

The Provincial Statutes of Lower-Canada, Being the first session of the fourth Provincial Parliament of Lower-Canada. Quebec: P. E. Desbarats, Printer to the King's Most Excellent Majesty, 1805.

45 George III – Chapter 9

An Act for the appointment of an Inspector and Measurers of Scows and Rafts, and for regulating the Pilots or Conductors thereof, between Chateaugay and the City of Montreal. (25th March, 1805.)

Whereas many accidents and conderable loss of property have arisen in the rapids of the river St. Lawrence, above the city of Montreal, partly by the ignorance or negligence of persons undertaking to pilot and conduct scows loaden with flour, and other provisions, also, oak timber, staves and other lumber, coming from Upper Canada, and fire wood from different parts of this Province, above the said rapids, and it being necessary that some Regulations be made to guard as much as possible against such accidents and losses, in future, 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 it shall and may be lawful for the Governor, Lieutenant Governor, or Person administering the Government for the time being, by an instrument under his Hand and Seal at arms, to nominate and appoint one discreet and intelligent person, resident in the Parish of Chateaugay, to be Inspector and two others, so residing, to be Measurers of scows and rafts of timber and lumber, as also, of fire wood, and from time to time the said Inspector and Measurers or either of them, to remove; and also in case of death or resignation, another or others, being resident in the said Parish of Chateaugay, to nominate and appoint, in his or their place and stead.

II. And be it further enacted by the authority aforesaid, that it shall be the duty of the said Inspector and Measurers, to keep themselves informed of the state of the water in the rapids, between Chateaugay and Montreal, and in consequence, from time to time, as often as in their judgment need be, to determine what depth of water scows and rafts, respectively, may draw, to pass through the said rapids in safety, of which depth the said Inspector shall at every such time, make a record in a book to be kept by him for that purpose, and that the applicants for measurement of scows and rafts, shall have access thereto, without fee: and the said Inspector upon application to him shall proceed himself or send one of the measurers, to take the depth of water which each scow or raft then intended to be conveyed through the rapids, draws, and shall brand such draught of water, thereupon: Provided, that, before any scow or raft shall be so branded, it shall be lightened, (if exceeding the same,) to the draught of water so determined upon, as the measure of

safety; and if the said inspector and measurer, or one of them shall not in a reasonable time proceed to measure any scow or raft, as to the depth of water it draws, when applied to for that purpose, or shall refuse or omit to brand the same, when drawing or lightened to draw a depth of water, not exceeding that upon record for the time, or shall brand a scow or raft, which exceeds such depth upon record, the Inspector or Measurer so offending, shall forfeit and pay every such offence, a sum not exceeding forty shillings, current money of this Province.

III. And for the greater safety of property which may be committed to the care of Pilots undertaking for hire to conduct scows and rafts, from Chateauguay to Montreal: be it further enacted, that every person intending to act as a Pilot in any such case, shall, annually, take out a licence to authorise him to practice, for hire, the piloting and conducting of scows and rafts from Chateaugay to Montreal, as aforesaid, which licence the Justice of Peace for the District of Montreal, in their weekly sittings, or any special session to be held in the said city, are hereby authorised and required, on the recommendation of the Inspector or any one of the Measurers, (if no good reason be shewn to the contrary,) to grant to the person applying for the same, on paying to the Clerk for such licence, two shillings and six-pence currency, and no more: and the said Clerk is hereby required to keep a register of the names of the persons who shall be so licenced: Provided always, that if any person applying for such a recommendation, shall be refused the same, such person shall be allowed to adduce before such Justices, proof of his capacity to discharge the duties of a Pilot, upon which, and after hearing the Inspector or a Measurer, in support of the reasons for such refusal, the said Justices shall grant or withhold a licence, as they shall see most conducive to the purposes of this Act.

IV. And be it further enacted by the authority aforesaid, that if any Pilot, having charge of and scow or raft, shall leave Chateauguay, to proceed through the rapids of Montreal, before the same shall have been measured, as to the depth of water which such scow or raft then draws, and branded as is herein before directed, every such Pilot, shall, for every such offence, forfeit and pay a sum not exceeding forty shillings, current money of this Province.

V. And be it further enacted by the authority aforesaid, that if any person not being a Licenced Pilot, as aforesaid, shall for hire or payment of any wages, undertake to conduct or pilot through the rapids from Chateauguay to Montreal, any scow loaded in part or in whole or any raft of oak timber or staves, or other lumber or firewood, every person so offending, shall for every such offence, forfeit and pay a fine, not exceeding forty shillings current money of this Province.

VI. Provided always and be it further enacted by the authority aforesaid, that nothing in this Act contained, shall extend or be construed to extend to prevent any person or persons from conducting and Piloting from Chateauguay to Montreal, any raft or rafts or firewood, which is or are his or their property, but this shall not exempt any such proprietor from first causing such raft or rafts of firewood, to be measured and branded, as by this Act is

directed; and in default of being so measured and branded, every such Proprietor shall forfeit and pay, a sum, not exceeding ten Shillings current money of this Province.

VII. And it being necessary to fix the hire or wages of Pilots licensed as by this Act is directed, Be it further enacted by the authority aforesaid, that from the opening of the navigation until the first day of October, annually, there shall be paid to licensed Pilots, in lieu of all wages, provisions and ferriage for piloting, from Chateauguay to Montreal, the following hire or wages, that is to say: For every scow loaded in part or in whole, Thirty Shillings currency. For every raft of staves, timber or other lumber consisting of two cribs, and not exceeding eighty feet in length, twelve Shillings and six pence currency. For a single crib of staves, timber or other lumber, if the proprietor shall require it to be piloted singly, twelve Shillings and six pence, Currency. For every raft of firewood, Ten Shillings, Currency. And from and after the first day of October, inclusive, annually, until the close of the navigation, there shall be allowed and paid over and above the before mentioned rates, an addition of one fifth part.

VIII. And whereas accidents may happen to scows and rafts in their passage from Chateauguay to Montreal. Be it further enacted by the authority aforesaid, that it shall be the duty of the Pilot, having charge of any scow or raft, which shall meet with an accident, to give every assistance in his power, not only to clear the rapids from the impediments, which such accident may occasion, but further, to the best of his skill and abilities, to assist in endeavoring to save from loss, the loading of any scow or raft so meeting with an accident, nor shall he depart from, or leave the same until discharged by the owner thereof, or his agent, under the penalty of the loss of his wages; and further a fine not exceeding twenty shillings currency, for every such offence. Provided always, that over and above the allowance for pilotage to such Pilots, as herein before established, there shall be paid to him, for every day that he shall be detained in so clearing the rapids, or in assisting to save the property committed to his charge, the wages following, that is to say : from the opening of the Navigation, until the first day of October, five shillings currency per day, and from the first day of October inclusive, until the close of the Navigation, one fifth more, and in both cases of such detention, provisions whilst so employed.

IX. And be it further enacted by the authority aforesaid, that it shall be the duty of a licenced Pilot, upon being thereunto required by the Inspector, or either of the Measurers, to take charge of any scow or raft, which shall have been gauged or branded, and if any such Pilot, shall, after such requisition, refuse or neglect, to take charge thereof, and shall a second time, after a like requisition, the same not being made the same day, and the Pilot so required nor being then actually engaged to conduct any other scow or raft, nor being incapable from sickness to do his duty, still refuse or neglect to take charge of a scow or raft, so gauged and branded, every such Pilot, so refusing and neglecting, a second time, shall, upon conviction thereof, forfeit and pay, a sum not exceeding twenty shillings currency, and be deprived of his licence for the remainder of that season; and if any Pilot so convicted, shall nevertheless, afterwards presume to pilot any scow or raft, during that season, he shall forfeit and pay a sum, not exceeding forty shillings currency.

X. And be it further enacted by the authority aforesaid, that for the trouble of inspecting, measuring and branding of every scow, crib or raft, as is herein before directed, there shall be paid into the hands of the Inspector, the following rates and allowances, that is to say: For every scow loaden in part, or in whole, six shillings currency. For every crib of staves, timber or other lumber, two shillings and six pence currency. For every raft of firewood, one shilling and three pence currency. And for every crib or raft with wheat, flour, or other provisions or pot or pearl ashes thereon. two shillings and six pence currency. And the monies so received by the Inspector, shall be divided and paid as follows, that is to say: two fifth parts to be retained for himself, and the other three fifths, to the measurers, by equal portions.

XI. And be it further enacted by the authority aforesaid, that all fines and penalties by this Act inflicted shall unless otherwise provided for, be sued for within three calender months after the offence committed, and not afterwards, before any one or more Justice or Justices of Peace, in the District, who is, and are hereby authorised to hear and determine the same, and on conviction of the offender, by his or her confession, or by the oath of one or more credible witness or witnesses, being other than the prosecutor, the same shall be levied, with the costs of suit, by warrant of distress, under the hand and seal of such Justice or Justices of the Peace, of the goods and chattels of the person so convicted; and one half of such fines and penalties, shall be paid to the prosecutor, and the other half shall be paid into the hands of his Majesty's Receiver General of this Province, to be applied to the public uses thereof; and the same 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, his Heirs and Successors shall direct.

XII. And be it further enacted by the authority aforesaid, that if any suit shall be brought against any person, for any thing done or executed, by virtue of and in pursuance of this Act, such suit shall be commenced within three months, after the matter or thing done, and not afterwards; and the defendant or defendants may plead the general issue, and give this Act and the special matter in evidence, on any trial to be had thereon, and that the same was done in pursuance of and under the authority of this Act, and if judgment shall be given for the defendant or defendants, or the plaintiff or plaintiffs, shall become non-suited, or shall discontinue his, her, or their prosecution, after the defendant or defendants shall have appeared, then such defendant or defendants may and shall recover treble costs, and have the like remedy for the same as any defendant or defendants hath or have to recover costs in cases at law.

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