

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 55

An Act to authorize Eustache Nicolas Lambert Dumont, to build a Toll Bridge over the River des Prairies in the District of Montreal. (26th March, 1830.)

Whereas the erection of a Bridge over the River des Prairies at the place called Grosse Pointe or l'abord a Plouffe, between the Parish of Saint Martin and the Parish of Saint Laurent in the District of Montreal, would materially contribute to the convenience of the inhabitants of the adjacent Parishes; And whereas, Eustache Nicolas Lambert Dumont, of the District aforesaid, Seigneur of Saint Eustache, has, by his Petition in this behalf, prayed leave to build a Toll Bridge over the said River des Prairies 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 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 Eustache Nicolas Lambert Dumont, 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, 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 Eustache Nicolas Lambert Dumont, 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 des Prairies at the place aforesaid, 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 Eustache Nicolas Lambert Dumont, his heirs, executors, curators, and assigns, and the persons by him 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 bylaw, and the said Court is hereby authorized and empowered to hear, settle, and finally determine the amount of such compensation accordingly. Provided always, that the said Eustache Nicolas Lambert Dumont, 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 Eustache Nicolas Lambert Dumont, 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 Eustache Nicolas Lambert Dumont, his heirs and assigns for ever. Provided that after the expiration of fifty years from the passing of this Act, it shall and maybe 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 Eustache Nicolas Lambert Dumont 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 whereas in order to facilitate the intercourse by means of the said Bridge, it may hereafter become necessary to alter the direction of the highway in the vicinity of the same, or to open a new highway or highways, be it therefore enacted by the authority aforesaid, that it shall be lawful for the Grand Voyer of the District of Montreal or his Deputy, to transmit an order to the Road Surveyors for the Parishes of Saint Laurent and Saint Martin, in which such highway or highways are to be opened, to be by him publicly read in the usual manner, at the Church door of the said Parishes of Saint Laurent and Saint Martin, by which order the said Grand Voyer or his Deputy shall require all persons concerned in such highway or highways to assemble and meet at the time and place which he shall fix, to give such informations as they may deem necessary and proper; and after such meeting, the said Grand Voyer or his Deputy shall repair to the spot to alter the direction of such portion of the said highways, and open such other highways or bye road, as may be necessary for the intercourse by means of the said Bridge; and the said Grand Voyer or his Deputy shall fix and apportion the work to be performed and shall regulate by whom the said work shall be performed on such portion of the said road as shall be opened as aforesaid, whereof he shall draw up his Proces Verbal to be heard and determined upon, according to Law.

V. 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 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 the Montreal Gazette, it shall be lawful for the said Eustache Nicolas Lambert Dumont, his heirs, executors, curators and assigns, from time to time, and at all times to ask, demand, receive, recover, and take toll, 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 currency; 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.

VI. Provided always, and be it further enacted by the authority aforesaid, that no person, horse, or carriage, employed in conveying a mail of 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 upon 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 Eustache Nicolas Lambert Dumont, 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 Eustache Nicolas Lambert Dumont, 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 posted, 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 Eustache Nicolas Lambert Dumont, 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 he substituted in the place and stead of the said Mustache Nicolas Lambert Dumont, his heirs and assigns, for all and every the purposes of this Act.

VIII. 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 Eustache Nicolas Lambert Dumont, 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.

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 River des Prairies, from the said Bridge, to a point at a distance of three-fourths of a league above the ferry at L'Abord a Plouffe, nor below the said ferry at L'Abord a Plouffe, to a point situate half way between the said ferry and the mill at the Gros Sault; 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 Eustache Nicolas Lambert Dumont, 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, or in canoes, without gain or hire: Provided always, that should no person or persons obtain a privilege for erecting, nor erect a second Toll-Bridge within six arpents above the aforesaid mill at the Gros-Sault, then the privilege of the said Eustache Nicolas Lambert Dumont, shall extend from that mill to L'Abord a Plouffe.

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 sad Eustache Nicolas, Lambert Dumont, 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 Eustache Nicolas Lambert

Dumont, his heirs, executors, curators, and assigns, shall cease to have any right, title, or claim of, in, or to the 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 Eustache Nicolas Lambert Dumont, 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 impassible or unsafe for travellers, cattle, or carriages, the said Eustache Nicolas Lambert Dumont, 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 impassible 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 to said Bridge, the said Eustache Nicolas Lambert Dumont, 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.

XII. And be if 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, 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 Eustache Nicolas Lambert Dumont his heirs and assigns, and except, as to the rights which are hereby expressly altered or extinguished,) but that His Majesty, 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 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 chattels 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 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.

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 Eustache Nicolas Lambert Dumont, 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, and shall be paid to the Receiver General and await the disposal of the Provincial Legislature 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 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.

XVI. Provided always, and be it further enacted by the authority aforesaid, that the said Eustache Nicolas Lambert Dumont, 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 notice by an advertisement in a Montreal Newspaper for three weeks, and in writing to be posted at the Church door of the Parish of Saint Martin and of the Parish of Saint Laurent during the same space of time, and publicly read after Divine Service in the morning of each Sunday and Holiday in that time, that they are 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 of Saint Martin and Saint Laurent, 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 respectable inhabitants resident 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 said Eustache Nicolas Lambert Dumont, should not succeed in erecting the said Bridge within the said term of four years from the passing of this Act, and if the place where he shall have attempted to erect the same, shall be encumbered with stones 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 whomsoever to bring a popular action against the said Eustache Nicolas Lambert Dumont, to compel him to remove the said obstructions and render the navigation as free as before.

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 Proces Verbal, and shall cause the same to be ratified according to law, before the first day of November, one thousand eight hundred and thirty, specifying that the said Bridge shall be erected by the Inhabitants of the said Parishes or of part of the same, according to the laws now in force, and shall thereafter by virtue of the said Proces Verbal erect the said Bridge within one year, to be computed from the date of the ratification of the said Proces Verbal, then, and in such case, the said Eustache Nicolas Lambert Dumont, his Heirs, Executors, Curators and 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 Eustache Nicolas Lambert Dumont, his Heirs, Executors, Curators or Assigns, within three months after such notification as aforesaid, it shall forthwith, after the expiration of the said three months, be lawful for the said Eustache Nicolas Lambert Dumont, his Heirs, Executors, Curators and Assigns, to avail himself of this Act, and to proceed immediately thereafter to the erection and construction of the said bridge and Toll-house.

XIX. 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.