

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 56

An Act to authorize James Porteous, Esquire, to build a Toll-Bridge over the River Jesus, opposite the village of Sainte Rose. (26th March, 1830.)

Whereas the erection of a Bridge over the River Jesus, or Saint Jean, opposite the village Sainte Rose [Laval], in the County of Effingham, in the District of Montreal, would materially contribute to the convenience of the inhabitants of the adjacent Parishes: And whereas James Porteous, of the Parish of Sainte Therese, in the County of Effingham, in the District of Montreal, Esquire, hath, by his Petition in this behalf, prayed for leave to build a Toll-Bridge over the said River Jesus, at the aforesaid place. Therefore may it 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 James Porteous, 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 Jesus, 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 or supporting the said Bridge, the said James Porteous, 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 Jesus, opposite the Village of Sainte Rose, 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 James Porteous, 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,

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 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 James Porteous, 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 James Porteous, 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, Turn pike, and other 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 James Porteous, 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 said James Porteous, 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 it may be necessary for the purpose of effecting a communication with the said Bridge, to change the direction of the King's highway, in the vicinity thereof, or to open a new highway or highways. Be it further enacted by the authority aforesaid, that it shall be lawful for the Grand Voyer of the District of Montreal, or his Deputy, to send an order to the Surveyor of Highways, for the Parish of Sainte Rose and Sainte Therese, through which the said King's highway may pass, to be by him read and published in the usual manner, at the Church of the Parishes of Sainte Rose and Sainte Therese; in which order the said Grand Voyer or his Deputy, shall require all persons interested in the said King's highway or highways to meet, on that day and at the hour, and place which he shall fix, to give such information as they may judge necessary and proper, and after such meeting, the said Grand Voyer, or his Deputy, shall go upon the spot to change the direction of such part or parts of the said King's highway or highways, bye road or bye roads, and to open such other highways, or bye roads as may be necessary for communication with the said Bridge; and the said Grand Voyer, or his Deputy, shall fix and allot the work to be performed, and by whom it shall be performed, upon such parts of the King's highway or bye roads to be as aforesaid changed, and upon such highway or highways, bye road or bye roads, 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.

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 one of the newspapers of Montreal, it shall be lawful for the said James Porteous, 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 ten 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, sixpence currency; and drawn by one horse or other beast of draught, five 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 six pence currency; and if drawn by one horse or other beast of draught, five pence currency; for every person on foot, one penny currency; for every horse, mare, mule, or other beast of draught, laden or unladen, three pence currency; for every person on horseback, three pence currency; for every bull, ox, cow, and all other horned and neat cattle, each two pence halfpenny 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 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 James Porteous, 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 authorised to be taken. Provided also, that the said James Porteous, 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.

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 James Porteous, his heirs and assigns, for ever. Provided that, if his Majesty shall, in the manner hereinbefore 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 James Porteous, 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 James Porteous, 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 Jesus from the said Bridge within one league above the said Village of Sainte Rose nor within one league below the said village, and if any person or persons shall erect a toll-bridge or toll-bridges over the said River Jesus within the said limits, he or they shall pay to the said James Porteous, 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 Jesus, 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 Jesus 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 James Porteous, 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 five 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, the said James Porteous, his heirs, executors, curators and assigns, shall cease to have any right, title or claim of, in, or to the toll shereby imposed, which shall from thence forward belong to His Majesty; and the said James Porteous, his heirs executors, curators or assigns, 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 James Porteous, 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 James Porteous, 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, add their and each and every of their rights in the premises shall be wholly and for ever 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, 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 James Porteous, his heirs, and assigns, and except as to the rights which are hereby expressly altered and extinguished,) but that His Majesty the King, His Heirs and Successors, and all and every person or persons, body politic or corporate, his or 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 anyone 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 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 James Porteous, 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 river Jesus, shall have the space of eighty feet between the pillars or supporters, and shall be elevated four feet above the highest waters.

XVI. Provided always, and be it further enacted by the authority aforesaid, that the said James Porteous, his heirs, executors, curators or 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 newspapers of Montreal, and in writing to be affixed at the Church door of the said village of Sainte Rose, 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 he is hereby authorized to build and construct a bridge and toll house over the said river Jesus, at the place above mentioned; and that the inhabitants of the said village of Sainte Rose, 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 the village of Sainte Rose, 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 the village of Sainte Rose.

XVII. Provided always, and be it further enacted by the authority aforesaid, that if the inhabitants of the said village of Sainte Rose 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 January one thousand eight hundred and thirty one, for the purpose of causing the said bridge to be erected by the said inhabitants of the said village of Sainte Rose, or part of the same, according to the laws now in force, and shall thereafter in virtue of the said Proces Verbal, erect the said bridge within one year, to be computed from the date of the homologation of the said Proces Verbal, then, and in such case, the said James Porteous, his heirs, executors, curators and assigns, shall not avail themselves 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 up on the said James Porteous, his heirs, executors, curators and 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 James Porteous, his heirs, executors, curators or assigns, to avail themselves, 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.