

The Provincial Statutes of Lower-Canada, Being the fourth session of the fourteenth Provincial Parliament of Lower-Canada. Quebec: John Carleton Fisher & William Kemble, Law Printer to the King's Most Excellent Majesty, 1834.

4 William IV – Chapter 29

An Act to authorize John McKenzie Esquire, to build a Toll Bridge over the River Jesus, opposite to or near the Village of Terrebonne. (18th March, 1834.)

Whereas the erection of a Bridge over the River Jesus, opposite to or near the Village of Terrebonne, in the County of Terrebonne and District of Montreal, would materially contribute to the convenience of the inhabitants of the adjacent parishes, and whereas John McKenzie of the said Village, 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:—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 John McKenzie, 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 from the Village of Terrebonne aforesaid, to the Isle Jesus, at any place within four arpents above, or four arpents below the present ferry, from the said Village to the said Isle Jesus [Île Jésus], 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 and 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 John McKenzie, 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 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 John McKenzie, 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 estimate of the property shall have been made, by experts who shall 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 John McKenzie, 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 John McKenzie 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, roads 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 John McKenzie, 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, roads and the approaches thereto, upon paying to the said John McKenzie, 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: Provided that nothing herein contained shall be construed to prevent any number of the inhabitants interested in the said Bridge from assuming at any time the possession and property of the said Bridge, Toll House, Turnpike and dependencies and the ascents, roads and approaches thereto, upon paying to the said John McKenzie, his heirs, executors, curators or assigns, the full and entire intrinsic value which the same shall at the time of such assumption bear and be worth, with an addition of twenty per cent upon such intrinsic value, and that after the assumption of the said Bridge it shall become a free Bridge.

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, it shall be the duty of three Justices of the Peace for the District of Montreal, who shall be thereunto required to nominate three disinterested experts, who shall give public notice during two successive Sundays at the Church door of the Parish of Terrebonne, after divine service in the forenoon, 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 hereby 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 respects 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, it shall then be lawful for the said John McKenzie, his heirs, executors, curators or 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 couch, 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, six pence 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, two 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 currency, for every hog, goat, sheep, calf or lamb, one 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 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 John McKenzie, 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 John McKenzie, 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 John McKenzie, 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 John McKenzie, 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 John McKenzie, 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 Jesus, between the line roads now established on the Isle Jesus, of which one is above the Village of Terrebonne and leads to the Church of Saint Vincent de Paul, and the other is below the said Village and leads to the Mill on the Isle Jesus, 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 John McKenzie, 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, bum 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 John McKenzie, to entitle himself to the benefits and advantages to him by this Act granted, shall, and be 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, he the said John McKenzie, 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 thence forward belong to His Majesty and the said John McKenzie, shall not by the said, tolls or in any other manner or way, be entitled to any reimbursement of the expences 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 John McKenzie, 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 John McKenzie, 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 said 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 John McKenzie, 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, his 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 chattels of such offender, by Warrant signed by such Justice or Justices, and the overplus, after such penalties and 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 be-ong 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 John McKenzie, his heirs and assigns, and the several fines and penalties hereby inflicted shall be, and the same are hereby reserved to His Majesty, Nis Heirs and Successors, for the public uses of this Province, and the support of the Government thereof, in mariner hereinbefore 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, 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 be six feet above the highest waters, and shall have sixty feet of clear opening between the piers; and provided further, that it shall not be deemed to be an infringement of the privilege accorded by this Act, that the Provincial Legislature should at any time hereinafter require the said John McKenzie, his heirs or other legal representatives to make a Draw Bridge in the Bridge erected under the authority of this Act, under such regulations with regard to such Draw Bridge, as may then be deemed expedient, the said John McKenzie having by his said Petition declared his willingness to make such Draw Bridge, and to submit to such regulations whenever he shall be required by the Legislature so to do.

XVI. Provided always, and be it further enacted by the authority aforesaid, that the said John McKenzie, his heirs and assigns, to entitle themselves to the benefit of this Act, shall, and he is hereby required within two months from and after the passing of this Act, to give notice, during three weeks in two newspapers, published in the City of Montreal, and in writing, to be affixed at the Church door of the Parish of Terrebonne and Ste. Anne des Plaines and of Lacorne 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 Parishes of Terrebonne, Sainte Anne des Plaines and Lacorne, 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 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 the Village of Terrebonne.

XVII. Provided always, and be it further enacted by the authority aforesaid, that if the inhabitants of the said Parishes of Terrebonne, Ste. Anne des Plaines and Lacorne, 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 January, one thousand eight hundred and thirty-five, for the purpose of causing the said Bridge to be erected by the inhabitants of the said Parishes or part of the same, 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 John McKenzie, his heirs, executors, curators, assigns or legal representatives, 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 John McKenzie, within three months after the such

notification as aforesaid, it shall forthwith, after the expiration of the said three months, be lawful for the said John McKenzie, his heirs, curators, executors, assigns or legal representatives 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.