

The Provincial Statutes of Lower-Canada, Being the second session of the fourteenth Provincial Parliament of Lower-Canada. Quebec: P. E. Desbarats, Printer to the King's Most Excellent Majesty, 1832.

2 William IV – Chapter 62

An Act to authorize Andre Bourgault dit Lacroix, to build a Toll Bridge over the Northern Branch of the River Yamaska. (25th February, 1832.)

Whereas the erection of a Bridge over the northern branch of the River Yamaska opposite the Village of Burtonville in the Parish of Saint Césaire, near the Church of the said Parish and in the Seigniorie [seigneurie] of Debartzch [Rouville] in the County of Saint Hyacinthe and District of Montreal, would materially contribute to the convenience of the inhabitants of the adjacent Parishes; and whereas Andre Bourgault dit Lacroix of the said Parish of Saint Césaire, has by his petition in this behalf prayed for leave to build a Toll Bridge over the said northern branch of the River Yamaska, at the aforesaid place:—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 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 Québec, in North America,' 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 Andre Bourgault dit Lacroix, and he is hereby authorized and empowered at his own costs and charges to erect and build a good and substantial Bridge over the said northern branch of the River Yamaska, and to erect and build a Toll House and Turnpike, with other dependencies on or near the said Bridge; and also to do, 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 other dependencies, according to the tenor and true meaning of this Act.

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 André Bourgault dit Lacroix, 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 northern branch of the River Yamaska, 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, the said André Bourgault dit Lacroix, his heirs executors, curators and assigns, and the persons by 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 view, examination and estimation of the premises by experts 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 authorized and empowered to hear, settle and finally determine the amount of such compensation in consequence: Provided always, that the said André Bourgault dit Lacroix, 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 André Bourgault dit Lacroix or his representatives shall have deposited it at the office of the Prothonotary of the Court of King's Bench, for the District of Montreal.

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 André Bourgault dit Lacroix, his heirs, and assigns forever: 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 the approaches thereto, upon paying the said André Bourgault dit Lacroix, 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: Provided that nothing herein contained, shall be construed to prevent any number of the inhabitants interested in the said Bridge from assuming at any time the possession and property of the said Bridge, Toll House, Turnpike and dependencies and the ascents and approaches thereto, upon paying to the said André Bourgault dit Lacroix, his heirs, executors, curators, or assigns, the full and entire intrinsic value which the same shall at the time of such assumption bear and be worth, with an addition of twenty per cent upon, such intrinsic value, and that after the assumption of the said Bridge it shall become a free Bridge.

IV. And be it further enacted by the authority aforesaid, that when and so soon as the said Bridge shall be erected, built and made in a manner fit and secure for the passage of travellers, cattle and carriage, it shall be the duty of two Justices of the Peace for the said District of Montreal, who shall be thereunto required to nominate three disinterested experts, who shall give public notice during two successive Sundays at the Church, doors of the Parishes of Saint Césaire and Saint Pie, after divine service in the forenoon, of the hour, day and place at which they intend making the examination of the said Bridge, informing the inhabitants thereof that they may then and there give such information as they may be possessed of, as to the manner in which the said Bridge shall have been erected: Provided always, that before proceeding to the examination of such Bridge, the said experts shall make oath that they will truly and faithfully perform their duty without partiality, which said oath the aforesaid Justices of the Peace are hereby authorized to administer.

V. And be it further enacted by the authority aforesaid, that if the said experts are of opinion that the said Bridge is solid, fit and secure, and in all respects conformable to the intent and meaning of this Act, they shall draw up their certificate thereof before the said two Justices of the Peace, which said certificate shall afterwards be published in one of the public news papers of the City of Montreal, and that it shall then be lawful for the said André Bourgault dit Lacroix, his heirs, executors, curators or assigns, from time to time and at all times to ask, demand and 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 cart drawn by one horse, two pence currency; for every waggon or other four wheeled carriage drawn by one horse three pence currency; for every waggon or other four wheeled carriage drawn by two horses, five pence currency; for every person on horseback, one penny currency; for every foot passenger, one half penny currency; for every waggon drawn by four horses or four oxen, ten pence currency; for every waggon or other four wheeled carriage drawn by six horses or six oxen, one shilling currency; for every head of horned cattle, one half penny currency; for every pig, calf or sheep, one halfpenny currency.

VI. 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, or any of them, nor carriages and drivers or guards sent with prisoners of any description, shall be chargeable with any toll or rate whatsoever: Provided also, that it shall and may be lawful for the said André Bourgault dit Lacroix, 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 André Bourgault dit Lacroix, his heirs, executors, curators or assigns, shall affix, or cause to be affixed, in some conspicuous place, at or near such Toll Gate, in the French and English languages, 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.

VII. And be it further enacted by the authority aforesaid, that the said Tolls shall be, and the same are hereby vested in the said André Bourgault dit Lacroix, his heirs, and assigns for ever: Provided, that if His Majesty shall, in the manner herein before 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 André Bourgault dit Lacroix, his heirs and assigns, for all and every the purposes of this Act: Provided also, that nothing herein contained shall be

construed to prevent any number of the inhabitants interested in the said Bridge, from purchasing the same in manner as is mentioned and allowed by the third section of this Act.

VIII. And be it further enacted by the authority aforesaid, that all persons who on horseback or in carriage shall trot or gallop on the said Bridge or who shall drive thereon horses or other cattle faster than walking or who shall fire off or discharge any gun or fire-arm on the said Bridge or shall use force or violence to pass over the said Bridge without previously paying the Tolls provided for and established by this Act, or shall interrupt or disturb the said André Bourgault dit Lacroix, his or any of his heirs, executors, curators or assigns, or any person or persons employed by him, for building or repairing the said Bridge, or making or repairing the way over the same, or any road or avenue leading thereto, every person so offending in each of the cases aforesaid, shall for every such offence, forfeit a sum not exceeding forty shillings currency.

IX. 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 work, or use any Ferry for the carriage of any persons, cattle or carriages whatsoever, for hire across the said northern branch of the River Yamaska, between a point one half league above the said Bridge, and another point one half league below the same, and if any person or persons shall erect a Toll Bridge or Toll Bridges over the said northern Branch of the River Yamaska, within the said limits he or they shall pay to the said André Bourgault dit Lacroix, 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 northern branch of the said River Yamaska, within the limits aforesaid, such offender or offenders shall for each carriage or person, or animal so carried across, forfeit and pay a 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 northern branch of the River Yamaska, within the limits aforesaid or in canoes, without gain or hire.

X. 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.

XI. And be it further enacted by the authority aforesaid, that the said André Bourgault dit Lacroix, to entitle him to the benefits and advantages by this Act granted, shall, and he is hereby required to erect and complete the said Bridge, Toll House, Turnpike, and dependencies, within three 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 André Bourgault dit Lacroix, 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 thenceforward belong to His Majesty; and the said Andre

Bourgault dit Lacroix, shall not by the said Tolls or in any other manner, or way, be entitled to any reimbursement of the expences 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 André Bourgault dit Lacroix, his heirs, executors, curators or assigns, shall, and they are hereby required, within two years from 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 André Bourgault dit Lacroix, 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 said Tolls hereby granted, and their and each and every of their rights, in the premises, shall be wholly and forever determined.

XII. 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 André Bourgault dit Lacroix, his heirs and assigns, and except as to the rights which are hereby expressly altered or 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.

XIII. 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 District of Montreal, either by the confession of the offender, or by the oath of one or more credible witness or witnesses (which oath such Justice is hereby empowered and required to administer,) be levied by distress and sale of the goods and chattles 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 chattles, 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.

XIV. 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 Andre Bourgault dit Lacroix, 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 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.

XV. Provided always, and be it further enacted by the authority aforesaid, that the said Bridge hereby authorized to be built and erected over and upon the said northern branch of the River Yamaska, shall be sufficiently high, and that sufficient room shall be left between the Piers thereof for the passage of Rafts of eighty feet wide, and of the craft commonly passing along the said river.

XVI. Provided always, and be it further enacted by the authority aforesaid, that the said André Bourgault dit Lacroix, his heirs, and 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 Montreal newspapers, and in writing; to be affixed at the Church door of the Parishes of Saint Césaire and Saint Pie, 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 they are hereby authorized to build and construct a Bridge and Toll House over the said northern branch of the River Yamaska, at the place above mentioned; and that the inhabitants of the said Parishes of Saint Césaire and Saint Pie 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 one of the said Parishes, to have been duly made and given; which certificate, upon oath, with a copy of the aforesaid notice, shall be deposited with any Notary Public, residing in one of the said Parishes.

XVII. Provided always, and be it further enacted by the authority aforesaid, that if the inhabitants of the said Parishes or other places having interest in the said Bridge: 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 first day of November next, for the purpose of causing the said Bridge to be erected by the inhabitants of the said Parishes or part of the same, according to the laws now in force, and shall thereafter, in 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 André Bourgault dit Lacroix, shall not avail himself of this Act, for the purpose of erecting the said Bridge and levying the said rates of 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 as aforesaid, and a copy thereof served upon the said André Bourgault dit Lacroix, within three months after the such notification as aforesaid, it shall forthwith, after the expiration of the said three months, be lawful for the said André Bourgault dit

Lacroix, to avail himself of this Act, and to proceed immediately thereafter to the erection and construction of the said Bridge and Toll House.

XVIII. 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.