

The Provincial Statutes of Lower-Canada, Being the Fourth Session of the First Provincial Parliament of Lower-Canada. Quebec: William Vondenvelden, Printer to the King's Most Excellent Majesty, 1796.

36 George III – Chapter 10

An Act for regulating persons who hire or engage to perform voyages to the Indian Country or to Winter there. [7th May, 1796.]

Whereas great inconveniences have of late arisen from the want of a Law to regulate persons who hire or engage themselves to perform Voyages to and from the Indian Country, and to Winter there in different Capacities, 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 of the same, that from and after the passing of this Act, every person who shall hire or engage as a Guide, Conductor, Canoeman, Batteaman or Winterer, or in any other quality or capacity, to perform a Voyage to or from the Province of Upper Canada or to or from the Indian Country, or to Winter or to remain there for any space of time whatsoever (excepting as herein after excepted) shall enter into an Agreement for such purpose with the person or persons or his or their Agent or Agents with whom any such person shall hire or engage; and such agreement shall not be binding or Valid unless the same be made in writing and executed before a Notary, or where there shall not be a Notary before two Credible Witnesses at the least, who can read and write and who shall sign their names thereto; and every such agreement shall besides such other particulars as the parties may agree upon, specify in what quality or capacity the person hires or engages, what wages he is to receive for his services and when and where payable, and the Voyage or service he is to perform. Provided always, that it shall not be necessary for any Conductor of Batteaux or Batteaman (unless the Parties shall think fit) to enter into any other than a Verbal agreement for any Voyage within this Province or into Upper Canada, unless such Voyage if into Upper Canada, shall be agreed upon to extend beyond the Bay of Quinty [Bay of Quinte] in that Province.

II. And be it further enacted by the authority aforesaid, that every person as aforesaid, hired or engaged under a written agreement who shall refuse or neglect to appear at the place agreed upon for entering upon the Voyage or service for which he is engaged, after being duly notified for that purpose; or who appearing at such place shall refuse or neglect to proceed upon the Voyage or service for which he shall have been engaged; and complaint and proof of any such refusal or neglect being made by the Oath of any person or the Agent of any person to whom such Guide, Conductor, Canoeman, Batteaman or Winterer is engaged before any Justice of the Peace, and such agreement or an authentic Notarial Copy thereof being produced, such Justice shall, and hereby is authorised and required, to issue his Warrant to any Constable or other Peace Officer to apprehend and bring before him or any other Justice of the Peace for the District such Guide, Conductor, Canoeman, Batteaman or Winterer so neglecting or refusing as aforesaid; and if such Guide, Conductor, Canoeman,

Batteauman or Winterer shall not forthwith on the order that may be then made by such Justice, proceed upon the Voyage or service agreed upon; or if the Canoe or Batteau in which such person was intended to proceed, shall have departed, then and in every such case unless such person shall have been prevented from appearance or from proceeding by sickness or other unavoidable necessity proved before such Justice, either by the Certificate of a licenced Surgeon or of a Curé, or by the Oath of at least one credible Witness (which Oath every such Justice is hereby empowered and required to administer) the Guide, Conductor, Canoeman, Batteauman or Winterer so offending, shall by such Justice be committed to the common Goal of the District, thereto remain for the space of fifteen days, unless that the person or persons to whom such Offender shall have been engaged, or his or their Agent, shall sooner apply for such Offender being discharged, in which case, it shall and may be lawful such Justice or any other Justice for the District, to whom such application shall be made, by order under his hand and seal, directed to the Goaler, to cause such Offender to be discharged: but no such Discharge shall release any such Offender from any Claim against him by reason of any advances to him made in money or otherwise, on the faith of the agreement by him entered into.

III. And be it further enacted by the authority aforesaid, that every person as aforesaid, hired or engaged under a written or a verbal agreement, who having entered upon the voyage or service for which he is engaged shall afterwards absent himself from such Voyage or service, without lawful cause, or shall desert therefrom, on Complaint thereof being made upon oath by the person or persons to whom any Guide, Conductor, Canoeman, Batteaumen or Winterer was hired or engaged, or by the Agent or Agents of such person or persons, or by the person who had the charge of any such Guide, Conductor, Canoeman, Batteauman or Winterer, or by any other person who may have knowledge of the fact, And the agreement for the voyage or service or an Authentic Notarial Copy thereof being to such Justice produced, the said Justice shall, and is hereby impowered and required, to issue his Warrant directed to any constable or other Peace Officer of the District to apprehend and bring before him or any other Justice of the Peace of the District, the Guide, Conductor, Canoeman, Batteauman or Winterer so having absented himself or deserted: and such Justice of the Peace, with the assistance of some other Justice, or any two Justices of the District, shall and may enquire into the cause of such Guide, Conductor, Canoeman, Batteauman or Winterer so absenting himself or deserting, and if no lawful cause shall be proved to the satisfaction of such Justices for such absence or desertion, then they shall and are hereby authorized by Warrant under their hands and seals, to commit the Offender to the Common Goal of the District, there to remain for any space of time not less than one calendar month, and not exceeding three calendar months, without Bail or Mainprize; but no such Offender so committed to Goal, shall be liable to any action or suit for the pecuniary damages that shall have been suffered in consequence of such his absenting himself or deserting, from the Voyage or service he had engaged to perform, except only for the amount of the advances in money or goods to such Offender made, on the faith of the agreement by him entered into.

IV. And Whereas since the division of the Province of Quebec into two Provinces, persons employed in the transport of Property by the Inland Navigation, may steal goods, wares or merchandize and evade punishment by the facility of escaping from under the Jurisdiction, wherein the crime may be committed, be it therefore enacted, that from and after the passing of this Act, every person who shall hire or engage in this Province, either by written or verbal agreement to perform any Voyage or service to any part of the Province of Upper Canada, or to any part of the Indian Country, out of this Province,

and who in the course of such Voyage or service from or to this Province, shall steal any goods, wares, merchandise or the Commodities whatsoever, in or about the transportations of which he shall be in any wise employed; and every person who being hired or engaged out of this Province to perform a Voyage into the same, shall in the course of such Voyage steal any goods, wares, merchandize or other commodities whatsoever as aforesaid, shall and may for any such crime be lawfully apprehended; and in case he shall have any such stolen goods, wares, merchandize or other commodities in his possession or custody within this Province, it shall and may be lawful to indict, try and punish such person or persons in any District of this Province, where he or they shall have such goods, wares, merchandize or other commodities as aforesaid in his or their custody, as if the same had been originally stolen within the limits of such District, any Law, Usage or Custom to the contrary, thereof notwithstanding.