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No. 206

3d Session, 3d Parliament, 13 and 14, Viet., 1850.

BILL.

An Act to amend the Acts for the improvement of the Harbour of Montreal, and to provide for the improvement of the Navigation of the River St. Lawrence, within the Port of Montreal.

Received and Read a First time,
1850.

Second Reading, 1850.

Hon. Mr. HINCKS.

TORONTO: PRINTED BY LOVELL AND GIBSON.

BILL.

An Act to amend the Acts for the improvement of the Harbour of Montreal, and to provide for the improvement of the Navigation of the River St. Lawrence, within the Port of Montreal.

WHEREAS by the Act passed in the Session held Preamble.
 in the tenth and eleventh years of Her Majesty's
 Reign, intituled, "*An Act to amend a certain Act passed* 10 and 11 Vict.
 c. 56.
 "to provide for the improvement and enlargement of the
 5 "*Harbour of Montreal and for other purposes;*" certain
 amendments are made in and to the Act passed in the
 eighth year of Her Majesty's Reign, intituled, "*An Act to* 8 Vict. c. 76.
 "provide for the improvement and enlargement of the Har-
 "bour of Montreal, to authorize the Commissioners to bor-
 10 "row a further sum of money for that purpose, to consoli-
 "date the Laws now in force relating to the same, and for
 "other purposes therein mentioned," and it is expedient to
 make additions and amendments to the said Acts; And
 whereas it is expedient and necessary to provide additional
 15 wharfage accommodation for the purposes of the expected
 increase in the trade and business of the Harbour of Mon-
 treal, and to extend the limits of the said Harbour:—Be
 it therefore enacted, &c.

That the limits of the Harbour of Montreal shall from and Limits of the
 Harbour enlarged.
 20 after the passing of this Act, extend from the present
 lower limits thereof (that is, from the lower extremity of
 Victoria Road, in the St. Mary's Suburbs of the City of
 Montreal,) downwards to *Ruisseau Migeon*, and the
 Commissioners in the said Acts mentioned shall have and
 25 exercise over the said Harbour, with the said extended
 boundaries, the same control, powers, authority, rights and
 privileges by them now held and exercised in and over the
 said Harbour as now bounded.

II. And whereas, by reason of the interest upon the Rate of inter-
 rest on loan
 under section
 3 of 10 and 11
 Vict. c. 57.
 increased.
 30 Loan authorized by the third Section of the said first re-
 cited Act, having been limited to a rate not exceeding five
 per centum per annum, the said Commissioners have been
 unable to effect the said Loan:—Be it therefore enacted,
 That the said Commissioners shall be and are hereby
 35 authorized to increase the rate of interest to be paid upon
 the said loan to six per centum per annum, which rate
 of interest they may also pay upon the sum they are
 authorized to borrow by the next section of this Act,
 the payment of the interest on which may be also

guaranteed by the Governor in Council on behalf of this Province, in the manner provided by the seventh Section of the said secondly recited Act.

Commissioners
may borrow
£2500 more,
for certain
purposes.

III. And be it enacted, That it shall and may be lawful for the said Commissioners to borrow in the manner and form provided in the said seventh Section of the said secondly recited Act, with regard to the Loan thereby authorized, (but at the rate of interest hereby authorized,) and either in sterling money or otherwise, the sum of two thousand five hundred pounds currency, by them to be applied for the acquisition of such real property, and the construction thereon of such buildings as may be deemed necessary for offices, and for the storage of the various implements, railings, bridges and utensils used by the said Commissioners for the purposes of the said Harbour; such real property to be vested in the Crown, and under the control of the Commissioners; and for such said last mentioned sum the Commissioners are hereby authorized to issue the Debentures in the form and manner mentioned in the said seventh Section, (except as to the rate of interest,) but transferable and payable to order at such times and places as the said Commissioners may see fit therein to appoint.

New Tariff of
Wharfrage
Rates and
Dues estab-
lished.

IV. And be it enacted, That from and after the day in which this Act shall have force and effect, there shall be levied and paid, under the provisions of the said firstly and secondly recited Acts, in so far as the same shall not be inconsistent with this Act, upon all ships, vessels, boats, barges, steamboats, scows, rafts, or other craft, and on all goods, landed from or taken on board of any ship, vessel, boat, barge, steamboat, scow, raft, or other craft, lying at or near to any part of the wharves, quays, piers or other works in the said Harbour, erected or constructed under the authority of this Act, or of any Act or Ordinance heretofore passed, or at or near to any part of the shore or beach of the said Harbour wherein no such works shall have been or be so constructed, or being or lying, whether in the stream or otherwise, within any part of the said Harbour as the same is hereby declared to be extended and bounded, the several rates of wharfrage and dues mentioned in the Schedule B appended to this Act, in lieu and stead of the several rates and dues mentioned in the Schedules appended to the said recited Acts, or either of them, which said rates and dues in the Schedules to the said Acts shall no longer be levied or payable; Provided, that no goods transhipped outwards, (that is to say into a vessel bound down the River to some place out of the Port of Montreal,) from one vessel to another, within the limits of said Harbour, without being landed, shall be subject to pay any other than the outward or shipping rates and dues; and that goods transhipped from one vessel to another inwards,

(that is into a vessel bound to some place within the Port of Montreal, or up the River to some place out of the said Port,) within the limits aforesaid, without being landed, shall only be subject to pay the inward or landing rates and dues;—But if any such goods be landed upon the wharves or piers, or any of them, whether for immediate re-shipment or otherwise, then such goods shall pay the inward rates and dues, and also the outward rates and dues, if re-shipped:—And that all and every the provisions contained in the said recited Acts hereby amended with respect to the mode of collection and payment, and the remedy or punishment for the non-payment of the said rates and dues, and for the non-delivery or non-production of the statements thereby required, or of the declaration to the correctness of the wharfage return, and all and every the penalties imposed for such non-payment and non-delivery, and for sending in false wharfage returns, are hereby extended and expressly declared to apply to the rates and dues authorized to be levied under this Act; and the said Commissioners shall have the like remedies for the collection and enforcement of the payment of the said rates and dues and of the said penalties, as are provided in the said Acts hereby amended, the provisions of the said Acts with reference to the particulars aforesaid being hereby expressly extended and made applicable to the rates and dues contained in the said Schedule B, and to the enforcing of the payment and collection of the same.

Provisions of former Acts to apply to the new Rates.

V. And be it enacted, That for all Goods and things not enumerated in the said Schedule B, imported from the United States into the Port of Saint Johns, in Lower Canada, there shall be paid at Saint Johns aforesaid, and before a permit shall be granted for landing or shipping the same within the said Harbour of Montreal, a duty of one-eighth per centum upon the value thereof; which duty shall be paid at the time of making entry of such goods, to the Collector of the said Port of Saint Johns or Officer authorized to receive the said duty, whether the Goods on which the same is payable be or be not warehoused, or the other duties thereon be or be not paid; and such duty shall be so received for the use of the said Commissioners, and the said Collector or Officer shall endorse a receipt therefor on the back of the said permit, and sign the same; and the said permit so endorsed and signed shall free the Goods therein mentioned from any further charge of wharfage or dues upon being landed in the said Harbour, and shall at all times, upon the landing of any of the said Goods within the said Harbour, be exhibited to the Commissioners or person authorized by them to demand the same, on their or his request; and the said Collector shall, on the first of each and every month, transmit to the said Commissioners a detailed statement of the moneys received

Duty to be paid at St. Johns on goods not enumerated in the Tariff to this Act.

by him under this Act, and shall deposit weekly the amount of such receipts, free from all charges of collection, in such Bank as shall be indicated to him by the said Commissioners, to their credit and subject to their order; and the said duty shall, as regards the collection thereof, be deemed a duty of Customs, and all the provisions of the Acts relative to duties of Customs shall apply to it, except in so far as they may be inconsistent with this Act. 5

Act 12 Vict. c. 119, repealed.

VI. And whereas it is expedient to repeal the Act passed in the twelfth year of Her Majesty's Reign, and intituled, "*An Act to authorize the Montreal Harbour Commissioners to commute for certain Harbour Dues with the Corporations therein mentioned, and for other purposes;*" and to make other provisions in lieu thereof: Be it enacted, That from and after the passing of this Act, the said last recited Act shall be and the same is hereby repealed. 15

Deductions may be made in favour of steamers plying to places within a certain distance of Montreal.

VII. And be it enacted, That it shall be lawful for the said Commissioners, by and with the consent of the Governor in Council, to grant and make such deductions as they may seem fair and reasonable, upon the Tariff rates of wharfage payable under this Act, upon all steamers trading and plying between the said Harbour of Montreal and the south shore of the River St. Lawrence, the River Richelieu, or other places within forty-five miles of the said Harbour. 20 25

Moneys arising from rates, how appropriated.

VIII. And be it enacted, That the moneys arising from the rates and dues imposed by this Act, shall be appropriated and applied by the Commissioners and their successors in office, to the purposes and in the order, directed by the tenth section of the Act hereinbefore secondly recited, with regard to the tolls, rates and wharfage dues therein mentioned; And all fines, forfeitures and penalties (if any) which shall be incurred under this Act, shall also be applied and accounted for, as by the said Act directed. 30 35

Commissioners empowered to borrow a further sum: and on what conditions.

£30,000.

IX. And whereas it is expedient that the improvements hereinafter mentioned in the navigation of the River St. Lawrence, within the Port of Montreal, should be effected under the management of the said Commissioners:—Be it therefore enacted, That it shall be lawful for the said Commissioners to borrow either in this Province or elsewhere, a sum not exceeding pounds, at such rate of interest not exceeding eight per centum per annum, (but upon the most advantageous terms in their power,) and for such length of time as may be agreed upon or may be deemed expedient by the said Commissioners, and to make the Debentures to be issued by them for the sums so borrowed and the interest 40 45 50

thereon, payable in this Province or elsewhere, and in Provincial currency, sterling or other currency, and at such periods as they may think best; and from time to time (if necessary) to borrow further sums under like provisions for the purpose of paying off any such Debentures which may be then payable and which the Commissioners shall not otherwise be able to pay, but for no other purpose whatever; provided the sum borrowed and owing by the Commissioners under this Section at any one time (except during such short interval as may necessarily intervene between the raising of money to pay off any Debentures and their actually being paid off,) shall never exceed the said sum of less the sum by which it ought then to be diminished by the operation of the sinking fund hereinafter mentioned.

X. And be it enacted, That the guarantee of the Province shall not be given for the payment of either the principal or the interest of any sum to be borrowed under the next preceding Section, but the same shall be payable,—firstly, out of any surplus which may remain of the proceeds of the tonnage duty hereinafter mentioned, after defraying all expenses to be incurred in managing and keeping in repair the works also hereinafter mentioned,—and secondly, out of any surplus which may remain of the moneys arising from tolls, rates and wharfage dues and other moneys coming into the hands of the Commissioners, after paying off and providing for all other charges upon and payments directed to be made out of the same.

XI. And be it enacted, That the money to be borrowed by the said Commissioners under the authority of the Section next but one preceding, shall be by them applied to defray the expense of deepening and otherwise improving Lake St. Peter, so as to afford a safe and convenient channel through the same, with a depth of water not less than sixteen feet throughout the same, and at all times; the said channel to be made in such manner, direction and place as the said Commissioners shall deem best,—and also in deepening and improving the channel of the River St. Lawrence at and near *Isle Platte*, in such manner as the Commissioners may think best, but so as to have a depth of water not less than the depth in the said channel through Lake St. Peter: And to aid the Commissioners in performing the said work, it shall be lawful for the Commissioners of Public Works to place at the disposal of the said Harbour Commissioners all such steamers, dredging vessels, machinery, tools and implements constructed or acquired for the purpose of carrying on the work connected with the improvement of Lake St. Peter, and the said Harbour Commissioners shall for the purpose of carrying on the said work, have the same powers and facilities as the Commissioners of Public

Proviso.

Guarantee of the Province not given. How such loan and interest shall be paid.

Money so borrowed to be applied to deepening Lake St. Peter, &c.

Certain facilities granted to the Commissioners.

Works would have if the same were carried on under their management and control.

Tonnage duty may be imposed on vessels passing the said Lake.

XII. And be it enacted, That it shall be lawful for the Governor in Council upon the application of the said Harbour Commissioners, at any time after the passing of this Act, to impose a tonnage duty not exceeding 5 per ton of the registered tonnage of all vessels drawing ten feet of water or upwards and passing through Lake St. Peter, such duty to be payable for each time of passing the Lake; and such duties being so imposed, shall 10 be payable to the said Commissioners, and may be collected, recovered, and payment thereof enforced in the manner provided by the Acts hereinbefore recited, as hereby amended, with regard to the rates, tolls and wharfage dues, payable to the said Commissioners, and no 15 vessel upon which such duty shall be payable, shall be entered or cleared at the Port of Montreal, or cleared at the Port of Quebec if she has left Montreal without being cleared, until the Collector or other officer granting such clearance shall be satisfied that such duty has been paid. 20

Proceeds of Tonnage duty how applied.

XIII. And be it enacted, That the proceeds of the said tonnage duty, shall be applied by the said Commissioners:

Order of charges, &c.

First. To the payment of all reasonable expenses incurred in collecting the same;

Secondly. To the payment of the expenses of man- 25 aging and keeping in efficient repair the said improvements and works on Lake St. Peter and at Isle Platte, to be made and performed by and placed under the management of the said Commissioners;

Thirdly. To the payment of the interest of the sum so 30 borrowed as last aforesaid, and of the principal thereof, at the periods when the same shall respectively become due;

Fourthly. To the payment of not less than two per centum per annum on the sum to be so borrowed as last 35 aforesaid, for the purpose of forming a Sinking Fund towards paying off the principal of the sum so borrowed, the amount to be so paid, the officer to whom it shall be paid, and the mode of paying, managing and investing the same, to be from time to time determined by the Governor 40 in Council:

Tonnage duty and Tolls may be increased if found insufficient.

Provided always, that if the proceeds of the said tonnage duty added to the surplus remaining out of the proceeds of the rates, tolls and wharfage dues and other moneys coming into the hands of the Commissioners, after paying all 45 prior charges thereon, shall not at any time be sufficient to meet the charges imposed by this Section, then it shall

be lawful for the Governor in Council to add such percentage to the said tonnage duty (above the rate of per ton), and to the said rates, tolls and wharfage dues, as will, in his opinion, be sufficient to enable the Commissioners to meet all the charges imposed by this Section, out of the duty and surplus hereby directed to be applied to the payment thereof.

XIV. And be it enacted, That the said Commissioners shall keep separate accounts of all moneys borrowed, received and expended by them, under the authority of the next preceding *five* Sections of this Act, and shall annually account for the same and for all other moneys received and expended by them under this Act, in the manner provided by the Act secondly above cited, such accounts being rendered to the Governor in such manner and form as he shall from time to time direct, and being accompanied by a full and particular statement of the proceedings of the Commissioners under this Act.

XV. And be it enacted, That nothing in this Act contained, shall extend or be construed to alter, modify or impair the force and effect of the several provisions of the Acts hereby amended, except in so far as may be expressly hereby declared and directed or in so far as any of the said provisions may be inconsistent with this Act; and all tolls, rates and wharfage dues accrued before the passing of this Act shall be paid, collected and recovered as if this Act had not been passed.

XVI. And be it enacted, That the word "Goods" in this Act shall include Goods, Wares, Merchandize, animals, articles and things of any description whatsoever.

XVII. And be it enacted, That this Act shall be a Public Act.

	Catty, Drum, Bag, Basket, Barrel, Chest, Cask of Liquor, Package, Hogsheep					Packag	Rates.	Catty, Drum, Bag, Basket, Barrel, Chest, Cask of Liquor, Package, Hogsheep					Packag	Rates.	
	Rates.	Rates.	Rates.	Rates.	Rates.			Rates.	Rates.	Rates.	Rates.	Rates.			
Almonds	1	1	1	1	1	ton	10	Malt	1	1	1	1	1	100 bushels	10
Alum	1	1	1	1	1	barrel	3	Matches	1	1	1	1	1	slab	1
Apples	1	1	1	1	1	box	1	Meal	1	1	1	1	1	puncheon	6
Arrowroot	1	1	1	1	1	dozen	1	Medicines	1	1	1	1	1	ton	10
Bacon	1	1	1	1	1	side	1	Metals	1	1	1	1	1	each	2
Baggage	1	1	1	1	1	ton	5	Molasses	1	1	1	1	1	puncheon	6
Bark	1	1	1	1	1	cord	3	Mustard	1	1	1	1	1	cwt.	1
Barley, Field	1	1	1	1	1	100 minots	9	Nails	1	1	1	1	1	bushel	1
Barley, Pot and Pearl	1	1	1	1	1	100	5	Nuts	1	1	1	1	1	cwt.	1
Batting	1	1	1	1	1	Barrels, empty	9	Oakum	1	1	1	1	1	100 ps.	10
Beans	1	1	1	1	1	100 bushels	9	Oats	1	1	1	1	1	100 bushels	9
Beef	1	1	1	1	1	cwt.	5	Ochres	1	1	1	1	1	cwt.	1
Biscuit	1	1	1	1	1	100 ps.	5	Oils	1	1	1	1	1	puncheon	6
Blacking	1	1	1	1	1	Boats	2	Oil Cake	1	1	1	1	1	cwt.	1
Blue	1	1	1	1	1	p cwt.	1	Onions	1	1	1	1	1	ton	10
Bones	1	1	1	1	1	100	2	Ores	1	1	1	1	1	bushel	1
Bottles, Empty	1	1	1	1	1	Bricks, Bath and Fire	10	Oranges	1	1	1	1	1	each	1
Bran	1	1	1	1	1	Ditto do.	10	Oysters	1	1	1	1	1	p dozen	1
Buckwheat	1	1	1	1	1	dozen	1	Paint	1	1	1	1	1	ream	1
Buffalo Skins	1	1	1	1	1	do	1	Peaches	1	1	1	1	1	100 bushels	9
Butter	1	1	1	1	1	Buckets	1	Peas	1	1	1	1	1	head	1
Cement	1	1	1	1	1	Buckwheat	9	Pickles	1	1	1	1	1	12 gross box	1
Candles	1	1	1	1	1	100 bushels	6	Pitch	1	1	1	1	1	100 ps.	10
Chains	1	1	1	1	1	Buffalo Skins	6	Plants	1	1	1	1	1	cannister	1
Cheese	1	1	1	1	1	Burr Stones	6	Plaster	1	1	1	1	1	100	1s. 3
China Ware	1	1	1	1	1	each	1	Pork	1	1	1	1	1	bladder	1
Chocolate	1	1	1	1	1	do	1	Powder	1	1	1	1	1	cwt.	1
Cigars	1	1	1	1	1	Calves	1	Preserves	1	1	1	1	1	box	1
Clay	1	1	1	1	1	Calf Skins	1	Provisions	1	1	1	1	1	half box	1
Coals	1	1	1	1	1	Canoes	1	Rags	1	1	1	1	1	bushel	1
Cocoa	1	1	1	1	1	do	1	Raisins	1	1	1	1	1	cwt.	1
Coffee	1	1	1	1	1	Carriages	2	Rice	1	1	1	1	1	100 bushels	10
Coke	1	1	1	1	1	Carts	1	Roots	1	1	1	1	1	barrigue	1
Confectionary	1	1	1	1	1	Casks, empty	10	Rosin	1	1	1	1	1	100 ps.	1s. 3
Copperas	1	1	1	1	1	Cattle, neat	2	Sago	1	1	1	1	1	100 bushels	1s. 3
Corn	1	1	1	1	1	each	10	Salaratus	1	1	1	1	1	head	1
Cordage	1	1	1	1	1	Preserv.	2	Salt	1	1	1	1	1	bundle	1
Corks	1	1	1	1	1	p ton	10	Saltpetre	1	1	1	1	1	cwt.	1
Crackers	1	1	1	1	1	dozen	2	Sand	1	1	1	1	1	do.	1
Currants	1	1	1	1	1	Cheese	1	Sauces	1	1	1	1	1	dozen	1
Drugs	1	1	1	1	1	1000	2	Seed	1	1	1	1	1	do.	1
Dye Stuffs	1	1	1	1	1	Cigars	2	Shirts	1	1	1	1	1	dozen	1
Earthenware	1	1	1	1	1	chaldrons	6	Shot	1	1	1	1	1	do.	1
Eggs	1	1	1	1	1	Clay	6	Skirts	1	1	1	1	1	dozen	1
Feathers	1	1	1	1	1	Coals	6	Snuff	1	1	1	1	1	puncheon	6
Figs	1	1	1	1	1	Coke	6	Soap	1	1	1	1	1	mille	9
Fish	1	1	1	1	1	Colts	1	Soda Ash	1	1	1	1	1	do.	1s. 0
Flax	1	1	1	1	1	Corn	9	Spices	1	1	1	1	1	do.	8s. 0
Flour	1	1	1	1	1	Currants	2	Spirits	1	1	1	1	1	100 feet	5
Fluids	1	1	1	1	1	Sand	1s. 3	Starch	1	1	1	1	1	puncheon	6
Fruit	1	1	1	1	1	Do. ends	5	Stone Ware	1	1	1	1	1	ton	5
Furniture	1	1	1	1	1	Feathers	1	Stores, Government	1	1	1	1	1	single	1
Glass-ware	1	1	1	1	1	Fish	1	Straw	1	1	1	1	1	double	1
Glass	1	1	1	1	1	Flax	1	Sugar	1	1	1	1	1	cooking	1
Glue	1	1	1	1	1	Fluids	6	Salts	1	1	1	1	1	100 bundles	6
Grain	1	1	1	1	1	Furniture	6	Stones, Building	1	1	1	1	1	half catty	1
Grapes	1	1	1	1	1	Furring	3	Tallow	1	1	1	1	1	100 feet	5
Hams	1	1	1	1	1	Glass	1	Tar	1	1	1	1	1	box	1
Hay	1	1	1	1	1	Glue	1	Tobacco	1	1	1	1	1	cwt.	1
Hemp	1	1	1	1	1	Grain	9	Tongues	1	1	1	1	1	do.	1
Hides	1	1	1	1	1	Grindstones	6	Tow	1	1	1	1	1	do.	1
Honey	1	1	1	1	1	Hams	6	Tea	1	1	1	1	1	do.	1
Hops	1	1	1	1	1	Do.	6	Vegetables	1	1	1	1	1	do.	1
Iron, of all kinds	1	1	1	1	1	Handspikes	7	Wadding	1	1	1	1	1	do.	1
Lead	1	1	1	1	1	Hay	6	Wax	1	1	1	1	1	each	1
Lead of all kinds	1	1	1	1	1	Hemp	1	Wheat	1	1	1	1	1	p cwt.	1
Leather	1	1	1	1	1	Hides	3	Whet Stones	1	1	1	1	1	100 bushels	1s. 3
Lead, dry	1	1	1	1	1	Hogs	1	Whitening	1	1	1	1	1	box	1
Lemons	1	1	1	1	1	Horses	1	Wicks	1	1	1	1	1	pipe	6
Lime	1	1	1	1	1	Iron	10	Wines	1	1	1	1	1	cwt.	1
Liqueurs	1	1	1	1	1	Lambs	1	Wire	1	1	1	1	1	cord	1
Liquids	1	1	1	1	1	Lamb Skins	1	Wool	1	1	1	1	1	load	1s. 3
Liquors	1	1	1	1	1	Laths	1	Wood, Fire	1	1	1	1	1	100 feet	3
Luggage	1	1	1	1	1	Lead	10	Wood, Hard	1	1	1	1	1		
	1	1	1	1	1	Leather	1								
	1	1	1	1	1	Do.	1								
	1	1	1	1	1	Lime	1								
	1	1	1	1	1	Liqueurs	6								
	1	1	1	1	1	Liquids	6								
	1	1	1	1	1	Liquors	6								
	1	1	1	1	1	Luggage	5								

Wood, Fire, will be subject to an additional wharfrage of One Penny per Cord for each day it remains upon the Wharf after the first week.

On Goods subject to *ad valorem* Duty, and not otherwise enumerated in this Tariff, upon every (£100) One hundred pounds currency, upon which Duty is paid at the Custom House 2s. 6d.

On Goods not subject to *ad valorem* Duty, nor to Specified Tolls or Dues under this Tariff there shall be charged Rates corresponding with those on similar Articles, Packages or Quantities detailed, and according to value, weight or measurement at the option of the Commissioners or their Collector.