

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.

C A P. L.

An Act to authorize Thomas Phillips, to build a Toll-Bridge over the River *des Prairies*, in the District of Montreal.

[31st March, 1831.]

Preamble.

WHEREAS the erection of a Bridge over the River Des Prairies, between the Island of Montreal and Isie Jesus, at or near a place commonly called the Gros Sault or Moulin du Crochet, would materially contribute to the convenience of the inhabitants of the adjacent Parishes; And whereas Thomas Phillips, of the City and District of Montreal, Gentleman, has by his petition prayed for leave to build a Toll Bridge over the said River Des Prairies, at the aforesaid place:—May it therefore 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 Thomas Phillips, 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 River Des Prairies, at or within one mile of the said place commonly called the Gros Sault or Moulin du Crochet, 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.

Thos. Phillips authorized to erect a Toll Bridge over the River des Prairies.

T. Phillips authorized to use the land on either side of the River des Prairies and work up ma-

II. And be it further enacted by the authority aforesaid, that for the purpose of erecting, building, maintaining or supporting the said Bridge, the said Thomas Phillips his heirs, executors, curators, and assigns, shall from time to time have full power and authority to take and use the land on

materials necessary for constructing the Bridge, making a reasonable satisfaction to the respective owners and occupiers of the land for the damages done to the same.

on either side of the said River Des Prairies, 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 Thomas Phillips, 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, valuation 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 authorized and empowered to hear, settle and finally determine the amount of such compensation in consequence. Provided always, that the said Thomas Phillips, 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 Thomas Phillips, his heirs, executors, curators or assigns shall have deposited it at the office of the Prothonotary of the Court of King's Bench for the District of Montreal.

Provido.

Bridge &c. vested in the said T. Phillips, his heirs and assigns. At the expiration of fifty years, His Majesty may assume the possession of the said Bridge on paying to T. Phillips, 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 Thomas Phillips, 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 to the said Thomas Phillips, 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.

As soon as the Bridge is erected, and made convenient for the

IV. 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 certified

by

passage of travellers, after examination thereof by three Experts, Thomas Phillips entitled to certain Tolls for pontage.

The Tolls.

Exemption in certain cases.

T. Phillips may reduce and afterwards advance the Tolls.

Table of rates to be fixed in a conspicuous place at the Toll Gate.

Tolls vested in T. Phillips.

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 Montreal Newspapers it shall after which be lawful for said Thomas Phillips, 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, two shillings currency; for every waggon, or other four wheel carriage, loaded or unloaded one shilling and 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, one shilling currency; and drawn by one horse or other beast of draught, ten 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, ten-pence currency; and if drawn by one horse or other beast of draught, eight-pence currence; for every person on foot, three-pence currency; for every horse, mare, mule, or other beast of draught, laden or unladen, five-pence currency; for every person on horseback, six-pence currency; for every bull, ox, cow, and all other horned and neat cattle, each three-pence currency; for every hog, goat, sheep, calf or lamb, one penny 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 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 Thomas Phillips, 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 Thomas Phillips, 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 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 Thomas Phillips, his heirs,

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.

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 Thomas Phillips, his heirs and assigns, for all and every the purposes of this Act.

Penalty on persons forcibly passing the Turnpike without paying Toll, or who shall interrupt the said Thomas Phillips in building the said Bridge, &c.

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 Thomas Phillips, his or any of 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, 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 a certain distance.

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 River des Prairies, between the said Bridge and a point on the said River, one league below the said Moulin du Crochet, or above, between the said Moulin and the point at which the exclusive privilege heretofore granted to Eustache Nicolas Lambert Dumont commences, or if the said Eustache Nicolas Lambert Dumont, shall not erect the said Bridge with reference to which the said privilege was granted to him, then and until the said Bridge shall be erected either by the said Eustache Nicolas Lambert Dumont, or by any other person to whom a privilege to erect the same may hereafter be granted, between the Bridge erected under the authority of this Act, and the place known by the name of Plouff's Landing Place, without nevertheless preventing the Ferry at the said Plouff's Landing Place to subsist; and if any person or persons shall erect a Toll Bridge or Toll Bridges over the said River Des Prairies, within the said limits, he or they shall pay to the said Thomas Phillips, 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 Des Prairies, 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 River Des Prairies, within the limits aforesaid.

Penalty.

Proviso.

aforesaid or in canoes, without gain or hire, or to prevent the use and continuance of the Ferry at Plouff's Landing Place aforesaid, in all respects whatsoever at it now exists.

Penalty on persons pulling down the Bridge or Toll House.

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, and thereof legally convicted, shall be deemed guilty of felony.

Thos. Phillips required to erect the Bridge within four years.

X. And be it further enacted by the authority aforesaid, that the said Thomas Phillips, to entitle him 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 Thomas Phillips, 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 Thomas Phillips shall not by the said Tolls, or in any other manner or way, be entitled to any reimbursement of the expenses 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 Thomas Phillips, 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 Thomas Phillips, 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 forever determined.

Penalty if not completed.

Not to affect the King's rights &c.

XI. 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 Thomas Phillips, his heirs and assigns, and except

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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. : And Provided always, that if the Bridge to be erected by the said Thomas Phillips, under the authority of this Act, shall cause any damage to the Moulin du Crochet, and Gros Sault, the said Thomas Phillips shall indemnify the Proprietors of the said Mills for the said damages.

Proviso.

Penalties how recoverable.

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 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 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, 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.

Money levied by this Act, and not granted to Thomas Phillips, and the several fines and penalties reserved and to be accounted for to His Majesty.

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 Thomas Phillips, his heirs and assigns, and the several fines and penalties hereby inflicted shall be, and the same are hereby granted and 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 of Treasury for the time being, in such manner and form as His Majesty, His Heirs and Successors shall direct.

Bridge to be of a certain width between the pillars.

XIV. 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 River des Prairies, shall be sufficiently high, and that sufficient room shall be left between the Piers thereof, to afford a free and navigable passage for Rafts of eighty feet wide, and of the craft commonly passing along the said river.

Thos. Phillips, to entitle himself to the benefits of this Act, to give notice of his authority to build the bridge.

XV. Provided always, and be it further enacted by the authority aforesaid, that the said Thomas Phillips, his heirs, executors, curators 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 public notice, during three weeks, in a Montreal newspaper, and in writing, to be affixed at the Church doors of the Parishes of Saint Martin, Saint Laurent, and Sault au Recollect, during the same

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 authorized to build and construct a bridge and toll house over the said River des Prairies, at the place above mentioned; and that the inhabitants of the said Parishes 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 either 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 either of the said Parishes.

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

XVI. 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 first day of November one thousand eight hundred and thirty-one, for the purpose of causing the said Bridge to be erected by the said inhabitants, or part of them, 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 Thomas Phillips, 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 Thomas Phillips, within three months after such notification as aforesaid, it shall forthwith, after the expiration of the said three months, be lawful for the said Thomas Phillips to avail himself of this Act, and to proceed immediately thereafter to the erection and construction of the said Bridge and Toll-house.

Proviso.

If Thomas Phillips should not succeed in building the said Bridge within a certain time or if the navigation should be obstructed, any person may bring a popular action against the said Thomas Phillips.

XVII. Provided always, and be it further enacted by the authority aforesaid, that if the said Thomas Phillips should not succeed in erecting the said Bridge within the term of four years from the passing of this Act, or if the place at which he shall have attempted to erect the same shall be incumbered with stones, wood, or other materials, so as to obstruct or impede the Navigation of the said River, and to injure the interest of the public, or of any class of the inhabitants of this Province, it shall be lawful for any person whatsoever, to bring a popular action against the said Thomas Phillips, to compel him to remove the said obstructions and to render the navigation as before.

Public Act.

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.