harbour on its then last preceding voyage, the goods, articles or things landed from it, or taken on board it as freight during such time, and the sum payable by him under the said Acts and this Ordinance, which sum shall be immediately paid: and any person refusing or neglecting in any respect to comply with the requirements of this section, shall thereby incur a penalty of ten shillings currency; Provided always that nothing in this section shall prevent the said Collector from demanding and enforcing payment of any such dues immediately after they shall become payable, (and without waiting until any subsequent voyage,) if he shall see fit so to do, or shall be construed to release any person from his liability to pay the same.

VI. And be it further Ordained and Enacted by the authority aforesaid, that the master, purser, or person in charge of any steam ferry-boat or steamboat employed as a market boat, plying to and from the said Harbour, shall on the Monday of each week make a report in writing to the said Collector, showing the number of trips the boat has made to any wharf mentioned in the Acts aforesaid during the week then last passed, and the goods, articles and things landed from it or taken on board it from any such wharf during the same time, and shall immediately pay all the sums payable by him under this Ordinance and the Acts aforesaid, and any person refusing or neglecting in any respect to comply with the provisions of this section, shall thereby incur a penalty of ten shillings currency: Provided always that nothing in this Ordinance shall prevent the said Collector from demanding and enforcing any such dues immediately after they shall become payable, (without waiting until the end of

the week,) if he shall see fit so to do, or shall be construed to release any person from his liability to pay the same.

VII. And be it further Ordained and Enacted by the authority aforesaid, that all sums due and payable under the Acts aforesaid and this Ordinance, not herein specially provided for, shall be demanded by the said Collector, and paid to him immediately after the same shall become due, on any vessel, boat, barge, raft or craft, and before the landing, or shipping or embarking, (as the case may be,) of any goods, articles or things on which such sums may be payable.

VIII. And be it further Ordained and Enacted by the authority aforesaid, that each report to be made to the said Collector, under the provisions of this Ordinance, shall be signed by the person making it, and the correctness thereof shall be declared to by such person before the said Collector, who is authorized to receive the declaration, and for any and each wilful misstatement in such report, the person making it shall incur, a penalty of five pounds currency.

IX. And be it further, Ordained and Enacted by the authority aforesaid, that the said Collector of Harbour Dues shall have power by an instrument under his hand, to appoint a Wharfinger, for whose acts he shall be responsible, and whom he may invest with such powers, and authorize to collect such monies and to receive such reports, and generally to perform such other acts relative to the said Harbour Dues as shall be specially mentioned and delegated in and by the instrument aforesaid, and no others; Provided always that such Wharfinger may be removed from office by the said Collector, whensoever he may deem it expedient so to remove him.

X. And be it further Ordained and Enacted by the authority aforesaid, that all fines, forfeitures and penalties imposed by this Ordinance, may be recovered with costs before any one Justice of the Peace for the District of Montreal, in a summary manner, and on the oath of one credible witness other than the prosecutor, and one moiety thereof shall go to the prosecutor or informer, and the other half shall be paid into the hands of Her Majesty's Receiver General for the public uses of the Province and the support of the Government thereof, and 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.

J. COLBORNE,

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 April, in the Second 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 thirty-nine.

By His Excellency's Command,

W. B. LINDSAY,  
Clerk Special Council.