

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 34 (Session 4)

An Ordinance to provide for the improvement, during the winter season, of the principal Post Roads from various parts of the Province to Montreal, and for other purposes.

Whereas it is expedient to provide for the improvement of the principal Post Roads, from various parts of the Province to Montreal, during the Winter Season, and for the introduction of more suitable Vehicles of conveyance on the Winter Roads:—Be it therefore Ordained and Enacted by His Excellency the Governor of the Province of Lower Canada, 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 Canada;”—And it is hereby Ordained and Enacted by the authority of the same, that after the first day of October next after the passing of this Ordinance, no Winter Carriage, or Vehicle without wheels, shall be used for the conveyance of any other load than passengers and their baggage, (to the amount of one hundred weight for each passenger,) on the principal Post Road from Hull, in the County of Ottawa, from Pointe a Baudot and Coteau du Lac, from Dundee, in the County of Beauharnois, from Phillipsburg, in the County of Missisquoi, and from Sherbrooke, to and from the City of Montreal, except Sleighs, having runners, at least six English feet in length, on the straight part of the bottom thereof, and eight and a half feet in length, including the curved part, and at least twelve English inches in height from the bottom of the runner to the bottom of the body of such Sleigh, and an open space of at least nine English inches between the upper side of the runners and the under side of the rails on which the body rests, except where such space is broken by the perpendicular bars between the said rails and the runners, and a clear distance of at least two and a half English feet between the insides of the runners at the bottom thereof, and a clear height of at least fourteen English inches from the bottom of the runner to the cross-bar of the tongue, pole or shafts, nor shall any such Sleigh be used on any such Post Road, unless it be drawn by two horses or other beasts of draught, abreast, or by one horse or other beast of draught, so harnessed to it as that one of the runners of the Sleigh may follow in the track made by such horse or other beast of draught; but it shall be lawful to use any number of horses or other beasts of draught, more than two, provided two of them are so harnessed abreast as aforesaid.

II. Provided always, and be it further Ordained and Enacted by the authority aforesaid, that nothing in this Ordinance shall extend to prevent any kind of Winter Carriage from being used for crossing any such Post Road, or proceeding along it for a distance not exceeding six

arpents, for the purpose of passing from one part to another of the property of the owner or owners of such Carriage.

III. Provided always, and be it further Ordained and Enacted by the authority aforesaid, that no Cariole, Train, Berline, or other Winter Carriage, other than such Sleighs as are hereinabove described and permitted, shall be used on any such Post Road, for the conveyance of passengers and their baggage, as aforesaid, unless the horse or horses, or other beast or beasts of draught drawing such Carriage shall be harnessed thereto, in the manner hereinbefore prescribed, with regard to the Sleighs hereby permitted to be used, nor unless the shafts of such Carriage, (if any there be,) shall be attached to the outside of the runners thereof, and not fixed under the bottom thereof, in the manner heretofore in use, nor unless the cross-bar of the shafts shall, when the Carriage is used, be at least fourteen English inches above the level of the bottom of the runners.

IV. And be it further Ordained and Enacted by the authority aforesaid, that each and every person offending against the provisions of this Ordinance, shall, for each such offence, incur a penalty of ten shillings currency, on conviction thereof before any Justice of the Peace for the District, on the oath of one credible witness, other than the informer; and such Justice of the Peace may, if such penalty be not forthwith paid, with the costs of the prosecution, commit the offender to the Common Gaol of the District, for a period not exceeding eight days, or until such penalty and costs be paid.

V. Be it further Ordained and Enacted by the authority aforesaid, that one moiety of all pecuniary penalties, recovered under the authority of this Ordinance, shall be paid over to the Receiver General, and shall belong to Her Majesty for the public uses of the Province, and the other moiety shall belong to, and be paid over to the informer; and the due application of all monies so paid over for the public use, or appropriated by this Ordinance, shall be accounted for to Her Majesty, her heirs and successors, through the Lords Commissioners of the Treasury, for the time being, in such manner and form as Her Majesty, her heirs and successors shall direct.

VI. And be it further Ordained and Enacted by the authority aforesaid, that a copy of this Ordinance shall be sent to the Grand Voyer for the District of Montreal, who shall forward the same to one of the Surveyors of Highways, in each Parish through which the Roads to which it extends pass, and he shall cause it to be read at the door of the Church of his Parish, immediately after Divine Service, in the forenoon, on the three Sundays immediately following the time at which he shall receive such copy.

VII. And be it further Ordained and Enacted by the authority aforesaid, that this Ordinance shall be in force until the first day of November, one thousand eight hundred and forty-two, and no longer.

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 Thirtieth day of March, 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.