

The Provincial Statutes of Lower-Canada, Being the fourth session of the fourth Provincial Parliament of Lower-Canada. Quebec: P. E. Desbarats, Printer to the King's Most Excellent Majesty, 1808.

48 George III – Chapter 19

An Act to provide a permanent Fund, for the improvement of the Inland Navigation of the River Saint Lawrence. (14th April, 1808.)

Whereas the monies which have been granted for the improvement of the Inland Navigation of this Province, between Montreal and lake Saint Francis, have been productive of such beneficial effects that it is expedient and proper to provide a permanent Fund for the further prosecution of improvements therein; and for keeping in repair the works which have been or shall be erected or made for such improvement. 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 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, from and after the passing of this Act, there shall be paid to the Inspector of Scows and Rafts, at Chateauguay, for the time being, upon all Scows, Rafts and Cribs, which shall be intended to pass through the rapids, between Chateauguay and Montreal, and before passing the same, or being taken charge of by any Pilot, in order to pass, the following rates, that is to say; for every Scow, laden in whole or in part, the sum of fifteen shillings; for every Crib, containing Masts, Timber, Staves, Boards, Plank or other article or articles, (Firewood excepted) the sum of seven shillings and six pence; and for every Raft of Firewood, the sum of two shillings and six pence, all current money of this Province, of the payment of which rates, when made, the said Inspector shall furnish, gratis, a certificate to the person paying the same; and if any person or persons, having charge of any Scow, Raft or Crib, shall wilfully pass through the said Rapids, without having previously paid such rates, respectively, and if any Pilot, shall take in charge and proceed through the said Rapids, with any Scow, Raft or Crib, whereof he shall have a knowledge, that the said rates have not previously been paid, every such person, so offending, shall, for every such offence, upon conviction thereof, before any Justice of the Peace, for the District, by confession of the party or proof thereof, upon the oath of one or more credible witness or witnesses, other than the informer, forfeit and pay a sum, not exceeding twenty shillings, current money of this Province, with costs of suit; one half of which forfeiture, shall be for the use of His Majesty, and the other half belong to the person who shall prosecute for the same.

II. And be it further enacted by the authority aforesaid, that it shall be the duty of the Inspector at Chateauguay for the time being, to collect and receive the above said Rates; and

previous to entering upon such collection and receipt, the said Inspector shall take and subscribe, before one of His Majesty's Justices of the Court of King's Bench for the District of Montreal, an Oath, in the words following, and which Oath any of the Justices is hereby authorised to administer, videlicet. "I, A.B. do solemnly swear, that I will faithfully, truly and impartially collect the rates imposed by an Act of the Legislature, intituled, 'An Act to provide a permanent fund for the improvement of the Inland Navigation of the River Saint Lawrence,' So help me God;" which Oath shall be filed in the Office of the Prothonotary of the said Court, and a Certificate thereof, by him delivered to the said Inspector, for which the said Prothonotary shall be intituled to demand and receive, two Shillings and six Pence, current money of this Province, and no more.

III. And be it further enacted by the authority aforesaid, that the said Inspector, at Chateauguay, shall keep, in a Book to be by him provided for the purpose, an accurate account of all the monies from time to time, by him collected, for the rates by this Act imposed, with the respective dates of receipt thereof; and on the first days of July, October and December, in every year, shall make out an account of all the monies so collected by him during the period preceding such dates respectively, and succeeding the date of the last former account, and within one Month after the first days of the said Months, respectively, shall make Oath to the truth of such account, before one of His Majesty's Justices of the Peace, for the District, who is hereby authorised and required to administer the same, and to certify the administration thereof upon the account to him produced; and such account, when so sworn to and certified, shall, by the said Inspector, be transmitted to the Secretary of the Governor, Lieutenant Governor or person administering the Government; and the said Inspector shall moreover, within one Month as abovesaid, pay over to the Receiver General of this Province, all the monies so by him collected, sworn to and certified, excepting twelve Pence in the Pound of the amount thereof, which he is hereby authorised to retain for his pains and trouble in the collection of the same.

IV. Provided always and it is hereby enacted, that it shall and may be lawful for the Governor, Lieutenant Governor, or person administering the Government of this Province, at any time or times when he shall see fit to order and direct, that the said Inspector shall pay over the monies by him collected as abovesaid, (first retaining his poundage thereon,) to the said Commissioners (or the improvement of Inland Navigation, instead of the said Receiver General, to be by them employed for the purposes of this Act.

V. And be it further enacted by the authority aforesaid, that the present Commissioners appointed for the improvement of the said Inland Navigation, shall continue under this Act to execute and perform all and every the duties to them committed, without any appointment, and the said Commissioners and their successors in Office, appointed as herein after mentioned, shall have authority to employ a clerk, for keeping their accounts and paying the monies by them received and expended, in pursuance of this Act, (for whose conduct they shall be responsible) and for whose services, an allowance shall be made in their account of Expenditures, not exceeding twenty Pounds, current money of this Province, per annum.

VI. Provided always, and it is hereby enacted by the authority aforesaid, that it shall and may be lawful for the Governor, Lieutenant Governor or person administering the Government of this Province, from time to time, to remove any or all of the present Commissioners, and another, or others, in his or their stead to nominate and appoint, and every vacancy, in the Office of the said Commissioners, to fill up, whether such vacancy shall happen by death, resignation or removal.

VII. And be it further enacted by the authority aforesaid, that all the monies, to be levied by virtue of this Act, are granted to His Majesty, His Heirs and Successors, (excepting the proportion of forfeitures allowed to Prosecutors) and with the monies remaining unexpended of former grants of the Legislature, for the like, purpose, shall be issued to the said Commissioners, when needful, by warrant or warrants, under the hand and seal of the Governor, Lieutenant Governor or person administering the Government, directed to His Majesty's Receiver General of this Province, or by Order, as herein before mentioned, in cases where the Inspector shall thereby be directed to pay over the monies by him collected under this Act, to the said Commissioners, and are hereby appropriated and to be applied to the improvement of the Inland Navigation of the River Saint Lawrence, between the City of Montreal and Lake Saint Francis, as well in respect to clearing and deepening (where practicable) the Channel of the Rapids which is used for descending the said River, as in respect to the Channel for Navigation thereof upwards, and for improving the same by Locks, Cuts, or Towing-paths, or otherwise; as also for repairing the works already erected or made, or to be erected or made, and the whole in such manner, and by such means, as the said Commissioners, or any two of them, under the controul of the Governor, Lieutenant Governor or person administering the Government, as herein after prescribed, shall be considered most proper and useful for effectuating the purposes abovesaid; and the due application of the said monies, pursuant to this Act, shall be accounted for to His Majesty, His Heirs and Successors through the Lords Commissioners of His Majesty's Treasury, in such manner and form as His Majesty shall direct.

VIII. And be it further enacted by the authority aforesaid, that the said Commissioners, or any two of them, shall, annually, before the commencement of their operations, transmit to the Governor, Lieutenant Governor or person administering the Government, a Statement or description of the works which shall, in their opinion, be proper to be executed, the season immediately following, with a general Estimate of the probable expence thereof, and which being by him approved of, they shall proceed to get the same executed, at such times, during such season, as they may consider most adviseable. Provided always, that in respect to repairs of works, in unforeseen cases which may arise, and do not conveniently admit of the delay necessary for such previous approval, then they may proceed without the same, according to the best of their judgment.

IX. And be it further enacted by the authority aforesaid, that the said Commissioners, or any two of them, shall, annually, lay before the Governor, Lieutenant Governor or Person administering the Government of this Province, the Legislative Council and the House of

Assembly, respectively, a statement of the expenditure of the money, by them laid out, during the preceding season, with their observations in respect to the utility of the improvements then effected, and in respect to such further general improvements, in the Inland Navigation, as to them shall appear expedient and practicable, with their ideas of the probable expence thereof.