

C A P. V.

AN ACT to regulate the Provincial Post Houses, and to repeal certain Acts and Ordinances therein mentioned.

(16th April, 1807.)

Preamble.

WHEREAS the Ordinances and Statutes concerning Post Houses in this Province, are in many respects insufficient to furnish carriages and well regulated Posts for the convenience of Travellers, and it being necessary to provide more effectually for the same, and it being also expedient to reduce into one act of the Provincial Parliament, the Ordinances and Statutes relating thereto: Be it therefore 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 aforesaid, that an Ordinance passed in the twentieth year of His Majesty's reign, intituled, " *An Ordinance for regulating all such persons as keep horses and carriages to let and hire for the accommodation of Travellers, commonly called and known by the name of Maitre de Poste*" and also another act passed in the thirty-fifth year of His Majesty's reign, intituled " An Act to amend and make perpetual, An Act passed in the twentieth year of His Majesty's reign, intituled, " *An Ordinance for regulating all such persons as keep horses and carriages to let and hire for the accommodation of Travellers commonly called and known by the name of Maitres de Poste*" be and are hereby repealed.

Ordinance 20 Geo III. cap. 4. repealed.

Act 35 Geo. III. cap. 7. repealed.

Superintendent to have the direction of the Provincial Post Houses.

II. And be it further enacted by the authority aforesaid, that the Superintendent of Provincial Post-Houses shall have the superintendance and direction of the Post-Houses to be established, in conformity to this act, and it shall be his duty to see the same carried duly into effect.

III. And be it further enacted by the authority aforesaid, that from and after the first day of June of the present year, the said Superintendent of Provincial Post-Houses shall establish Post-Houses, for the convenience of Travellers, between the Cities of Quebec and Montreal, on the North side of the river Saint Lawrence, and the said Superintendent shall also establish Post-Houses in all Places where he shall be ordered so to do, by the Governor, Lieutenant Governor or person administering the Government of this Province for the time being.

After 1st of June Superintendent to establish Post-Houses.

IV.

Superintendent to name and appoint *Maitres* and *Aides de Poste* and make regulations for the convenience of travellers.

IV. And be it further enacted by the authority aforesaid, that the said Superintendent of Provincial Post-Houses, shall name and appoint persons under the name of *Maitres* and *Aides de Poste*, to keep the said Post-Houses, for such space of time and in conformity to such stipulations, as shall be agreed upon between the said Superintendent and the said persons, for the due execution of this Act, and according to the true sense and meaning thereof, and for the greater advantage and convenience of Travellers, which time shall not nevertheless exceed the duration of this Act. Provided always, that when the Post shall drive on one side of any river only, nothing in this Act contained, shall be considered as compulsory or obligatory on the said Superintendent, to name or appoint any *Aide de Poste*, there.

Proviso.

Maitres de Poste &c. to have a certain number of servants, horses & carriages with the necessary harness.

V. And be it further enacted by the authority aforesaid, that every *Maitre de Poste*, between the Cities of Quebec and Montreal, respectively, shall be provided with two able men Servants or Postillions, and shall have at least four good horses with four strong and convenient carioles and a like number of caleches, with iron *criques* or springs and leather traces; also, four sets of good and complete harness, with two sleighs, two carts and one saddle; and every *Aide de Poste* shall be provided with one able man servant or postillion, and at least two good horses with two sets of good and complete harness, two carioles and two caleches one sleigh and one cart; and that every *Maitre* and *Aide de Poste* in other parts of the Province, where Post-Houses shall be established, shall be provided with, that is to say, each *Maitre de Poste* at least one able man Servant or Postillion, and two good horses, with an equal number of good and complete harness, carioles and caleches and one sleigh and cart, and one saddle: and each *Aide de Poste*, with one able man Servant or Postillion, and also, one good horse, and at least one good and complete harness, and one cariole, one caleche, one sleigh, and one cart.

Maitres and *Aides de Poste* to furnish horses and carriages when required.

VI. And be it further enacted by the authority aforesaid, that every *Maitre* and *Aide de Poste*, shall furnish immediately and without delay, upon being thereunto required by travellers, horses with carriages or horses with harness for the carriage or carriages of such travellers, or saddle horses; and shall not retard travellers more than a quarter of an hour in the day time, and half an hour in the night time, and shall convey the said travellers with speed, at the rate of at least two leagues an hour, to the next Post House, and shall be bound to put good and sufficient reins to each and every horse, they shall so furnish and harness to such carriage or carriages.

Maitres and *Aides de Poste* entitled to certain prices and rates for driving travellers.

The prices and rates.

VII. And be it further enacted by the authority aforesaid, that every *Maitre* and *Aide de Poste* may demand and receive from each traveller, for every league or in proportion for every part of a league, that he shall convey such traveller the different prices and rates which follow, that is to say, for the hire of a horse and caleche, or a horse and cariole or of a horse, with the harness to put to the caleche

or

acknowledged as such by the Justices of the Peace and shall have a Certificate or Licence from the Clerk of the Peace, to act as such, may furnish carriages to Travellers and convey them on Post-Roads, without being subject to the aforesaid Penalty.

Not to affect the conveyance of his Majesty's Mails.

Justices of the Peace may grant licences for conveying travellers paying 40s. annually.

Proviso.

Travellers may detain on the road horses & carriages furnished them, a certain time, after which *Maitres* and *Aides de Poste* allowed an indemnity.

IX. Provided also, and be it further enacted by the authority aforesaid, that nothing contained in this Act, shall extend to prevent the conveyance of His Majesty's Mails, by all and every person or persons who may be employed for that purpose, in any part of the Province by the Deputy Post Master General of North America, or by such other person who shall be duly authorized to execute such duty, by the Post Master General or Directors General of the Posts in that part of the United Kingdom of Great Britain and Ireland, called England. Provided always nevertheless, and it shall and may be lawful to and for the Justices of the Peace in their respective Quarter Sessions assembled, and such Justices are hereby authorized and empowered, to grant and allow to any person or persons residing upon the Post-Roads, or in the first concession, or not more than forty acres distant from such Post Road a Licence or Licences authorising any such person or persons to convey Travellers at the same Rates and Prices or less, if such licenced person shall consent to take less as the *Maitres de Poste* and *Aides de Poste* are by this Act authorized to receive and take, for which Licence, every person and persons taking the same shall pay the sum of Forty Shillings for the use of His Majesty; which Licence shall be renewed, annually, upon the like payment of Forty Shillings, and every such person or persons so obtaining such Licence or Licences, is and are hereby authorized and required to conduct all and every Traveller and Travellers to any distance which such Traveller or Travellers shall require. Provided such distance be not less than six leagues, nor more than twelve leagues, (unless such Licenced person and Traveller shall agree for a further distance which they are hereby authorized to do,) and such person or persons may demand and receive from such Traveller or Travellers, the same Rates and Prices, or less Prices and Rates if such licenced person shall consent thereto, as the *Maitres de Poste* or *Aides de Poste* are by this Act authorized to take; of which Licences, it shall and may be lawful to and for the said Superintendent of Post-Houses to take cognizance, in his circuit, any thing in this Act contained to the contrary thereof in any wise notwithstanding.

X. And be it further enacted by the authority aforesaid, that it shall be lawful for any Traveller to stop and detain on the Road, from one Post-House to another, any horse or carriage which shall be furnished him by the said *Maitres* and *Aides de Poste*, for the space of one quarter of an hour, and not more, without paying any thing for such stoppage or detention; and for all other delays which shall not nevertheless exceed an hour in the whole, there shall be paid by the Traveller to the *Maitre* or *Aide de Poste* for each horse or carriage thus stopped and detained, an indemnity of Three Pence, current money of this Province, for every quarter of an hour, over and above the Rates herein before established.

XI.

Penalty on *Maitres* and *Aides de Poste* driving beyond the limits of their Posts.

XI. And be it further enacted by the authority aforesaid, that no *Maitre* or *Aide de Poste* shall on any pretence pass with his carriage the limits of his Post, without the consent of every *Maitre* or *Aide de Poste* whose Posts he wishes to pass under Penalty of Twenty Shillings, and also of paying to every such *Maitre* or *Aide de Poste* whose Post-House he shall so pass, the fare such *Maitre* or *Aide de Poste* would have been entitled to receive according to the Rates allowed by Law for such Post so passed. Provided always, that whenever it happens that all the horses and carriages of the *Maitres* or *Aides de Poste* are employed or absent from their different Posts, in such case, all *Maitres* and *Aides de Poste* are hereby authorised and required to pass the limits of their Posts, at the request of the Traveller, without being held to pay to the said neighbouring *Maitre* or *Aide de Poste*, what he would otherwise have been intitled to receive for the said Post, and also, without incurring the said Penalty.

Proviso.

Maitres & Aides de Poste to fix up to public view a Table of rates &c.

XII. And be it further enacted by the authority aforesaid, that all *Maitres* and *Aides de Poste* shall fix up to public view in their houses, a Table of the Rates allowed them by Law, and extent of their stages, particularising the number of leagues and the proportions and parts of a league, over and above a league or any number of leagues of which such stage shall consist, and to renew it, every year, and every time it may be requisite, and also, to put up and renew, when necessary, a conspicuous sign or inscription, in order that their houses may be perceived at a distance, and they shall also keep up and renew the league posts, and the inscriptions for marking the distances thereon.

Penalty on persons destroying or defacing League Posts.

XIII. And be it further enacted by the authority aforesaid, that if any person or persons shall wilfully destroy, pull up or injure any league post, that is or shall be placed to mark the distances upon Post-Roads, every such person, for every such offence, shall forfeit and pay a sum not less than Twenty Shillings, nor more than Forty Shillings, current money of this Province, and shall be committed to the Common Gaol of their District, respectively, for a space of time not less than fifteen days nor exceeding one Calendar Month.

Maitres & Aides de Poste &c. exempted from serving in the Militia except in certain cases.

XIV. And be it further enacted by the authority aforesaid, that every *Maitre de Poste* and two Servant men, or Postillions, and every *Aide de Poste* and one Servant man or Postillion, shall be exempted from serving personally or by substitute in the Militia, except in case of actual invasion of the Province or insurrection, and they shall be also exempted from transporting Government effects, from lodging troops, and from serving as Inspectors or Overseers of the Roads.

Regulations respecting ferry-men.

XV. And be it further enacted by the authority aforesaid, that all and every Ferry-man or persons keeping Ferries on the Post-roads in this Province, shall be provided with such good and sufficient Ferry-Boats, Batteaux, Canoes and Scows

as may be necessary for the safety, ease and convenience of persons travelling as aforesaid, and the persons keeping such Ferries shall not on any pretence, detain any Traveller, under the Penalty of Ten Shillings for each and every detention, nor shall any such person or persons keeping such Ferry-Boats, Batteaux, Canoes or Scows, be, under any obligation after the passing of this Act, to carry or convey or procure to be carried or conveyed, the portmanteau, trunk or other baggage or effects of every Traveller or Travellers in any manner, or to any distance whatsoever, save and except over or across the water communication to the spot or place, where the caleth, cariole or other carriage shall take up such passenger, or as near thereto as may be; but such person so keeping such Ferry-Boat, Batteau, Canoe or Scow, shall be responsible for the safe custody and keeping of such portmanteau, trunk or other baggage or effects, in the said Ferry-Boat, Batteau, Canoe or Scow, till the arrival of the caleth, cariole or other carriage to take up the same. Provided such arrival shall be not more than half an hour, after the landing of the Passenger or Passengers, on the banks of the said river, over which he or they shall be so conveyed, any former Rule, Order or Regulation to the contrary notwithstanding.

Proviso.

Duty of the Superintendent.

XVI. And be it further enacted by the authority aforesaid, that it shall be the duty of the Superintendent of the Provincial Post Houses, to make an annual Circuit, between the first day of May, and the first day of August, in the different parts of this Province where Post-Houses shall be established, and inform himself, whether this Act is duly executed, and give such orders and directions as may tend to promote its execution, according to the true sense and meaning thereof; and also, to keep a Register of all the Orders and directions which he may have given to the *Maitres* and *Aides de Poste*, of his agreements with them, of his Circuits, and of the state and condition of the Post-Houses, Batteaux, Scows, Canoes and other Boats employed at the Ferries on the Post-Roads, and of which he shall transmit, annually, an extract, to the Governor, Lieutenant Governor or person administering the Government of this Province for the time being.

Superintendent to give the distances between the Post Houses.

XVII. And be it further enacted by the authority aforesaid, that the Superintendent of the Provincial Post-Houses shall ascertain and give the distances between each Post-House, and if the said *Maitres* or *Aides de Poste* think that the distance so ascertained by the Superintendent, is not exact, they may cause it to be verified by a sworn Surveyor at their own expence.

Maitres & Aides de Poste to fix on the carriages portmanteaux, &c.

XVIII. And be it further enacted by the authority aforesaid, that it shall be the duty of all and every *Maitre* or *Aide Poste*, to take charge of and securely stow and fix or cause to be taken charge of and securely stowed and fixed on, or in their respective carriages, the portmanteaus, trunks, bundles or baggage of all and every Traveller, under a Penalty of Ten Shillings, for every neglect, besides being liable for

for the damages that may arise by such neglect or by the neglect of their men servants or drivers, glass and earthen ware, excepted.

Certain Fines for offences, where none have been specially imposed.

XIX. And be it further enacted by the authority aforesaid, that every *Maitre* or *Aide de Poste*, Ferry-man and others, who shall offend against this Act, in any matter or thing for the transgression of which a Penalty is not herein specially imposed, shall incur and pay for every such offence, a Fine not exceeding Twenty Shillings, and which shall not be less than Ten Shillings, current money of this Province: and all Penalties and Fines hereby imposed for offences against this Act, shall be levied by seizure and sale of the Goods and Chattels of the offender, by Warrant under the Hand and Seal of any Provincial Judge in his Circuit, or of any Justice of the Peace of the District or Precinct wherein such offence, negligence or default shall have taken place; rendering an account of the surplus of such seizure, if any there be, to the party or parties, after having deducted the expences which shall result therefrom: which Warrant such Provincial Judge on his Circuit or Justice of the Peace is hereby authorized and required to issue on complaint or information to him made or given on conviction of the offender, or on the oath of one or more credible Witnesses or Witnessesses, (other than the informer) and the Penalties and Fines when thus levied, shall be paid one half to the informer, and the other half shall appertain to His Majesty, his Heirs and Successors, except when the said Superintendent shall be the informer; in which case, the whole of the said Fine shall belong to His Majesty, and all monies arising from this Act by Fines or otherwise as shall appertain to His Majesty, his Heirs or Successors shall be paid to the Receiver General of this Province, for the support of the Government thereof, and shall be accounted for to His Majesty, his Heirs and Successors, through the Lords Commissioners of His Majesty's Treasury for the time being in such manner and form as His Majesty, his Heirs and Successors shall direct. Provided always, that no suit or action shall be brought or commenced unless it be within six Months after the matter or thing done and committed and not afterwards. And Provided also, that the Superintendent of Provincial Post Houses shall be admitted as a competent Witness in all matters relating to the execution of this Act, though the action be at his suit, or that he be the prosecutor or informer for any offence, negligence or default against the same.

Limitation of actions.

Superintendent a competent witness.

Continuance of this Act.

XX. And be it further enacted by the authority aforesaid, that this Act shall be and continue to be in force until the first day of January, in the year of our Lord one thousand eight hundred and eleven, and from thence to the end of the then next Session of the Provincial Parliament and no longer.