

The Provincial Statutes of Lower-Canada, Being the third session of the thirteenth Provincial Parliament of Lower-Canada. Quebec: P. E. Desbarats, Printer to the King's Most Excellent Majesty, 1830.

10 & 11 George IV – Chapter 41

An Act to appropriate a certain sum of money to the erection of a Bridge over the River Chaudiere. (26th March, 1830.)

MOST GRACIOUS SOCEREIGN,

Whereas the passage of the River Chaudiere [Rivière Chaudière] is at all times attended with delay and difficulty, and at certain seasons with great danger, while it becomes at others altogether impracticable: May it therefore please Your Majesty that it may be exacted, 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 parsed 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 Governor, Lieutenant Governor, or person administering the Government, to appoint three Commissioners for the purpose of carrying this Act into effect; and from time to time to remove them or any of them, and to appoint others in their stead.

II. And be it further enacted by the authority aforesaid, that the said Commissioners or any two of them, after due examination of the advantages of the various sites, shall fix on some point on the said River, within four arpents of the mouth thereof, as the place at which a Bridge shall be erected over the said River, according to the provisions of this Act: Provided always, that the site thus chosen, shall not be the place at which the said Bridge shall be built, unless the choice thereof be approved by the Governor, Lieutenant Governor, or person administering the Government.

III. And be it further enacted by the authority aforesaid, that when such site shall have been fixed upon and approved as aforesaid, the said Commissioners shall cause to be there erected and finished a strong and substantial Bridge, (with suitable approaches,) across the said River: Provided always, that before the building of the said Bridge shall be commenced, the said Commissioners or any two of them, shall, and they are hereby required, to cause a Plan of the said Bridge and its approaches, with an estimate of the expense of erecting the same, to be made, which Plan and Estimate shall, by the said Commissioners, or any two of them, be laid before the Governor, Lieutenant-Governor, or person administering the Government, for his approval; and after such approval shall have been signified to them, it shall be lawful for the said Commissioners, or any two of them, to proceed forthwith to erect

the said Bridge, and to that end to bargain agree and contract with any person or persons, for the building of the said Bridge, and for making the approaches thereto, and for furnishing the materials therefor in the manner hereinafter directed; and in default of such bargain and contract, to hire any workmen and labourers for the building of the said Bridge or any part or parts of the same, and to provide any materials therefor, which they the said Commissioners, or any two of them shall find necessary or expedient: Provided further, that when and so soon as such approval shall have been given as aforesaid, of the Plan according to which the said Bridge and the approaches thereto are to be constructed and made, and before any further steps shall be taken, the said Commissioners or any two of them, shall give public notice in the Quebec Gazette, of the place where, and of the materials of which the said Bridge is to be erected, and of the dimensions thereof, and of the place where the Plan thereof may be seen, and by such notice shall require all persons willing to contract for the erection and making of the said Bridge and its approaches and for furnishing materials therefor, to give in their proposals in writing, with the names of two good and sufficient sureties, to the said Commissioners within forty days after the date of such notice, and if upon such notice any proposal or proposals for erecting and making the said Bridge and its approaches, and for furnishing materials therefor, (with security as aforesaid) shall be made, the same shall forthwith, by the said Commissioners, or any two of them, be submitted to the consideration of the Governor, Lieutenant Governor, or person administering the Government, and any such proposal or proposals which he shall approve, and for that purpose direct, shall be by the said Commissioners or any two of them, be forthwith advertised in the Quebec Gazette, and by such advertisement they shall further require all persons willing to contract for the erecting and making of the said Bridge and its approaches, and for furnishing materials therefor, (offering security as aforesaid,) at and for any less sum or rate than those mentioned in the said advertisement, to give in their tenders in writing, with the names of their securities to the said Commissioners, within thirty days after the date of such advertisement; after the expiration of which time it shall be lawful for the said Commissioners, or any two of them, to accept any such tender, if the same and the sureties offered for the due performance thereof, shall be approved by the Governor, Lieutenant Governor, or person administering the Government; and the said Commissioners or any two of them, shall and may in such case, by an instrument in writing, contract, and agree with such person or persons, whose tenders shall have been approved as aforesaid, and with the person or persons who shall be his or their surety or sureties in that behalf, for the erecting and making of the said Bridge and its approaches, and for furnishing materials therefor, and in such instrument shall and may make and enter into all such covenants and agreements as shall be necessary in this respect for effecting the purposes of this Act.

IV. And be it further enacted by the authority aforesaid, that for providing materials, and for defraying the expenses of erecting, and, making, the said Bridge and its approaches; it shall be lawful for the Governor, Lieutenant Governor, or Person administering the Government out of any unappropriated monies in the hands of the Receiver General to advance to, the said Commissioners any sum not exceeding two thousand five hundred pounds currency.

V. And be it further enacted by the authority aforesaid, that it shall be lawful for the said Commissioners or any two of them by and with the consent, and approval of the Governor, Lieutenant Governor, or Person administering, the Government to bargain, agree and contract with any person or persons whatsoever for the erecting and making of the said Bridge and its approaches at the proper cost and charges of such person or persons, and to assign over unto such person or persons the Tolls arising or to arise from the said Bridge, which Tolls shall be collected and taken at the charge of such undertakers under and by virtue of this Act for and during a term not exceeding, thirty years. Provided also that the party so undertaking shall first give good and sufficient security that the said Bridge shall be built in a solid and durable manner, and shall be left in a state of complete repair to the satisfaction of such person or persons, as may be appointed by the Governor, Lieutenant Governor or Person administering the Government at the end of the said thirty years.

VI. And be it further enacted by the authority aforesaid, that the said Commissioners shall from time to time, and when thereunto required, account to the Governor, Lieutenant Governor or Person administering the Government of the application and expenditure of all and every the sum and sums of money to be advanced and disbursed in the erecting and making of the said Bridge, and its approaches and in the contingent expenses thereof in such manner and form as the Governor, Lieutenant Governor or Person administering the Government shall appoint and direct, and shall also lay all such Accounts before the several Branches of the Provincial Legislature during the first fifteen days of the next Session thereof and so continue to do in every succeeding Session until the said Bridge shall be erected and completed.

VII. And whereas it is necessary to provide for the perpetual maintaining and repairing of the said Bridge and its approaches; Be it therefore 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 there shall be paid for Pontage, as and in the name of Toll before any passage over the said intended Bridge shall be permitted, the several sums following that is to say: for every Coach or other four wheeled carriage with the driver and four persons or less drawn by two horses or other beast of draught one shilling currency; for every Chaise, Cart, Calash or other two wheeled Carriage or Cariole or other Carriage with the driver and two persons or less drawn by two horses or other beasts of draught six pence currency; and drawn by one horse or other beast of draught four pence currency; for every person on horse-back two pence currency; for every horse, mare, gelding, mule or ass, two pence, currency; for every foot passenger, one halfpenny currency; for every hog, goat, sheep, calf or lamb, one half-penny currency; for every bull, ox, cow and all other horned and neat cattle, each two-pence currency, and the said tolls shall be and the same are hereby vested in His Majesty, His Heirs and Successors forever, for the perpetual repairing and maintaining the said Bridge and the approaches thereto.

VIII. And be it further enacted by the authority aforesaid, that after the said Bridge and its approaches shall be erected and made fit and proper for the passage of travellers, cattle and

carriages, no person or persons whatsoever shall erect or cause to be erected any scow, ferry-boat or canoe for the passage or conveying or shall in any manner pass or convey for hire or gain any person or persons, cattle, carriage or carriages over the River Chaudiere within the distance of half a league above the said Bridge and low water mark below the said Bridge; and if at any time any person or persons shall for hire or gain pass or convey any person or persons, cattle, carriage or carriages, such offender shall for every such offence forfeit and pay the sum of ten shillings currency, recoverable by plaint before any one or more Justices of the Peace, and to be levied by Warrant of distress under his or their hand and seal, one moiety of which forfeiture shall be paid to His Majesty, and the other moiety to the person suing for the same.

IX. And whereas it may be necessary for the purpose of communicating with the said Bridge, to change the direction of the King's highway now leading to the ferry across the River Chaudiere: Be it therefore further enacted by the authority aforesaid, that the Grand Voyer of the District of Quebec, shall on Petition to him presented by the said Commissioners or any two of them, send an order to the Surveyor of Highways in the Parish or Parishes through which the said King's Highway may pass, to be by him read and published in the usual manner, at the Church door of such Parish or Parishes, in which order the said Grand Voyer shall require all persons interested in the said King's Highway, to meet on the day, and at the hour and place which he shall fix, to give such information as they shall judge necessary or proper; and after such meeting the said Grand Voyer shall go upon the spot, to change the direction of such part of the King's Highway, and to open such bye-road (route,) as may be necessary for communicating with the said Bridge; and the said Grand Voyer shall fix and apportion the work upon, such part of the King's Highway, to be so changed as aforesaid, and upon such bye-road so to be opened as aforesaid; of all which he shall make his Proces Verbal, to be heard, examined, and determined in due course of law: Provided always, that if it shall be deemed necessary by the Governor, Lieutenant-Governor, or person administering the Government, it shall be lawful for him, out of the aforesaid sum of two thousand five hundred pounds, hereby appropriated to the erection of the Bridge to be built in pursuance of this Act, and to the contingent expenses thereof, to direct any sum not exceeding five hundred pounds currency, to be expended, by the said Commissioners, and under their control and direction, as an aid towards the making or changing the direction of such Highway or (Route.)

X. And be it further enacted by the authority aforesaid, that there shall be allowed to the Commissioners by whom, and under whose superintendence the said Bridge and other work shall have been erected and performed, such sum as shall be sufficient to defray the expenses of managing, conducting, and superintending the same, in the manner hereby required; which sum shall be ascertained by an account rendered in writing, and sworn to by such Commissioner or Commissioners, before any one of His Majesty's Justices of the Peace, and such justice is hereby required and empowered to administer the necessary oath Provided always, that such sum shall in no case exceed five per cent on the sum so expended, under the management, conduct, and superintendance of such Commissioners.

XI. And be it further enacted by the authority aforesaid, that all, the money levied by virtue of this Act, and the several fines, forfeitures and penalties hereby imposed shall be and the same are hereby granted and reserved to His Majesty, His Heirs and Successors, and shall remain at the disposal of the Provincial Legislature for the public uses of the Province in the manner herein before set forth and contained, and the due application thereof, and of all monies advanced under the authority of this Act be duly 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 be pleased to direct.

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