

The Provincial Statutes of Lower-Canada, Being the first session of the fourteenth Provincial Parliament of Lower-Canada. Quebec: P. E. Desbarats, Printer to the King's Most Excellent Majesty, 1831.

1 William IV – Chapter 49

An Act to authorize Edward Southouse Glen to build a Toll Bridge over the River Richelieu. (31st March, 1831.)

Whereas the erection of a Bridge over the River Richelieu, in the District of Montreal, at the place called Papineau's Ferry, near the Chambly Basin, would materially Contribute to the Convenience of the inhabitants of the adjacent Parishes; And whereas Edward Southouse Glen hath by his petition prayed for leave to build a Toll Bridge over the said River at the said 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 the fourteenth year of His Majesty's Reign, intitule, '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 Edward Southouse Glen, and he is hereby authorized and empowered at his own costs and charge to erect and build a good and substantial Bridge over the said River Richelieu at the place called Papineau's Ferry, 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 Edward Southouse Glen, 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, 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 Edward Southouse Glen, 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 visit, examination and valuation of the premises shall have been made by experts 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 Edward Southouse Glen, 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 Edward Southouse Glen, 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 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 Edward Southouse Glen, 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 Edward Southouse Glen, 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 be it further enacted by the authority aforesaid, that when and so soon as the said Bridge shall be erected, built and made in a manner fit and secure for the passage of travellers, cattle and carriages, it shall be the duty of three Justices of the Peace, for the said District of Montreal, who shall thereunto be required to nominate five disinterested Experts, who shall give, public, notice during two successive Sundays at the Church Doors of the Parishes of Saint Mathias, and Saint Joseph, of Chambly, after Divine Service in the morning, of the hour, day and place at which they intend making the examination of the said Bridge, informing the inhabitants thereof, that they may, then and there give such information as they may be possessed of as to the manner in which the said Bridge shall have been erected:—Provided always, that before proceeding to the examination of the said Bridge, the said experts shall take an oath, that they will truly and faithfully do, their duty without partiality, which said oath the aforesaid Justices of the Peace are authorized to administer.

V. And be it further enacted by the authority aforesaid, that if the said Experts are of opinion that the said Bridge is solid, fit and secure, and in all respect conformable to the intent and meaning of this Act, they shall draw up their Certificate before the said three Justices of the Peace, which said Certificate shall afterwards be published in one of the Public Newspapers of the said City of Montreal, and that it shall then be lawful for said Edward Southouse Glen, 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

gig, Cabriolet, Calash , or other carriage adapted for the summer season, made to be drawn by and drawn by one horse only, five-pence currency; for every additional horse, harnessed to any such carriage, three-pence currency; for every cart or other carriage adapted for carrying heavy loads, made to be drawn by, and drawn by one horse only, four pence currency; for every additional horse, two pence currency; for every carriage adapted for the summer season, made to be drawn by, and drawn by two horses, ten-pence currency; for every additional horse, three pence currency; for every carriage adapted for carrying heavy loads, made to be drawn by and drawn by two horses or oxen, and carrying a load not exceeding one ton, nine pence currency, and for every additional hundred weight of such load, one penny currency, and for every additional horse or ox, three pence currency, for every sleigh or carriole drawn by one horse, four pence currency; and for every additional horse, two-pence currency; for every sleigh drawn by two horses or oxen, six pence currency; for every additional pair of horses or oxen, four-pence currency; for every saddle horse, four pence currency; for every horse or ox carrying a load three-pence currency; for all horned cattle of any kind whatsoever, two-pence currency, a head; for every calf, sheep, hog or goat, one penny currency; for every foot passenger three-half-pence 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 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 Edward Southouse Glen, 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 Edward Southouse Glen, 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 Edward Southouse Glen, 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 be substituted in the place and stead of the said Edward Southouse Glen, his heirs and assigns, for all and every the purposes of this Act.

VIII. And be it further enacted by the authority aforesaid, that all persons who on horseback or in carriage, shall trot or gallop on the said Bridge, or who shall drive thereon, horses or

other cattle faster than walking, or who shall fire off; or discharge any gun or firearm on the said Bridge, or shall use force and violence to pass over the said Bridge, without previously paying the tolls provided for and established by this Act, or shall interrupt or disturb the said Edward Southouse Glen, 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, from the said Bridge, to a point at the distance of half a league below the said Bridge, nor from the said Bridge above to the Ferry now kept by one Antoine Foisy across the Chambly Bason, which said Ferry shall subsist; and if any person or persons shall erect a Toll-Bridge or Toll-Bridges over the said River, within the said limits, he or they shall pay to the said Edward Southouse Glen, 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, 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, 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 Edward Southouse Glen, 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.. fromthe. day-of [the passing of this Act; and if the same shall not he completed within the term last mentioned, so as to afford a convenient and safe passage over the said Bridge, he the said Edward Southouse Glen, 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 Edward Southouse Glen 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, battle or carriages, the said Edward Southouse Glen, 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 Edward Southouse Glen, 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.

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, 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 Edward Southouse Glen, 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.

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 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.

XIV. And be it further enacted by the authority aforesaid, that the monies-to-be levied by virtue of this Act, and not hereinbefore granted to the said Edward Southouse Glen, 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 of Treasury for the time being, in such manner and form as His Majesty, His Heirs and Successors shall direct.

XV. And be it further enacted by the authority aforesaid, that the said Edward Southouse Glen, shall cause to be erected in the said Bridge, over the deepest part of the channel, a Draw Bridge, the leaves of which shall be at least fifty-five feet, English measure, in the clear between the pillars, leaving for the passage of Vessels, a clear space at the surface of the water, and upwards of fifty-five feet, English measure, at the least.

XVI. And be it further enacted by the authority aforesaid, that in erecting the said Bridge, in addition to the space so to be left clear for the purposes for which such Draw Bridge, is intended, there shall be left between the pillars of the said Bridge, another clear space of seventy feet English measure, at the surface of the water, for the passage of Rafts and Timber.

XVII. And be it further enacted by the authority aforesaid, that the said Edward Southouse Glen, his heirs and assigns, his or their agent, toll-gatherer, or other representative, having charge of the said Draw Bridge, shall at all times upon verbal notice or request, to that intent, be bound to raise within a reasonable time, not, exceeding one hour, the leaves of the said Draw Bridge, without any Toll for or recompense whatsoever, in order to afford and give free passage to all and every Vessel, craft or decked boat, having a mast or masts, and to every Steam Boat navigating in or upon the said River, under a; penalty not less than twenty shillings, and not more than twenty pounds currency, for each and every-default, to be recovered from the said-Edward Southouse Glen, his heirs or assigns, together with the cost of suit for each offence, by the person or persons suffering from the same, without prejudice to any action of damages caused by the neglect or delay in raising the leaves of the said Draw Bridge, and for which the said Edward Southouse Glen, his heirs and assigns, shall be jointly and severally liable: Provided always; that the said Edward Southouse Glen, his heirs and assigns, shall not be obliged to raise the said Draw Bridge for any Vessel, the mast or masts whereof, are moveable, or such as can be lowered so as to pass beneath the said Draw Bridge.

XVIII. Provided always, and be it further enacted by the authority aforesaid, that the said Edward Southouse Glen, his heirs, 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 during three weeks in one of the Montreal Newspapers, and in writing to be affixed at the Church door of the Parish of Saint Mathias, and Saint Joseph de Chambly, 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 they are hereby authorized to build and construct a Bridge and Toll-house over the said River, at the place above mentioned; and that the inhabitants of the said parishes of Saint Mathias and Saint Joseph de Chambly, 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 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.

XIX. 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 lawr, before the first day of November next, for the purpose of causing the said Bridge to be erected by the said inhabitants of the said Parishes, or part of the same, according to the law's 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 ease, the said Edward Southouse Glen, shall not avail himself of this Act, for the purpose of erecting the said Bridge, and levying the said rates of 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 Edward Southouse Glen, within three months after such notification as aforesaid, it shall forthwith, after the expiration of the said; three months, be lawful for the said Edwward Southouse Glen, to avail himself of this Act, and to proceed immediately thereafter to the erection and' construction of the said Bridge and Toll-house.

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.