

C A P. XXVIII.

AN ACT to continue for a limited time an Act passed in the fourth year of His Majesty's Reign, intituled, "An Act to repeal a certain Act therein-mentioned, and to regulate the measure and weight of Coals."

(29th March, 1826.)

Preamble.

Act 4, Geo. 4,
Cap. 37, con-
tinued.

WHEREAS it is expedient to continue an Act passed in the fourth year of His Majesty's Reign, intituled, "An Act to repeal a certain Act therein-mentioned, and to regulate the measure and weight of Coals," the duration whereof is limited to the first day of May, one thousand eight hundred and twenty-six: 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 same, that the said Act passed in the fourth year of His Majesty's Reign, intituled, "An Act to repeal a certain Act therein-mentioned, and to regulate the measure and weights of Coals," shall continue to be and remain in force until the first day of May, one thousand eight hundred and thirty one, and no longer.

C A P. XXIX.

AN ACT to authorize Robert Jones to build a Toll Bridge over the River Richelieu, in the Parish of Saint Luke at Saint Johns, near the Rapids, to fix the rates of Toll for passing thereon, and to provide Regulations for the same.

(29th March, 1826.)

Preamble.

WHEREAS the convenience and the facility of intercourse of the Inhabitants of the adjacent Parishes, and Concessions, and of the public in general,

general, would be much promoted by the erection of a Draw-Bridge over the River Richelieu, at the Town of Dorchester, (Saint Johns,) near the head of the Rapids of the said River in the County of Huntingdon, that is to say, at some point or place between the property now appertaining to Ephraim Mott, on Partition street and the premises now belonging to and occupied by Robert Hall, in the aforesaid Town of Dorchester, commonly called Saint Johns: and whereas Robert Jones of Stanbridge hath by his Petition in this behalf, prayed for leave to build a Toll Bridge over the said River at the aforesaid place: Therefore may it please Your Majesty that it may be enacted, and be it 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 be lawful for the said Robert Jones, and he is hereby authorized and empowered at his own costs and charges, to erect and build a good and substantial Draw-Bridge over the said River Richelieu at the Town of Dorchester, (Saint Johns,) at or near the head of the Rapids, that is to say, some convenient point or place situate in the intermediate space between the premises now appertaining to Ephraim Mott, on Partition street, and the premises now belonging to and occupied by Robert Hall, in the aforesaid Town of Dorchester, commonly called Saint Johns, and to erect and build one Toll House and Turnpike, with other dependencies on or near the said Bridge, the Draw Gate of which said Bridge for the passage of the vessels or boats or rafts shall at least be thirty feet in the clear between the pillars, and also to do, and perform and execute all other matters and things requisite and necessary, useful or convenient for erecting and building, maintaining and supporting the said intended Bridge, Toll-House, Turnpike and and other dependencies according to the tenor and true meaning of this Act.

Robert Jones authorized to build a Draw-Bridge over the River Richelieu, at the Town of Dorchester. (Saint Johns.)

Robert Jones authorized to use the land on either side of the River Richelieu, and work up materials necessary for

II. And be it further enacted by the authority aforesaid, that for the purpose of erecting, building, maintaining and supporting the said Bridge, the said Robert Jones, his heirs, executors, curators and assigns, shall from time to time, have full power and authority to take and use the land on either side of the said River, and there to work up, or cause to be worked up the materials and other things necessary for erecting, constructing, or repairing the said Bridge accordingly

constructing the bridge making a reasonable satisfaction to the respective owners and occupiers of the lands for the damages done to the same.

accordingly; the said Robert Jones, his heirs, executors, curators and assigns, and the persons by him or them employed, doing as little damage as may be, and making reasonable and just satisfaction to the respective owners and occupiers of all such lands and grounds as shall be altered, damaged, or made use of for the value of such land as well as for that of the alteration or of the damages which they may cause to the proprietors by means of or for the purpose of erecting the said Bridge, and the said House as above designated; and in case of difference of opinion and dispute about the quantum of such satisfaction, the same shall be settled by His Majesty's Court of King's Bench for the District of Montreal, after a previous visitation, examination and estimation of the premises, shall have been made by Experts to be named by the parties respectively; and in default of such nomination by them, or either of them, then by the said Court, in manner and form prescribed by Law, and the said Court is hereby authorised and empowered to hear, settle, and finally determine the amount of such compensation in consequence—Provided always, that the said Robert Jones, his heirs, executors, curators and assigns, shall not commence the erection of the said Bridge and other Works by which any person may be deprived of his Land or part thereof, or may suffer damage, before the price or value of the said Land and damages, estimated and settled in manner before prescribed, shall have been paid to such person, or after such price or value shall have been offered to him, or that on his refusal, the said Robert Jones shall have deposited it at the Office of the Prothonotary of the Court of King's Bench for the said District of Montreal.

Proviso.

Bridge, &c. vested in the said Robert Jones, his heirs and assigns.

At the expiration of fifty years, His Majesty may assume the possession of the said bridge, &c. paying to Robert Jones, the full value thereof.

III. And be it further enacted by the authority aforesaid, that the said Bridge and the said Toll-House, Turnpike and dependencies to be erected thereon, or near thereto, and also the ascents or approaches to the said Bridge, and all materials which shall be, from time to time, found or provided, for erecting, building, or maintaining and repairing the same, shall be vested in the said Robert Jones, his heirs and assigns for ever.—Provided, that after the expiration of fifty years from the passing of this Act, it shall and may be lawful for His Majesty, his heirs and successors, to assume the possession and property of the said Bridge, Toll-House, Turnpike and dependencies, and the ascents and approaches thereto, upon paying to the said Robert Jones, his heirs, executors, curators or assigns, the full and entire value which the same shall at the time of such assumption, bear and be worth.

IV. And be it further enacted by the authority aforesaid, that in erecting the said Bridge there shall be left one opening between the pillars thereof, of at least eighty

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An opening to be kept between the pillars for the passage of rafts.

Only one crib to pass at the same time.

eighty feet in width, at the deepest part of the river, so that rafts floating down the same may meet with no kind of obstruction, and it shall be the duty of the proprietors or conductors of every such raft to give two hours previous notice to the Toll-gatherer or person having charge of the said Bridge, of his or their intention to pass through the same with such raft. Provided always, that no more than one crib shall pass at the same time through the same opening, and all damage caused by any such raft as may come upon or against the said Bridge, without such notice as aforesaid having been given, or containing more than one crib shall be made good by the proprietor of such raft to the said Robert Jones, his heirs, executors, curators, or assigns, and shall be recoverable by suit at Law in any Court of Record, taking cognizance of causes to the like amount.

Penalty on Robert Jones, &c. not affording a free passage to boats when required

V. And be it further enacted by the authority aforesaid, that the said Robert Jones, his heirs, executors, curators, or assigns, his or their agent, toll-gatherer, or other representative, having charge of the said Draw-bridge, shall at all times upon verbal notice or request to that intent be bound to raise, within a reasonable time not exceeding one hour, the gate of the said Draw-bridge, without any toll, fee, or recompense whatsoever, in order to afford and give free passage to all and every vessel, craft, or decked boat having a mast, or masts, navigating in or upon the said river Richelieu, under the penalty not less than twenty shillings and not more than twenty pounds current money of this Province, for each and every default, to be recovered against the proprietors of the said Bridge, or any one of them, with costs of suit to such person or persons as may be aggrieved, by reason of each and every such default, without prejudice to the damages which may have been caused by the neglect or delay in raising the gate of the said Drawbridge, and for which the said proprietors of the said Drawbridge, so as aforesaid intended to be built, shall be jointly and severally responsible; Provided always, that the proprietors of the said intended Draw-bridge shall not be bound or obliged to cause the said Draw-gate to be raised for any vessel, craft, boat or batteau, the mast or masts whereof are moveable or such as can be unshipped or lowered so as to pass, underneath the said Draw-gate.

Proviso.

When the bridge is built and convenient for the passage of travellers

VI. And be it further enacted by the authority aforesaid, that when and so soon as the said Bridge shall be erected and built, and made fit and proper for the passage of Travellers, Cattle, and Carriages, and that the same shall have been

lers. Robert Jones entitled to certain tolls for pontage.

been certified by any two or more Justices of the Peace, for the District of Montreal, after examination thereof, by three *experts*, to be appointed and sworn by the said Justices, and shall have been advertised in one of the public News-papers, published in Montreal in both languages, it shall be lawful for the said Robert Jones, his heirs, executors, curators and assigns, from time to time, and at all times to ask, demand, receive, recover and take Toll, and for their own proper use, benefit and behoof for Pontage, as or in the name of a Toll or Duty, before any passage over the said Bridge shall be permitted, the several sums following, that is to say : for every four-wheel carriage, drawn by two horses, one shilling and three pence currency ; and for every additional horse four pence currency ; for every gig, caleche, cart or waggon adapted for and drawn by one horse, eight pence currency ; for every additional horse, four pence currency ; for every cart or waggon, drawn by a pair of oxen, one shilling currency ; and for every additional pair of oxen or horses eight pence currency ; and for every four wheel carriage adapted for and drawn by two horses, one shilling currency ; and for every additional horse, four-pence currency ; for every cariole or sleigh drawn by one horse, six pence currency ; for every additional horse, four pence currency ; for every sleigh drawn by a pair of oxen, ten pence currency ; and for every additional pair of oxen, six pence currency, for every saddle horse and rider, six pence currency ; for every horse, ox, mule or other beast of burthen, laden or unladen, three pence currency ; for all other descriptions of horned cattle, two pence currency, each ; for every calf, sheep or hog one penny, each, for every foot passenger, three pence currency.

The Rates and Tolls.

Exemption in certain cases.

VII. Provided always, and be it further enacted by the authority aforesaid, that no person, horse or carriage, employed in conveying a mail or letters under the authority of His Majesty's Post-Office, nor for the horses, or carriages, laden or unladen, and drivers, attending officers and soldiers of His Majesty's Forces, or of the Militia, whilst upon their march, or on duty, nor the said officers or soldiers nor any of them, nor carriages and drivers, or guards sent with prisoners of any description, as well going as coming, provided they are not otherwise loaded, shall be chargeable with any Toll or Rate whatsoever. Provided also, that it shall and may be lawful for the said Robert Jones, his heirs, executors, curators, or assigns, to diminish the said Tolls, or any of them, and afterwards if he or they shall see fit, again to augment the same, or any of them, so as not to exceed in any case the rates herein-before authorized, to be taken. Provided also, that the said Robert Jones, his heirs, executors, curators or assigns shall affix, or cause to be affixed, in some conspicuous

Robert Jones may reduce & afterwards advance the tolls.

Table of rates to be fixed in a conspicuous place at the toll gate.

spicuous place, at or near such Toll-Gate a Table of the Rates payable for passing over the said Bridge; and so often as such rates may be diminished or augmented, he or they shall cause such alteration to be affixed, in manner aforesaid.

VIII. And be it further enacted by the authority aforesaid, that the said tolls, shall be, and the same are hereby vested in the said Robert Jones, his heirs and assigns for ever. Provided, that if His Majesty shall, in the manner hereinbefore mentioned, after the expiration of fifty years from the passing of this Act, assume the possession and property of the said bridge, toll-house, turnpike and dependencies and the ascents, and approaches thereto, then the said tolls shall, from the time of such assumption, appertain and belong to His Majesty, His Heirs and Successors, who shall from thence-forward be substituted in the place and stead of the said Robert Jones, his heirs and assigns, for all and every the purposes of this Act.

Tolls vested in Robert Jones.

Unless His Majesty, at the end of fifty years shall assume the possession of the bridge, &c. then the same shall be vested in His Majesty

Penalty on persons forcibly passing the turnpike without paying toll or who shall interrupt the said Robert Jones in building the said bridge, &c.

IX. And be it further enacted by the authority aforesaid, that if any person shall forcibly pass through the said Turnpike, without paying the said Toll or any part thereof, or shall interrupt or disturb the said Robert Jones, his heirs, executors, curators or assigns, or any person or persons employed by him, or them, for building or repairing the said Bridge, or making or repairing the way over the same, or any road or avenue leading thereto, or shall at any time drive faster than a walk on the said Bridge, every person so offending, in each of the cases aforesaid, shall, for every such offence, forfeit a sum not exceeding, forty shillings currency.

As soon as the Bridge is completed, no other Bridge to be erected within half a league below, and one league above the said Bridge.

X. And be it further enacted by the authority aforesaid, that as soon as the said Bridge shall be passable and opened for the use of the public, no person or persons shall erect, or cause to be erected, any bridge or bridges, or works, or use any ferry for the carriage of any persons, cattle or carriage whatsoever, for hire, across the said River Richelieu, within one half league below and one league above the said Bridge, and if any person or persons shall erect a Toll-bridge or Toll-bridges over the said River, within the said limits, he or they shall pay to the said Robert Jones, his heirs, executors, curators and assigns, treble the Tolls hereby imposed, for the persons, cattle and carriages, which shall pass over such Bridge or Bridges; and if any person or persons, shall at any time, for hire or gain, pass or convey any person or persons, cattle or carriages, across the said River, within the limits aforesaid, such offender or offenders, shall, for each carriage or person or animal so carried across, forfeit and pay a sum

Penalty.

Proviso. sum not exceeding forty shillings, currency. Provided that nothing in this Act contained, shall be construed to prevent the public from passing any of the fords in the said River, within the limits aforesaid, or in canoes or other water carriage, without gain or hire.

Penalty on persons pulling down the Bridge or toll-house. XI. And be it further enacted by the authority aforesaid, that if any person shall maliciously pull down, burn or destroy the said Bridge, or any part thereof, or the Toll-house to be erected by virtue of this Act, every person so offending, and thereof legally convicted, shall be deemed guilty of felony.

Robert Jones required to erect the Bridge within four years. Penalty if not completed. XII. And be it further enacted by the authority aforesaid, that the said Robert Jones, to entitle himself to the benefits and advantages to him by this Act granted, shall, and he is hereby required to erect and complete the said Bridge, Toll-house, Turnpike and dependencies, within four years from the day of the passing of this Act; and if the same shall not be completed within the term last mentioned, so as to afford a convenient and safe passage over the said Bridge, he the said Robert Jones, his heirs, executors, curators and assigns, shall cease to have any right, title or claim of, in, or to the Tolls hereby imposed, which shall from thence forward belong to His Majesty; and the said Robert Jones, shall not, by the said Tolls, or in any other manner or way, be entitled to any reimbursement of the expense he may have incurred in and about the building of the said Bridge; and in case the said Bridge, after it shall have been erected and completed, shall, at any time, become impassable or unsafe for travellers, cattle or carriages, the said Robert Jones, his heirs, executors, curators or assigns, shall, and they are hereby required, within two years from the time at which the said bridge shall, by His Majesty's Court of General Quarter Sessions of the Peace, in and for the said District of Montreal, be ascertained to be impassable or unsafe, and notice thereof to them or any of them, by the said Court given, to cause the same to be rebuilt or repaired, and made safe and commodious for the passage of Travellers, Cattle and Carriages: and if within the time last mentioned, the said bridge be not repaired or rebuilt, as the case may require, then the said bridge, or such parts thereof, as shall be remaining, shall be, and be taken and considered to be the property of His Majesty, and after such default to repair or rebuild the said Bridge, the said Robert Jones, his heirs, executors, curators or assigns, shall cease to have any right, title or claim of, in, or to the said Bridge, or the remaining parts thereof, and the tolls hereby granted, and their and each and every of their rights in the premises, shall be wholly and for ever determined.

Not to affect
the King's
rights

XIII. And be it further enacted by the authority aforesaid, that the present Act, or any of the dispositions therein contained, shall not extend, or be construed to extend, to weaken, diminish, or extinguish the rights and privileges of His Majesty, the King, His Heirs and Successors, nor of any person or persons, body politic or corporate, in any of the things therein-mentioned, (except as to the power and authority hereby given to the said Robert Jones, his heirs and assigns, and except as to the rights which are hereby expressly altered and extinguished,) but that His Majesty the King, His Heirs and Successors, and all and every person or persons, body politic or corporate, their heirs and assigns, executors and administrators, shall have and exercise the same rights (with the exceptions aforesaid) as they and each of them had before the passing of this Act, to every effect and purpose whatsoever, and in as ample a manner as if this Act had never been passed.

Penalties how
recoverable.

XIV. And be it further enacted by the authority aforesaid, that the penalties hereby inflicted, shall, upon proof of the offences respectively, before any one or more of the Justices of the Peace for the said District of Montreal, either by the confession of the offender, or by the oath of one or more credible witness, or witness, (which oath such Justice is hereby empowered and required to administer,) be levied by distress and sale of the goods and chattels of such offender, by Warrant signed by such Justice or Justices of the Peace, and the overplus after such penalties, and the charges of such distress and sale are deducted, shall be returned, upon demand, to the owner of such goods and chattels, one half of which penalties, respectively, when paid and levied, shall belong to His Majesty, and the other half to the person suing for the same.

Money levied
by this Act,
and not gran-
ted to Robert
Jones and the
several fines
and penalties
reserved and
to be account-
ed for to His
Majesty.

XV. And be it further enacted by the authority aforesaid, that the monies to be levied by virtue of this Act, and not herein-before granted to the said Robert Jones, his heirs and assigns, and the several fines and penalties hereby inflicted, shall be, and the same are hereby reserved to His Majesty, his heirs and successors, for the public uses of this Province and the support of the Government thereof, in the manner herein-before set forth and contained; and the due application of such money, fines and penalties 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.

Bridge to have
a certain eleva-
tion under the
Draw Bridge
Arch.

XVI. Provided always, and be it further enacted by the authority aforesaid, that the said Bridge hereby authorised to be built and erected over and upon the

the said River Richelieu, shall have an elevation under the Draw-Bridge Arch thereof, of at least six feet above the level of the said River, at the time at which the waters thereof are usually at the highest.

Robert Jones, to entitle himself to the benefits of this Act, to give notice of his authority to build the Bridge.

XVII. Provided always, and be it further enacted by the authority aforesaid, that the said Robert Jones, his heirs, executors, curators or assigns, to entitle themselves to the benefit of this Act, shall, and they are hereby required within two months, from and after the passing of this Act, to give notice during three weeks in one of the Public Newspapers of Montreal, and in writing, to be affixed at the Church doors of Saint Athanasius and of Dorchester, commonly called Saint Johns, during the same space of time, and publicly read after Divine Service in the morning of each Sunday and Holiday, intervening in the course of that time; that he is hereby authorised to build and construct a Bridge and Toll-House over the said River Richelieu, at the place above-mentioned; and that the Inhabitants of the said Parishes and of the Seigniorie of Bleury in the County of Bedford, are entitled to apply to the Grand-Voyer, or to his Deputy, within three months after such notification, for the purpose of themselves building the said Bridge, which said notice shall be before a Justice of the Peace, certified upon the oaths of any two Officers of Militia, residing in the County of Huntingdon, to have been duly made and given, which Certificate, upon oath with a copy of the aforesaid notice, shall be deposited with a Notary Public, residing in the said County of Huntingdon.

Inhabitants to apply to the Grand Voyer for a Procès Verbal.

XVIII. Provided always, and be it further enacted by the authority aforesaid, that if the Inhabitants of the said Parishes, shall, within three months after such notification as aforesaid, apply by Petition to the Grand-Voyer of the District of Montreal, or to his Deputy, to obtain a *Procès Verbal*, and shall cause the same to be ratified according to Law, before the twent-first day of January, one thousand eight hundred and twenty-seven for the purpose of causing the said Bridge to be erected by the said Parishes, or part of the same according to the Laws now in force, and shall thereafter by virtue of the said, *Procès Verbal*, erect the said Bridge within one year to be computed from the date of the homologation of the said *Procès Verbal*, then, and in such case, the said Robert Jones, his heirs, executors, curators or assigns, shall not avail himself of this Act for the purpose of erecting the said Bridge, and levying the said rates or toll. Provided always, that if such Petition as above-mentioned, be not made and presented to the Grand-Voyer, or to his Deputy, as aforesaid, within three months, and a copy thereof served upon the said Robert Jones, his heirs, executors, curators or assigns, within three months after such notification as aforesaid, it shall forwith, after

Proviso.

after the expiration of the said three months, be lawful for the said Robert Jones, his heirs, executors, curators or assigns to avail themselves of this Act, and to proceed immediately thereafter to the erection and construction of the said Bridge and Toll-House.

If any alterations in the Bridge should become necessary for the improvement of the Navigation by any Canal, Proprietors compelled to make the alterations,

XIX. And be it further enacted by the authority aforesaid, that if at any time during the privilege granted by the present Act, any alteration of the said Bridge should become necessary for the improvement of the navigation of the said River Richelieu or for any Canal or Towing-path along the Banks thereof, the Proprietor or Proprietors of the said Bridge shall be held to make at their own cost and charges, the necessary alterations to the said Bridge in such manner as may be determined upon and directed by any Commissioner or Commissioners, or other Person or Persons appointed under any Act of the Legislature of this Province, for making or managing the said improvement, Canal or Towing-path or any of them.

Public Act.

XX. And be it further enacted by the authority aforesaid, that this Act shall be deemed a Public Act, and shall be judicially taken notice of as such, by all Judges, Justices of the Peace, and all other persons whomsoever, without being specially pleaded.