

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 63

An Act to authorize Joseph Toussaint Drolet to exact Toll at a Bridge erected by him over the South Branch of the River Yamaska. (20th February, 1832.)

Whereas Joseph Toussaint Drolet, Esquire, hath at his own proper costs and charges, erected a Bridge over the southern branch of the River Yamaska, in the Parish of Saint Pie, in the County of Saint Hyacinthe, above the rapid Beaugard, as represented by his petition in that behalf, praying to be authorized to raise Tolls on the said Bridge: 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 Québec, 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 Joseph Toussaint Drolet, Esquire, and he is hereby authorized and empowered, at his own costs and charges, 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 the maintaining and supporting the said Bridge, and for erecting and constructing a 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 maintaining or supporting the said Bridge, the said Joseph Toussaint Drolet, Esquire, 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 Branch of the said River Yamaska, and there to work up, or cause to be worked up, the materials and other things necessary for repairing the said Bridge accordingly; the said Joseph Toussaint Drolet, Esquire, 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 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 Kings Bench, for the District of Montreal, after a previous visit, examination and estimation of the premises 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 authorized and empowered to hear, settle and finally determine the amount of such

compensation, in consequence: Provided always, that the said Joseph Toussaint Drolet, Esquire, his heirs, executors and assigns, shall not commence the erection of the said Toll House 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 the 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 Joseph Toussaint Drolet, Esquire, 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 Joseph Toussaint Drolet, 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 the approaches thereto, upon paying to the Joseph Toussaint Drolet, 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, without reference to the amount of Tolls raised and collected upon the said Bridge.

IV. And be it further enacted by the authority aforesaid, that whereas the said Bridge is already erected and built and made fit and proper for the passage of Travellers, Cattle and Carriages, and that so soon as the same shall have been certified by 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 of the Peace, and shall have been advertised in one of the newspapers published in the District of Montreal, it shall be lawful for the said Joseph Toussaint Drolet, 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 coach or other four wheel carriage, loaded or unloaded, with the driver and four persons, or less, drawn by two or more horses or other beasts of draught, one shilling currency; for every waggon or other four wheel carriage, loaded or unloaded, drawn by two horses or two oxen, six pence currency; for every chaise, calash, chair, with two wheels or cariole or other such carriage, loaded or unloaded, with the driver and two persons or less, drawn by two horses or other beasts of draught, four pence currency; and drawn by one horse or other beast of draught, two pence currency; for every Cart, Sled, or other such carriage, loaded or unloaded, drawn by two horses, oxen or other beasts of draught, with the driver, two pence currency; and if drawn by one horse or other beast of draught, one penny currency; for every person on foot, one half penny currency; for every horse, mare, mule, or other beast of draught, laden or unladen, one penny currency; for every person on horseback, one penny currency; for every bull, ox, cow, and all other horned and neat cattle, each one half penny, currency; for every, hog, goat, sheep, calf or lamb, one half penny, currency.

V. 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 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 Joseph Toussaint Drolet, Esquire; 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 Joseph Toussaint Drolet, Esquire, his heirs, executors, curators or assigns shall affix or cause to be affixed, in some conspicuous place, at or near such Toll Gate, a Table in the French and English languages, 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.

VI. And be it further enacted by the authority aforesaid, that the said Tolls shall be, and the same are hereby vested in the said Joseph Toussaint Drolet, Esquire; his heirs and assigns forever: 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 Joseph Toussaint Drolet, Esquire, his heirs and assigns, for all and every the purposes of this Act.

VII. 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 Joseph Toussaint Drolet, Esquire, his heirs, executors, curators or assigns, or any person or persons employed by him or them, for 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.

VIII. 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 branch of the River Yamaska, at the said place called the Beaugard Rapid, within the distance of half a league above and half a league below the said Bridge; and if any person or persons shall erect a Toll Bridge over the said branch within the said limits, he or they shall pay to the said Joseph Toussaint Drolet; Esquire, 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 branch of the 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 Branch of the said River within the limits aforesaid or in canoes, without gain or hire.

IX. 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, on being thereof legally convicted, shall be deemed guilty of felony.

X. And be it further enacted by the authority aforesaid, that in case the said Bridge shall at any time become impassable or unsafe for travellers, cattle or carriages, the said Joseph Toussaint Drolet, Esquire, 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 Joseph Toussaint Drolet, Esquire, 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.

XI. And be it further enacted by the authority aforesaid, that the present Act or any of the provisions 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 Joseph Toussaint Drolet, Esquire, 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.

XII. 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 said 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 of the Peace 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.

XIII. 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 Joseph Toussaint Drolet, Esquire, his heirs and assigns, and the several fines and penalties hereby inflicted shall be, and the same are thereby reserved to His Majesty, 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.

XIV. And be it further enacted by the authority aforesaid, that within one month after the passing of this Act, the said Joseph Toussaint Drolet, Esquire, his heirs, executors, curators or assigns, in order to enjoy the benefit granted them by this Act, shall, and they are hereby required to give public notice during three successive weeks in a Montreal newspaper, and by a notice in writing posted on the Church door of the said Parish of Saint Pie, during the same space of time, and publicly to be read immediately after Divine Service in the forenoon, every Sunday or Holiday of obligation occurring within the said time, that they are authorized to exact and collect certain Tolls for passing over the said Bridge, and that the inhabitants of the said Parish of Saint Pie have a right to purchase the property of the said Bridge by paying to the said Joseph Toussaint Drolet, Esquire, his heirs, executors, curators or assigns the value of the said Bridge, the land belonging thereto, and all legal costs, to be ascertained by three fit and proper experts appointed by the Justices of Peace of the said Parish of Saint Pie or of the Parishes in the immediate neighbourhood, and that in case the said inhabitants shall not find it convenient to purchase the said Bridge; it shall be lawful for them to build or acquire another above or below the aforesaid rapids: Provided always; that in either case the said inhabitants shall be held to apply to the Grand Voyer or his Deputy for a sufficient Procès Verbal to insure the building, repairing and maintaining of the said Bridge by the inhabitants aforesaid, within three months after the notice aforesaid.

XV. Provided always, and be it further enacted by the authority aforesaid, that if within four months after the notice aforesaid, the inhabitants of the said Parish of Saint Pie shall present a petition to the Grand Voyer of the District of Montreal, or his Deputy, for a Procès Verbal for the purposes aforesaid, and the said Procès Verbal be homologated according to law, before the first day of February then next ensuing; specifying that, the said Bridge shall be erected, maintained, and repaired by the said inhabitants or a part of them according to the laws now in force: and if the said inhabitants by virtue of the said Procès Verbal, shall erect the said Bridge within one year from the date of the homologation of the said Procès Verbal

then and in such case the said Joseph Toussaint Drolet, Esquire; his heirs, executors, curators or assigns, shall not avail themselves of this Act to levy the said Tolls: Provided also, that if such petition as aforesaid be not made and presented as aforesaid, to the Grand Voyer or his Deputy, within four months; and if a copy thereof is not delivered to the said Joseph Toussaint Drolet, Esquire, within four months after the said notification; it shall be lawful immediately after the expiration of four months for the said Joseph Toussaint Drolet, Esquire, his heirs, executors, curators or assigns, to avail themselves of this Act, and to proceed immediately after to erect and construct the said Toll House, and to levy the said Tolls.

XVI. 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.