

The Provincial Statutes of Lower-Canada, Being the third session of the fourth Provincial Parliament of Lower-Canada. Quebec: P. E. Desbarats, Printer to the King's Most Excellent Majesty, 1807.

47 George III – Chapter 5

An Act to regulate the Provincial Post Houses, and to repeal certain Acts and Ordinances therein mentioned. (16th April, 1807.)

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hire for the accommodation of Travellers commonly called and known by the name of Maitres de Poste,'" be and are hereby repealed.

II. And be it further enacted by the authority aforesaid, that the Superintendant 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 Superintendant 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 Superintendant 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.

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 Maîtres 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 Superintendant 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 Superintendant, to name or appoint any Aide de Poste there.

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 setts 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.

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.

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 caliche or cariole of such Traveller, for one person the sum of One Shilling current money of this Province; for two persons, the sum of One Shilling and Four Pence, like money, for every additional horse that any Traveller or Travellers shall require to be added to the carriage, the sum of Four Pence, like money; for every saddle horse the sum of Seven Pence half penny, for every horse with a sleigh or cart, or for every horse with the harness to be put to the sleigh or cart of any Traveller or Travellers, be it for travelling or conveying baggage, not weighing more than six hundred pounds, the sum of

Ten Pence, like money; for every additional horse to the said sleigh or cart with baggage not weighing more than one thousand pounds, the sum of Four Pence, like money; and all persons who shall travel with their own carriage covered or half covered, are required to take two horses to drive the said covered or half covered carriage, shall pay, over and above the rates and prices herein before fixed, the sum of Two Pence, like money, in augmentation for every league or in proportion for every part of a league, as aforesaid: and that every Maitre or Aide de Poste who shall be required to furnish a covered or half covered carriage, and who shall furnish the same, shall receive Three Pence, like money, in augmentation for every league or in proportion for every part of a league: and every Traveller may take and carry with him, the following quantity of baggage, that is to say, one Traveller, one hundred and twenty pounds weight, and two Travellers sixty pounds weight between them, without paying any thing extra therefor: and the Maitres and Aides de Poste of the Cities of Quebec and Montreal and Town of Three Rivers [Trois-Rivières], shall receive Eleven Pence, like money, for every league over and above the rates herein before mentioned, and those who shall convey Travellers into the said Cities and Town, shall receive an allowance of Five Pence, like money, over and above the rates herein before mentioned, for every league or in proportion for every part of a league.

VIII. And be it further enacted by the authority aforesaid, that any person or persons, not being Maitres or Aides de Poste, residing on the Post Roads, who shall furnish any carriage or carriages, except carts, sleds or traîneaux, and saddle horses for gain or profit to any Traveller or Travellers, who are not inhabitants of or dwelling in the Parish where such persons reside, for the purpose of conveying such Traveller or Travellers on the Post Roads, shall incur, for every such offence, a Penalty which shall not be less than Forty Shillings, nor more than Five Pounds, current money of this Province. Provided always, that this shall not in any wise extend to prevent or restrain the transport of Troops, Militia men and effect belonging to Government as provided by Law, and that when such Traveller or Travellers shall stop on the Road, and shall be conveyed in his or their carriage, or by a carriage of the Parish, where he is a resident, or by the carriage of a licenced Carter of the aforesaid Cities, to any house, not being a Post-house, it shall and may be lawful for any person to convey the said Traveller or Travellers in a carriage to the nearest Post-House, where they shall find relays, without incurring the aforesaid Penalty. Provided also, that the Carters of the Cities of Quebec and Montreal who shall be 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.

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 maybe 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 authorised 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 authorised 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 authorised 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 authorised 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. 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 Port, 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 cafe, 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.

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.

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.

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.

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 palling 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 calesh, 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 calesh, 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.

XVI. And be it further enacted by the authority aforesaid, that it shall be the duty of the Superintendant 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 Rate 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.

XVII. And be it further enacted by the authority aforesaid, that the Superintendant 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 Superintendant, is not exact, they may cause it to be verified by a sworn Surveyor at their own expence.

XVIII. And be it further enacted by the authority aforesaid, that it shall be the duty of all and every Maitre or Aide de 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 the damages that may arise by such neglect or by the neglect of their men servants or drivers, glass and earthen ware, excepted.

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 authorised 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 Witness or Witnesses, (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 Superintendant 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 Superintendant of Provincial Post Houses

shall be admitted as a competent Witness in all matters relating to the execution of this Act, though the action beat his suit, or that he be the prosecutor or informer for any offence, negligence, or default against the same.

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.