

Laws of Her Majesty's Province of United Canada, passed in the year 1851. Quebec: Stewart Derbishire and George Desbarts, 1852.

16 Victoria – Chapter 212

**An Act to regulate Ferries beyond the local limits of the Municipalities in Lower Canada.
Assented to 14th June, 1863.**

Whereas it is expedient to make more efficient provision for the regulation of ferrymen, and persons conveying passengers for hire across the several rivers and waters of Lower Canada and the Licensing of Ferries, not within the local limits of any Municipality: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That an Ordinance passed by the Legislature of the late Province of Quebec, in the seventeenth year of the reign of His Majesty King George the Third, intituled, *An Ordinance empowering the Commissioners of the Peace to regulate the prices to be paid for the carriage of Goods and the passage of Ferries, in the Province of Quebec*; an Ordinance of the Legislature of the late province of Lower Canada, passed in the second year of Her Majesty's Reign, intituled, *An Ordinance for the better regulation of Ferrymen, and others conveying persons for hire across the Rivers and Waters of this Province*, and all such parts of any other Ordinances or Acts of the Legislature of either of the said late Provinces, or of this Province, inconsistent with or repugnant to the provisions of this present Act, shall be and the same are hereby repealed; except in so far as relates to any Ferry License granted under the authority of any such Acts or Ordinances, which shall remain in force, and except as to any penalty or forfeiture incurred under them or any of them, which may be recovered, as if this Act had not been passed.

II. That from and after the time when this Act shall come into force, no person shall act as a ferryman, or shall convey, or cause to be conveyed by any one in his service, any person across any river, stream, lake, or water within Lower Canada and not wholly within the local limits of any Municipality thereof, without having received a license under the hand of the Governor of this Province, for the time being, or of some person by him duly authorized to that effect, to keep a ferry across any such river, stream, lake or other water, for a certain time, at a place and within limits, to be designated in such license, — nor shall the person having received such license, so act as a ferryman, or so convey, or cause to be conveyed, any person for hire, at any place to which such license shall not extend, or beyond the limits mentioned therein, under a penalty of Five Shillings currency, for each person; so conveyed contrary to the provision of this Act; and of such further penalty as may be fixed by any regulations to be made in the manner hereinafter provided.

III. It shall be lawful for the Governor in Council to make, and from time to time to repeal or alter such regulations, as he may deem expedient, for any of the following purposes, that is to say:

Firstly. For establishing the extent and limit, of all such Ferries or of any of them.

Secondly. For defining the manner in which, the conditions (including any duty or sum to be paid for the license,) under which, and the period for which, licenses shall be granted in respect of all such Ferries, or any one or more of them.

Thirdly. For determining the size and description of the vessels to be used on any such Ferries by the persons holding licenses in respect thereof, and the nature of the accommodation and conveniences to be provided for passengers carried in such vessels.

Fourthly. For fixing the Tolls or Rates at which persons and chattels shall be carried over such Ferries, and the manner and places in which such Tolls or Rates shall be published or made known.

Fifthly. For enforcing the payment of such Tolls or Rates by the persons carried, or for whom chattels shall be carried, over such Ferries.

Sixthly. For regulating the conduct of persons holding licenses in respect of such Ferries, and for fixing the times, and hours and parts of hours, during and at which vessels employed on such Ferries shall cross and across, or depart from either side of any such Ferry, for that purpose.

Seventhly. For annulling and declaring the forfeiture of any such Ferry license in consequence of the conditions thereof, or any of them, not having been fulfilled.

Eighthly. For imposing penalties not exceeding Fifty Shillings Currency in any case, for the violation of any such regulation or regulations, and all such regulations shall during the time for which they are intended to be in force, have the same force and effect as if contained and enacted in and by this Act.

IV. Provided always, That no license for any such Ferry shall hereafter be granted for a longer period than twelve months, except by public competition, and to parties giving such security as may be required by the Governor in Council, after notice inserted at least four times in the course of four weeks in the *Canada Gazette*, and in one or more newspapers published in the district in which such Ferry may be situate, and if no newspaper be published in such district, then in the nearest district in which a newspaper is published; nor shall any such Ferry be leased or a license therefor granted for a longer term than ten years at any one time.

V. The Provincial Secretary shall cause all regulations which may be made as aforesaid to be published in the English and French languages in the *Canada Gazette*, at least three times during the three months following the date thereof, and any copy of the said Gazette containing a copy of such Regulations, or any of them, shall be evidence of such Regulation or Regulations.

VI. All lines or penalties imposed by this Act or by any regulations under the authority thereof, shall be recoverable in a summary manner before any one Justice of the Peace, on the oath of any

credible witness other than the informer; and one half of every such penalty shall be paid to the informer, and the other half shall belong to the Crown for the Public uses of the Province.

VII. All moneys arising out of such Ferry Licenses and out of penalties incurred in regard of the same, or otherwise, under this Act, shall form part of the Consolidated Revenue Fund after deducting therefrom such portion thereof as may be necessary for the remuneration of the District Inspectors, or other Officers employed in carrying out this Act, for their services in that behalf, and for defraying such other expenses as may be required for the purposes of this Act.

VIII. Provided always, That nothing in this Act shall extend to the owner or master of any vessel plying between two ports in this Province, or regularly entered or cleared by the Officers of Her Majesty's Customs at any such port, or in any way to affect any privilege granted by the Legislature either of the late Province of Lower Canada or of this Province, to the proprietor of any Bridge or to any Railroad Company, or other Road Company.

IX. And be it enacted, That the term "chattels," wherever the same is employed in this Act, shall extend and apply to horses, cattle, grain, provisions and all other moveable property: The owner, master or person in charge of any vessel which shall be used for the purpose of carrying any person or chattel over any such ferry as aforesaid, shall be deemed to have acted as a ferryman within the meaning of this Act, and shall be liable to all the penalties hereby imposed if he shall contravene this Act in so acting: and the word "vessel" shall mean any steamboat, horseboat, boat, canoe, or craft of any kind which may be used for the purpose of carrying passengers or chattels across any such water as aforesaid.

X. And be it enacted, That this Act shall come into force upon, from and after the first day of August next after the passing thereof, and not before.