

The Provincial Statutes of Lower-Canada, Being the sixth session of the of the Special Council, begun and holden at the City of Montreal, in the said Province of Lower Canada, fifth day of November, 1840, and ending the ninth day of February, 1841. Quebec: John Carleton Fisher & William Kemble, Law Printer to the Queen's Most Excellent Majesty, 1841.

4 Victoria – Chapter 12 (Session 6)

An Ordinance to authorize certain further improvements in the Harbour, of Montreal, to establish new rates of Wharfage therein, to authorize the Commissioners for the improvement of the same to borrow a further sum of money, and for other purposes relative to the said Harbour.

Whereas it is expedient to authorize the appointment of an additional number of Commissioners who may be invested with and exercise the same powers as may be vested in the Commissioners appointed or to be appointed under the authority of 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 late Majesty King George the Fourth, and intituled, "An Act to provide for the improvement and enlargement of the Harbour of Montreal," and to authorize the Commissioners appointed or to be appointed under the authority of the said Act or of this Ordinance, to borrow a further sum of money for the purpose of enabling them to defray the cost of certain work which it hath become expedient to authorize them to perform, and also such part of the cost of the work authorized by the said Act and by divers other Acts and Ordinances, as the sums they have been and are authorized to borrow by such former Acts and Ordinances may not be sufficient to enable them to defray:—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 also by virtue and under the authority of a certain other Act of the same Parliament, passed in the Session held in the third and fourth years of the Reign of Her present Majesty, and intituled, "An Act to Re-unite the Provinces of Upper and Lower-Canada, and for the Government of Canada;" and it is hereby Ordained and Enacted by the authority of the said Acts of Parliament, that it shall be lawful for the Governor, Lieutenant Governor, or person administering the Government of this Province, if at any time he shall deem it expedient, to appoint so many persons as he may think proper, to be Commissioners under this Ordinance, and to remove them and appoint others in their stead from time to time and the Commissioners so appointed shall and may jointly with those appointed or to be appointed under the authority of the Provincial Act first above cited, have and exercise all the powers and perform all the duties, vested in or to be performed by the Commissioners appointed under the the said Act

by any law; and the word "Commissioners" hereinafter used, shall apply to and mean as well the Commissioners appointed under this Ordinance as those appointed under the said Provincial Act: Provided always that any majority of the said Commissioners for the time being, or of such of them as shall be then within this Province, shall and may exercise all the powers vested in the said Commissioners by this Ordinance, or by any other Ordinance or Act.

II. And be it further Ordained and Enacted, that it shall be lawful for the said Commissioners to borrow for the purposes hereinafter mentioned, and with the consent and approval of the Governor, Lieutenant Governor, or person administering the Government 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 such purposes, any sum or sums of money not exceeding in the whole the sum of seventeen thousand pounds currency, for defraying such part of the cost of the work authorized by this Ordinance, or by any former Acts or Ordinances and of such extensions of any parts of the said work as they have made previous to the passing of this Ordinance, as the sums they have been and are authorized by law to borrow may not be sufficient to enable them to defray; and the said sum or sums may be so borrowed as aforesaid, over and above any sum or sums which the said Commissioners may at the time of the passing of this Ordinance, be authorized to borrow by any other Act or Ordinance then in force.

III. And be it further Ordained and Enacted, that the said Commissioners shall and may pay such price or prices, compensation or compensations, as may be finally agreed upon, fixed or determined, for or with regard to any ground or real property acquired under the authority of this Ordinance, or of any other Ordinance or Act, and shall and may also defray all expenses attending the execution of any work or the doing of any thing authorized by this Ordinance, or by any other Ordinance or Act, from and out of the sum or sums of money they are hereby authorized to borrow, or which they may have heretofore borrowed, or may borrow, under any other Act or Ordinance, if the property or work to be paid for shall be or have been purchased or performed for any purpose authorized by this Ordinance, or by any other Ordinance or Act.

IV. And be it further Ordained and Enacted, that it shall not be incumbent upon the said Commissioners to continue the Revetment wall upwards, beyond the point to which it may be necessary to continue the same in order to make and complete the double Ramp at Grey Nuns' Street, if they shall deem it advisable to abstain from performing the said work or any part of it, and shall obtain the sanction of the Governor, Lieutenant Governor, or person administering the Government to their determination in that behalf.

V. And be it further Ordained and Enacted that it shall be lawful for the said Commissioners with the approval of the Governor, Lieutenant Governor, or person administering the Government for the time being, to cause the work and works hereinafter mentioned, or such part thereof as they may deem advisable, and with regard to which they

may obtain such approval, to be constructed and performed during the year one thousand eight hundred and forty-one, that is to say:—

They may construct a beach wharf between the lower slip facing Saint Gabriel Lane and the Upper New Pier, at the foot of the New Market, for the more convenient unloading of firewood.

They may cover the two New Upper Piers, and the road leading from the beach wharf at the foot of the Old Market to the Island wharf with plank, instead of a top dressing of gravel or broken stones.

They may cover the wharves from the north corner of the Basin at the foot of St. Joseph Street to the extremity of the Port upwards, with planking or with a paving of wood, instead of covering the same with broken stone or in any other manner.

They may make a sufficient water course along all those parts of the street or highway next to the said Harbour, which are or shall be bounded by the revetment wall, and along which no such water course has yet been made; and the water course so to be made shall be at the same distance from the back of the revetment wall, as the water course already made now is.

And they may pave with good dressed flagstones, in a proper and substantial manner and as a foot path, all the space between the back of the revetment wall, and the water course made or to be made as aforesaid, except so much as shall be required for placing a sufficient curb stone between the space so to be paved, and the said water course; and they shall place such curb stone as aforesaid; Provided always that it shall be lawful for the said Commissioners, with such consent and approval as aforesaid, to fill up and level the hollow in and about St. Joseph Street, at and near its junction with Commissioners' Street, and to level Commissioners' Street throughout its whole length, or those portions thereof in which the level may have been deranged by the work performed for the improvement of the said Harbour, and to pay the amount which shall be ascertained, (in the manner provided in like cases by the Acts and Ordinances relative to the improvement of the said Harbour,) to be due to any party for any damage sustained by such party by reason of any thing done by the Commissioners in pursuance of the provisions of this Ordinance, or of any other Ordinance or Act.

VI. And be it further Ordained and Enacted, that the north westerly side of the said water course shall, throughout its whole length, be the boundary of the works under the control and management of the said Commissioners on the side next the City of Montreal, and shall form the line of division between the said works and that part of the street or highway along which the said water course shall run which shall be under the control and management of the Corporation of the Mayor, Alder, men and Citizens of the said City of Montreal.

VII. And whereas it is expedient that provision should be made for the due payment of the interest of the money so borrowed as aforesaid, until wharfage and other dues arising from the works and improvements aforesaid can be collected, out of which the said interest may be paid; Be it therefore Ordained and Enacted, that it shall be lawful for the Governor, Lieutenant Governor, or person administering the Government, 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.

VIII. And be it further Ordained and Enacted, that it shall be lawful for the said Commissioners with the approval of the Governor, Lieutenant Governor, or person administering the Government of this Province, to cause such alterations to be made in the Steam Dredging Vessel, and the machinery thereof, which are now placed by law under their charge and control, as they may deem advisable for saving manual labour in working the said vessel and machinery, provided the cost of making such alteration do not exceed the sum of two hundred and fifty pounds currency; and to defray the expense of making such alteration from and out of any monies by them borrowed or to be borrowed under the authority of any law for defraying the expense of building and working the said vessel, but' out of no other funds whatsoever.

IX. And whereas it is necessary to establish other rates of wharfage and dues to be levied and paid in the Harbour of Montreal, in the place and stead of those imposed by a certain Act passed in the first year of the reign of His late Majesty King William the Fourth, and 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 for other purposes therein mentioned,'" and by a certain other Act, passed in the se-cond year of His said late Majesty, and intituled, "An Act to authorize the Commissioned 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," which said rates have been found insufficient: Be it therefore further Ordained and Enacted, that no rates of wharfage and other dues imposed by the said Acts or either of them, shall be payable or exigible after the first day of May, one thousand eight hundred, and forty-one, any thing in the said Acts or either of them to the contrary notwithstanding; but that in the place and stead thereof, there shall from and after the said first day of May, one thousand eight hundred and forty-one, be levied and paid on all vessels, crafts, steam-boats or rafts, and on all articles landed or disembarked from, or shipped or put on board of any such vessel, craft, steamboat, boat or raff, lying at any part of the wharves, quays or other works erected or constructed, or to be erected or constructed, for the improvement of the Harbour of Montreal, by the said Commissioners, their predecessors or successors in office as such, under the authority of any Act or Ordinance

heretofore passed or of this Ordinance, or lying, whether in the stream or otherwise, within any part of the Harbour of Montreal, (which shall for the purposes of this Ordinance be held to extend from the Lachine Canal Wharf to the lower extremity of the revetment wall, that is, to the point where the said wall joins the Government Works at the Commissariat Store) the several rates of wharfage mentioned in the Schedule hereunto annexed.

X. And be it further Ordained and Enacted, that the said rates of wharfage shall be paid and levied, received, recovered and applied by the said Commissioners, who are hereby directed and empowered to levy, receive, recover and apply the same, subject to the provisions hereinafter made. Provided always, that the said Commissioners may from time to time, appoint and authorize any person or persons to receive the said rates of wharfage, and may allow to such person or persons, a reasonable compensation for his or their services, not exceeding in any case two and one-half per cent on the sums actually received for such rates of wharfage, by such person or persons.

XI. And be it further Ordained and Enacted, that the said rates of wharfage 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 upon which or in respect of articles shipped on board of, or landed from which, such rates of wharfage may be due, 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 each and every the powers and authorities vested by a certain Ordinance passed in the second year of Her Majesty's reign, and intituled, "An Ordinance for the more easy and certain collection of the Harbour dues at Montreal," in the Collector of the Harbour dues, with regard to the rates, tolls and wharfage dues in the said Ordinance mentioned, and to the recovery thereof, shall be and are hereby vested in and shall and may be exercised by the said Commissioners, with regard to the rates, tolls and wharfage dues hereby imposed, and to the recovery and means of enforcing or ensuring payment thereof, and each and every person bound by the said Ordinance to make any report to the Collector of Harbour dues, shall make such report to the said Commissioners, or to such person as they shall appoint to receive such report, under the same penalties for neglect or for making any false or insufficient report as are imposed for a like offence in and by the said Ordinance; which said penalties shall be recovered, applied and accounted for in the manner appointed in and by the said Ordinance with regard to the penalties thereby imposed.

XII. And be it further Ordained and Enacted, that all the provisions and enactments of the said last mentioned Ordinance, passed in the second year of Her Majesty's reign, as extended, applied and amended in and by the preceding Section of this Ordinance, shall be and are hereby made permanent and shall remain in force until repealed or altered by competent authority.

XIII. And be it further Ordained, and Enacted, that the tolls, rates and wharfage dues hereby imposed, shall be held to be tolls and dues leviable in the Port of Montreal, within the meaning of the eighteenth section of the Act of the Legislature of this Province, passed in

the sixth year of the reign of His late Majesty and intituled, “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,” and the provisions add enactments of the said Act shall be and are hereby extended accordingly.

XIV. And be it further Ordained and Enacted, that the monies arising from the tolls, rates and wharfage dues hereby imposed, shall be applied by the said Commissioners; Firstly,—to the payment of such reasonable expenses of collecting the same as are hereby authorized, and of all other expenses indispensably incurred by the said Commissioners in the performance of the duties hereby assigned to them: —Secondly,—in defraying any expenses by them incurred in keeping the works constructed or to be constructed by the said Commissioners, their predecessors or successors in office, for the improvement of the Harbour of Montreal under the authority of any Act or Ordinance, in efficient repair; which said expenses the said Commissioners are hereby authorized, to incur, without any special application to or approval by the Governor, Lieutenant Governor, or person administering the Government, any thing in any Act or Ordinance to the contrary notwithstanding:—Thirdly,—in paying off the principal of any sum or sums borrowed or to be borrowed by them, or which may have been borrowed by their predecessors in office under the authority of any Act or Ordinance heretofore passed, or of this Ordinance, and which shall have been or shall be made redeemable at a certain time:—Fourthly,—in paying the interest then due and payable on any money borrowed or to be borrowed by the said Commissioners, their predecessors or successors in office:—Fifthly,—in Prepaying to the Receiver General any sum or sums of money advanced by that officer to the Commissioners under the authority of this Ordinance or of any other Ordinance or Act: —Sixthly,—in paying off the principal of any sum or sums borrowed onto be, borrowed by them, or their predecessors or successors in office, under this Ordinance, or, under any other Ordinance or Act, and which shall not have been made redeemable at a certain time: Provided always, that the said Commissioners shall pay off the principal of the sums to be borrowed under the authority of this Ordinance, 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 Newspapers published in the City of Montreal, in the English language, and in one of the Newspapers published in the French language in the said City, if any there be, 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 for the same, nor shall any interest accrue or, be payable on any such portion, from and after the day on which the said Commissioners shall by such advertisement, offer and shall be ready to repay the same.

XV. And be it further Ordained and Enacted, that over and above the sums which the said Commissioners have borrowed or are authorized to borrow under the authority of any former Act or Ordinance now in force, or of the preceding sections of this Ordinance, it shall be lawful for them at any time and as often as occasion may require, to borrow in like manner such further sum or sums as may be necessary to enable them to pay off the

principal of any loan which they may have bound or may bind themselves to repay at any certain time, and which the funds in their hands, or which will probably be in their hands at such time and applicable to such repayment, shall appear insufficient to enable them to repay, or such further sum or sums as they may find it expedient at any time to borrow in order to pay off the principal of any sum borrowed at a greater rate of interest than that which they shall pay on such further sum. to be borrowed as aforesaid: Provided always, that any sum or sums borrowed under the authority of this section, shall be applied solely to the purposes herein mentioned, and that no such sum shall be so borrowed without the approval of the Governor, Lieutenant Governor, or person administering the Government of the Province, and that the whole sum due by the said Commissioners under debentures then un-redeemed and issued under the authority of any former Act or Ordinance, or of this Ordinance, shall in no case exceed one hundred and eight thousand pounds currency; and all the provisions of this Ordinance, touching the terms on which any sum shall be borrowed under the authority thereof by the said Commissioners, the rate of interest payable thereon, the payment of such interest, the advance by the Receiver General of the sums necessary to enable the Commissioners to pay such interest, the repayment of the sums so advanced, the manner in which the principal of such sums may be paid off by the Commissioners to the lenders, and the mode of preventing further interest from becoming due on the sums they may be ready to pay off as aforesaid, shall be extended to any sum or sums borrowed under the authority of this section.

XVI. And be it further Ordained and Enacted, that the said Commissioners shall from time to time, and whensoever they shall be thereunto required by the Governor, Lieutenant Governor, or person administering the Government, render and report to him or to such officer or person, and in such manner and form, as he shall appoint for that purpose, a true and faithful account in detail of all monies by them borrowed, collected, received or expended under the authority of this Ordinance, and of all their doings under the same.

XVII. And be it further Ordained and Enacted, that the due application of all monies received or advanced by the Receiver General 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.

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

SCHEDULE.

Schedule of Tolls, Rates and Wharfage dues to be levied in the Harbour of
 Montreal, referred to in the foregoing Ordinance.

DESCRIPTION.	For each day they remain in Port including the d s of arrival and departure.	Rates in shillings, pence and part of a penny currency.
On Vessels from sea and river craft, per ton of their burthen by register	“	1/4d
On Steamboats, per ton of their burthen by register,	“	1/2d
On Barges belonging to Steamboats, per ton of their burthern by register,	“	1/4d
On Barges from Upper-Canada and Durham Boats, if decked,	“	2s.
“ if undecked,	“	1s.
On Boats employed in carrying wood,	“	1s.
On Bateaux,	“	1s.
On Steam Ferry Boats, per ton of their bur- then by register,	“	1/2d
		Rates in shillings, pence and part of a penny currency.
	Landed	Shipped
On Spirits and Wines of all kinds, Molasses and Fish Oil in Pipes, Butts, or Puncheons, for each,	6d	3d
On the same in Hogsheads, for each,	3d	1 1/2d

On the same in quarter casks or barrels, for each,	1 1/2d	3/4d
On the same in cases or baskets of three dozen and under, for each,	1d	1/2d
On the same, in cases of three dozen and under six dozen, for each,	2d	1d
On the same in cases of six dozen and upwards, for each,	3d	1 1/2d
On Coffee and Sugars, raw and refined, in packages of 300 lbs. gross. and under, for each,	2d	1d
On the same, in packages over 300 lbs. and under 1200 lbs., for each,	4d	2d
On the same in packages of 1200 lbs and upwards, for each,	6d	3d
On Teas of all kinds in packages of 20 lbs. gross and under, for each,	1/2d	1/4d
On the same, in packages over 20lbs. and under 60 lbs. for each,	1d	1/2d
On the same, in packages of 60 lbs. and upwards, for each,	2d	1d
On Tobacco and Snuff, in packages of 300, lbs. gross and under, for each,	2d	1d
On the same, in packages over 300 lbs. and under 1200 lbs. for each,	4d	2d
On the same, in packages of 1200 lbs., and upwards, for each,	6d	3d
On salt in Bulk per 100 minots,	6d	3d
On stoved or fine salt in casks or bags, for each,	2d	1d
On Hemp and Flax, per ton,	1s 6d	1s 6d
On Pitch, Tar, Turpentine or Rosin, in barrels or other packages, for each,	1d	1/2d
On Coal, Coke and Cinders, per chaldron	6d	3d

On Fish, dry and green, not in packages, per hundred weight,	1/2d	1/2d
On the same in Hogsheads, for each,	4d	2d
On the same in Tierces, for each,	2d	1d
On the same in Barrels, for each,	1d	1/2d
On the same in Kegs or Kitts, for each,	1/2d	1/4d
On Bricks per 1000,	1s.	6d
On bar and pig Iron, per ton,	10d	5d
On pot and pearl Ashes, per barrel,	1 1/2d	3d
On Pork, Beef, Tongues, Butter, Lard, Cheese, Rice, Honey and Bees-wax, in tierces, for each,	1 1/2d	3d
On the same in barrels, for each,	1d	2d
On the same in half barrels, kegs and kitts, for each,	1/2d	1d
On Flour, Meal, Apples and Onions in tierces, for each,	1 1/2d	3d
On the same in barrels, for each,	1/2d	1d
On the same in half barrels and bags, for each,	1/4d	1/2d
On Wheat in bulk, per 100 minots,	9d	1s 6d
On Oats, per 100 minots,	3d	6d
On all other Grain and Seeds in bulk, per 100 minots,	6d	1s.
On Grain and Seeds of all kinds in tierces, for each,	1 1/2d	3d
On the same in barrels or boxes, for each,	1/2d	1d
On Biscuit, per hundred weight,	1/2d	1d
On Leather, in sides or rolls, not exceeding 112 lbs. in weight for each,	1d	1/2d

On the same, in sides or rolls, exceeding 112 lbs. in weight, for each,	2d	1d
On Stone undressed, per toise,	"	1s.
On dressed stone, per 100 running feet,	"	6d
On Sand and Lime, per barrique,	1/2d	1/2d
On Horses and Neat Cattle, per head,	2d	2d
On Hogs, alive or in carcass, Sheep and Calves, for each,	1d	1d
On Timber, square and round, per ton, On Standard Staves and Heading, per 1000 pieces,	1 1/2d	3d
On Standard Staves and Heading, per 1000 pieces,	2s.	4s.
On Puncheon Staves and Heading, per 1000 pieces,	8d	1s 4d
On Barrel Staves and Heading, per 1000 pieces,	6d	1s.
On Deals, three inches thick and under, per 100 pieces,	8d	1s 4d
On Plank, two inches thick and under, per 100 pieces,	5d	10d
On Boards one inch thick and under, per 100 pieces,	3d	6d
On Deal Ends, per 100 pieces,	3d	6d
On Oars, rough or dressed, per 100 pieces,	6d	1s.
On Handspikes, per 100 pieces,	5d	10d
On Puncheon or Pipe packs, for each,	1/2d	1d
On Fire Wood and Bark, per cord,	3d	"
On Hay, per 100 bundles,	6d	"
On Goods landed from vessels from sea or the Lighters thereof, or imported from the States by inland navigation, subject to ad	2s 6d	"

valorem duty and not otherwise enumerated in this Tariff; for every £100 of the amount entered for duty at the Custom House,

On Goods not subject to ad valorem duty nor to specific rates under this Tariff, per ton, weight or measurement, at the option of the Collector,	6d	“
On Goods landed from Steamboats, Barges or other Craft, (except when employed as Lighters of Vessels from sea) not subject to specific rates by this Tariff, per ton, weight or measurement, at the option of the Collector,	3d	“
On Goods shipped not subject to specific rates under this Tariff, per ton, weight or measurement at the option of the Collector,	“	3d
On Government Stores of all kinds, per ton, weight or measurement, at the option of the Collector,	6d	“

SYDENHAM.

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 Twenty-first day of January, in the Fourth 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-one.

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