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No. 409.

1st Session, 4th Parliament, 16 Victoria, 1853.

BILL.

An Act to establish and regulate the Ferries across the River St. Lawrence between the City of Quebec and the Parish of St. Joseph of Point Levi, in the County of Dorchester.

Received and Read a first time, Wednesday,
25th May, 1853.

Second Reading, Friday, 27th May, 1853.

Mr. STUART.

QUEBEC:

PRINTED BY JOHN LOVELL, MOUNTAIN STREET.

An Act to establish and regulate the Ferries across the River St. Lawrence between the City of Quebec and the Parish of St. Joseph of Point Levi, in the County of Dorchester.

WHEREAS it has become necessary to establish and regulate the Ferries across the River St. Lawrence between the City of Quebec and the opposite Parish of St. Joseph of Point Levy, in the County of Dorchester; Be it therefore enacted, &c.,

Preamble.

5 That it shall be lawful for the Governor of this Province, with the advice of Her Majesty's Executive Council for the said Province, to appoint proper places for Ferries across the River St. Lawrence, between the City of Quebec and the opposite Parish of St. Joseph of Point Levy, during the season of navigation, and to regulate and establish the tolls to be received at such Ferries, according to the circumstances of the case, and to make Rules and Regulations for such Ferries: and the Governor may from time to time appoint such person or persons as he shall think proper to keep and work such Ferries.

Governor in Council to regulate the Ferry.

Governor to appoint Ferry-men.

15 II. And be it enacted, That it shall not be lawful for any person other than the persons appointed for that purpose, to keep a Ferry or carry any person or property for reward, from the said City of Quebec to the said Parish, or from that Parish to the City of Quebec, between the day of April and the day of in each year, in any steamboat, horse-boat or other vessel, except a row-boat or sail-boat or canoe not exceeding twenty feet in length; and if any person shall so offend, he shall forfeit and pay to any one of the persons so appointed to keep such Ferry who shall sue for the same, the sum of 25 currency for every such offence.

No other person to Ferry.

Penalty.

III. And be it enacted, That it shall be the duty of every person appointed to keep a Ferry as provided in this Act, and accepting such appointment, to provide and keep constantly in repair such and so many horse or steam Ferry-boats, as in the judgment of the Governor of the Province, with the advice aforesaid, shall be declared to be suitable and proper for such Ferry; and if any person shall neglect to provide or keep constantly in repair

Duty of persons appointed Ferry-men.

Penalty for contravention.

any such Ferry-boats for the term of one week, he shall forfeit his right to keep such Ferry, and it shall and may be lawful for the Governor to appoint some other person in his place.

Governor in Council to fix rates of ferriage.

IV. And be it enacted, That it shall be lawful for the Governor of this Province, with the advice of Her Majesty's Executive Council, by his Proclamation in this behalf, to fix and establish the rates or prices to be taken and received for carrying or transporting persons, horses, cattle, grain, and all other goods, merchandize, commodities and things whatsoever in the said Ferry-boats from the City of Quebec to the said Parish, and from the 10 said Parish to the said City.

Penalty for refusing to pay lawful ferriage

V. And be it enacted, That if any person or persons shall refuse to pay to any Ferry-man, for the time being, the rates and prices of ferriage, limited and established by such Proclamation, and due by such person, the person or persons so refusing shall 15 forfeit and pay to such Ferry-man treble the rate to which he, she, or they were liable by the said Proclamation, to be recovered with cost of suit in any Court having jurisdiction in civil cases to the amount, thereof; and if any dispute shall arise concerning the rates or prices of ferriage, for any goods or commodities not particularly 20 enumerated or expressed in such Proclamation, the matter may be brought before any Justice of the Peace by the contending parties, and such Justice shall hear and determine the same in such a manner as to him shall appear to be conformable to the true intent and meaning of such Proclamation and shall award 25 costs against the party in default.

Disputes as to rates payable, how settled.

Penalties for exacting greater rates.

VI. And be it enacted, That if any Ferry-man, for the time being, his servant or servants shall ask, demand, exact, impose or take any greater or other rates for ferriage and transportation from the said City of Quebec to the said Parish of St. Joseph of 30 Point Levy, or from said Parish to the said City of Quebec, than shall be limited and established by Proclamation, as aforesaid, the person or persons so offending in the premises, shall for every such offence forfeit and pay to the person or persons from whom the same shall have been exacted and taken, the sum of *twenty* 35 *shillings* currency.

Ferry-men to hang up rates of ferriage.

VII. And be it enacted, That every Ferry-man, for the time being, shall paste upon a board and hang up in the most public place of his boat or vessel a printed Table of Rates or prices of ferriage established as aforesaid; and in case any Ferry-man, for 40 the time being, shall neglect or refuse to hang up such Table of Rates and prices of ferriage in manner aforesaid, he shall for every day he shall so neglect or refuse to do the same, forfeit the sum of *twenty shillings*.

VIII. And be it enacted, That every Ferry-man, for the time being, shall always have one or more boats ready, and shall run the same across the said River from each side of the River every half hour, from one half hour before sunrise, through the whole day until eight o'clock in the evening, for the purpose of transporting passengers and their effects; and if any Ferry-man shall neglect to have his boat or boats, vessel or vessels ready on each side of the River to carry over any passenger or passengers or their effects, or to carry the same across the said River at such time and times as aforesaid, and without any unnecessary delay, wind and weather permitting, every such Ferry-man so neglecting shall forfeit and pay for every such neglect *fifty shillings* to the person or persons detained thereby.

Ferry-men to start a Boat each way, every half hour, from sunrise to 8 P. M.

IX. And be it enacted, That it shall be and it is hereby made lawful for any person or persons to transport their own goods in their own boats from the said Parish of St. Joseph of Point Levy to the said City of Quebec and from that City to the said Parish, nor shall any thing herein contained be construed to prevent any person from ferrying over the said River at the place aforesaid, persons or goods in any row-boat or sail-boat or canoe not exceeding twenty feet in length.

Exceptions to exclusive privilege.

X. And be it enacted, That the penalties and forfeitures imposed by this Act and also any sum due for ferriage and not exceeding pounds, shall and may be recovered upon proof of the offence, before any one or more Justices of the Peace for the District of Quebec, residing in the City of Quebec, either by confession of the parties or by the oath or affirmation of any one credible witness, which oath or affirmation such Justice or Justices is or are hereby empowered and required to administer, and shall be levied by distress and sale of the offender's goods and chattels, by warrant under the hand and seal or hands and seals of such Justice or Justices; and all such penalties and forfeitures, the application whereof is not herein before particularly directed, shall be paid to the Treasurer of the City of Quebec, for the use of the said Corporation of the said City.

Penalties and forfeitures, how recoverable.

Application.

XI. And be it enacted, That this Act shall be in force during three years from the passing thereof, and thence until the end of the then next Session of the Provincial Parliament.

Duration of Act.

XII. And be it enacted, That this Act shall be held to be a Public Act.

40 Public Act.