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4 William IV – Chapter 30

**An Act to authorize Paschal Persillier dit Lachapelle and François Quenneville to build a Toll Bridge over the River Des Prairies at the Abord a Plouf. (18<sup>th</sup> March, 1834.)**

Whereas the erection of a Bridge over the River Des Prairies at the place called l'Abord a Plouf, 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 Paschal Persillier dit Lachapelle, of the Parish of Montreal, in the District of Montreal, Architect, and Francois Quenneville, of the Parish of Saint Laurent, in the District aforesaid, Ferryman, have by their Petition in this behalf prayed for leave to build a Toll Bridge over the said River Des Prairies at the aforesaid place; and whereas the privilege heretofore granted to Eustache Nicholas Lambert Dumont will expire on the twenty-sixth day of March, one thousand eight hundred and thirty-four, unless he shall before that day have completed a Bridge at the said place, according to the provisions of the Act passed in the tenth and eleventh years of His late Majesty's Reign, chapter fifty-five, intituled, "An Act to authorize Eustache Nicholas Lambert Dumont, to build a Toll Bridge over the River Des Prairies, in the District of Montreal;" — 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 if the said Eustache Nicholas Lambert Dumont shall fail to comply with the provisions of the said Act and shall not have completed a Bridge at the place aforesaid on or before the said twenty-sixth day of March, one thousand eight hundred and thirty-four, according to the requirements thereof, then and not otherwise it shall be lawful for the said Paschal Persillier dit Lachapelle and Francois Quenneville, and they are hereby authorised and empowered at their now costs and charges to erect and build a good and substantial Bridge over the said River des Prairies, at any place which may be found best adapted for the purpose, within a space of seven arpents in which the present ferry at the place called l'Abord a Plouf [L'Abord-à-Plouffe] shall be included, and to erect and build a Toll House and Turnpike with other dependencies or 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 or supporting the said Bridge, the said Paschal Persillier dit Lachapelle and Francois Quenneville, their 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 Paschal Persillier dit Lachapelle and Francois Quenneville, their heirs, executors, curators and assigns, and the persons by 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 visit, examination, and valuation of the property 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 Paschal Persillier dit Lachapelle and Francois Quenneville, their 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 the 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 Paschal Persillier dit Lachapelle and Francois Quenneville, shall have deposited it at the Office of the Prothonotary of the Court of King's Bench for the District aforesaid.

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 Paschal Persillier dit Lachapelle and Francois Quenneville, their 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 Paschal Persillier dit Lachapelle and Francois Quenneville, their heirs, curators or assigns the full and entire value which the same shall at the time of such assumption, bear and be worth: Provided always, that nothing herein contained shall be construed to prevent any number of 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 and approaches thereto, upon paying to the said Paschal Persillier dit Lachapelle and Francois Quenneville, their heirs, executors, curators and assigns the full and intrinsic value which the same shall at the time of such

assumption bear or be worth within an addition of twenty-five per cent, upon such intrinsic value, and that after such 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 said District of Montreal, who shall be thereunto required to nominate five disinterested experts who shall give public notice during two successive Sundays at the Church door of the Parishes of Saint Martin and Saint Laurent, 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 duly and faithfully do their duty without partiality, which said oath the aforesaid Justices of the Peace are hereby authorized and required 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 Paschal Persillier dit Lachapelle and Francois Quenneville, their 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, 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 two pence currency; for every horse, mare, mule, or other beast of draught, laden or unladen, four pence currency; for every person on horseback, five 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 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 maybe lawful for the said Paschal Persillier dit Lachapelle. and Francois Quenneville, their 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 Paschal Persillier dit Lachapelle and Francois Quenneville, their 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 such 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 Paschal Persillier dit Lachapelle and Francois Quenneville, their 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 Paschal Persillier dit Lachapelle and Francois Quenneville, their 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 Tolls or any part thereof, or shall interrupt or disturb the said Paschal Persillier dit Lachapelle and Francois Quenneville, their or any of their 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, between the present Ferry at l'Abord a Plouf and a Point at the distance of three fourths of a league above the said Ferry, nor below the said Ferry between a Point equidistant from 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 Paschal Persillier dit Lachapelle and Francois Quenneville, their 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 until some person or persons shall obtain the privilege of erecting and shall have erected a Toll Bridge within six arpents above the said Mill at the Gros Sault, the exclusive privilege as aforesaid, of the said Paschal Persillier dit Lachapelle and Francois Quenneville shall extend from the Point aforesaid, above the Abord a Plouf to the said Mill.

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 Paschal Persillier dit Lachapelle and Francois Quenneville to entitle themselves to the benefits and advantages to them by this Act granted, shall and they are 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, they the said Paschal Persillier dit Lachapelle and Francois Quenneville, their 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 Paschal Persillier dit Lachapelle and Francois Quenneville shall not by the said Tolls, or in any other' manner or way be entitled to any reimbursement of the expences they 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 Paschal Persillier dit Lachapelle and Francois Quenneville, their 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 Paschal Persillier dit Lachapelle and Francois Quenneville, their 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 it further enacted by the authority aforesaid, that the present Act or any of the provisions 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 Paschal Persillier dit Lachapelle and Francois Quenneville, their 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 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 chattles 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 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 Paschal Persillier dit Lachapelle and Francois Quenneville, their 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 by the authority aforesaid, that the openings or arches of the Bridge hereby authorized to be built and erected over and upon the said River des Prairies, shall be at least eight feet high, above the level of the highest waters, and that the clear opening between the piers shall not be less than one hundred feet, and provided further, that it shall not be deemed to be an infraction of the privilege accorded by this Act that the Provincial Legislature should at any time hereafter require the said Paschal Persilier dit Lachapelle and Francois Quenneville, or their heirs or other legal representatives to make a Draw Bridge in any part of the Bridge erected under the authority of this Act, under such regulations with regard to such Draw Bridge as may then be deemed expedient to the said Paschal Persillier dit Lachapelle and Francois Quenneville, having by their said Petition declared their willingness to make such Draw Bridge and to submit to such regulations whenever they shall be required by the Legislature so to do.

XVI. Provided always and be it further enacted by the authority aforesaid, that the said Paschal Persillier dit Lachapelle and Francois Quenneville to entitle themselves to the benefit of this Act, shall and they are hereby required within two months from and after the time when they shall become entitled to the benefit of this Act, either by the passing thereof or by the expiration of the privilege of the said Eustache Nicholas-Lambert Dumont, (if such privilege should expire after the passing thereof, 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 or 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 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 either 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 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 Prods Verbal, and shall cause the same to be ratified according to Law before the first day of November, one thousand eight hundred and thirty-four, 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, 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 Paschal Persillier dit Lachapelle and Francois Quenneville, their heirs or legal representatives 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 upon the said Paschal Persillier dit Lachapelle and Francois Quenneville, their heirs or legal representatives 'within three months after such notification as aforesaid, it shall be forthwith after the expiration of the said three months, be lawful for the said Paschal Persillier dit La Chapelle and Francois Quenneville their heirs 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.