

The Provincial Statutes of Lower-Canada, Being the sixth session of the of the Special Council, begun and holden at the City of Montreal, in the said Province of Lower Canada, fifth day of November, 1840, and ending the ninth day of February, 1841. Quebec: John Carleton Fisher & William Kemble, Law Printer to the Queen's Most Excellent Majesty, 1841.

4 Victoria – Chapter 21 (Session 6)

An Ordinance to declare and regulate the tolls to be taken on the Bridge over Cap Rouge River; and for other purposes relative to the said Bridge.

Whereas by a certain Ordinance made and passed in the second year of Her Majesty's Reign, and intituled, "An Ordinance to provide for the completion of certain public works, for the improvement of the internal communications, and for the encouragement of agriculture, and for other purposes," the sum of one thousand pounds currency was appropriated to enable Her Majesty to purchase from the Seignior of the Seignior of Cap Rouge, in the District of Quebec, the right of toll over the River Cap Rouge, and a further sum of one thousand pounds currency, to defray the expense of building a bridge over the said River, and it was Ordained and Enacted that the said right of toll and the said Bridge when so purchased and built, should be vested in Her Majesty for the public uses of the Province; and whereas by a certain other Ordinance made and passed in the third year of Her Majesty's Reign, a further sum of one hundred and eighty five pounds, eight shillings currency, was appropriated to defray the expense of building the said Bridge; and whereas the said sums have been expended, and the said right of toll hath been purchased, and a Bridge built, according to the provisions of the said Ordinances, near the mouth of the said river, and it is expedient to declare and regulate the tolls which shall be taken from the persons using the said Bridge, and to provide means for keeping the said bridge in repair and renewing the same or any part thereof when necessary:—Be it therefore Ordained and Enacted by His Excellency the Governor of this Province of Lower-Canada, by and with the advice and consent of the Special Council for the affairs of the said Province, constituted and assembled by virtue and under the authority of an Act of the Parliament of the United Kingdom of Great-Britain and Ireland, passed in the first year of the Reign of Her present Majesty, intituled, "An Act to make temporary provision for the Government of Lower-Canada," and also by virtue and under the authority of a certain other Act of the same Parliament, passed in the Session held in the second and third years of the Reign of Her present Majesty, intituled, "An Act to amend an Act of the last Session of Parliament for making temporary provision for the Government of Lower-Canada," and also by virtue and under the authority of a certain other Act of the same Parliament, passed in the Session held in the third and fourth years of the Reign of Her present Majesty, intituled, "An Act to Re-unite the Provinces of Upper and Lower-Canada, and for the Government of Canada;" And it is hereby Ordained and Enacted by the authority of the same, and by virtue of the powers in them vested by the said Acts of Parliament, that it shall be lawful for the Governor, Lieutenant Governor, or person administering the Government of this Province, by an instrument under his hand and Seal to appoint three Commissioners for carrying this Ordinance into effect, and from time to time to remove them or any of them, and to appoint others in their stead; provided always, that

any majority of the said Commissioners for the time being, shall have all, the powers hereby vested in the said Commissioners.

II. And be it further Ordained and Enacted, that there shall and may be levied and recovered by and paid to the said Commissioners, or such person as they shall appoint to collect and receive the same, the rates and tolls hereinafter mentioned from the persons who shall use and pass over the said Bridge, and before any passage over the same shall be permitted; that is to say: For each four wheeled carriage drawn by three, or by four horses or other beasts of draught, ten pence, currency; For each such carriage drawn by two horses or other beasts of draught, six pence, currency; For each such carriage, drawn by one horse or other beast of draught, five pence, currency; For each two wheeled carriage drawn by two horses or other beasts of draught, tandem, five pence, currency; For each such carriage drawn by two horses or other beasts of draught abreast, four pence, currency; For each such carriage drawn by one horse or other beast of draught, three pence, currency; For each winter carriage or vehicle without wheels drawn by three or by four horses or other beasts of draught, eight pence, currency; For each such carriage or vehicle, drawn by two horses or other beasts of draught, tandem, five pence, currency; For each such carriage or vehicle drawn by two horses or other beasts of draught abreast, four pence, currency; For each such carriage or vehicle drawn by one horse or other beast of draught, three pence, currency; For each horse, mare, mule or ass and any rider mounted thereon, one penny half-penny currency; For each horse, mare, mule or ass, without a rider, and for each bullock, bull, cow or head of horned or neat cattle, one penny, currency; For each hog, goat, sheep, calf, or lamb, one halfpenny, currency; For each person passing over the said bridge on foot, and for each person over five in any carriage drawn by four horses or other beasts, or over three in any carriage drawn by a less number than four such horses or beasts, one half-penny, currency; and the monies received for the said tolls shall, after deducting the expenses of collection, and the sums necessary to defray any other expenses which the Commissioners are hereby authorized to incur, be paid over by the said Commissioners in sums of not less than fifty pounds, currency, to the Trustees to be appointed under the authority of a certain Ordinance passed during the present Session of the Legislature, and intituled, "An Ordinance to provide for the improvement of certain Roads in the neighbourhood of, and leading to the City of Quebec, and to raise a fund for that purpose," and shall form part of the funds at the disposal of the said Trustees for the purposes of the said Ordinance: Provided always, that the said Trustees shall and they are hereby authorized and required to advance to the said Commissioners from time to time out of the funds aforesaid, and as occasion may require, such sum or sums of money as may be necessary to enable the said Commissioners to defray the expenses of any repairs to, or of the re-construction of the said Bridge, (if necessary,) on being required to make such advance, by a requisition from the said Commissioners, approved in writing by the Governor, Lieutenant Governor, or person administering the Government of this Province, any thing in the said Ordinance to the contrary notwithstanding.

III. Provided always, and be it further Ordained and Enacted, that the said Commissioners may commute the said tolls with any party having occasion frequently to pass or to pay toll

for the passing of persons in the employ of such party over the said Bridge, for such sum to be paid annually, monthly, or weekly, as may be agreed upon between such party and the Commissioners, and the sums so paid shall be in lieu of the tolls commuted for all the purposes of this Ordinance.

IV. Provided also, and be it further Ordained and Enacted, that Her Majesty's Mail, and persons, animals and carriages employed in the conveyance thereof, Her Majesty's officers and soldiers being in proper staff or regimental or military uniform, dress or undress, and their horses, but not when passing in hired or private vehicles, and all carriages and animals belonging to Her Majesty, or employed in her service, when conveying persons in such service or returning therefrom, and all recruits marching by route, shall pass toll free over the said Bridge.

V. And be it further Ordained and Enacted, that it shall be lawful for the said Commissioners at all times, to pay out of the monies arising from the said tolls, such sums as may be necessary to defray the expenses of collection, and the other current and ordinary expenses connected with the management of the said bridge, and such sums, not exceeding fifty pounds, currency, at any one time, as may be required to defray any necessary expenses of keeping the said Bridge in repair, and may build, repair and renew any Toll-house or Toll-gate, necessary for carrying this Ordinance into effect, and may also, with the consent and approval of the Governor, Lieutenant Governor, or person administering the Government, and not otherwise, pay such sums exceeding the said sum of fifty pounds at one time, as may be required to meet the said expenses of any repairs or of re-constructing the said Bridge, or any portion thereof, or of the works connected therewith.

VI. And be it further Ordained and Enacted, that the said Commissioners, or the person or persons by them employed to collect the said tolls, may lawfully seize and detain any animal, carriage or thing on which toll may be due and unpaid, until such toll be paid.

VII. And be it further Ordained and Enacted, that no person passing over the said bridge in any carriage or on horse-back, shall ride or drive at any pace faster than a walk, under a penalty not exceeding twenty shillings, currency, for each offence; and that no more than one carriage or four persons on horse-back, or four head of neat cattle, shall be allowed to be at one time on the turning or projecting part of the Swing-bridge, under a like penalty for each offence, against any person who being duly warned by the Toll-collector, shall wilfully contravene this enactment.

VIII. And be it further Ordained and Enacted, that it shall be the duty of the said Commissioners to cause a copy of the preceding section of this Ordinance, and a table of the tolls hereby established, to be fairly and legibly printed in French and English, and affixed in a conspicuous place on the said Bridge.

IX. And be it further Ordained and Enacted, that no person shall at any season of the year for hire or for any valuable consideration, ferry or transport any person, goods or thing, by water carriage across the said Cap Rouge River within two miles above the said Bridge, or

between the said Bridge and the mouth of the said River, or within one mile of the mouth of the said River upwards and downwards along the beach of the River Saint Lawrence; under a penalty of five shillings currency, for each person, animal, vehicle or package of goods so ferried; Provided always, that nothing herein contained shall prevent any person from carrying any person, goods or things for hire across the said Cap Rouge River in winter vehicles and upon the ice.

X. And be it further Ordained and Enacted, that the penalties imposed by the foregoing sections of this Ordinance, may be recovered with costs, before any one of Her Majesty's Justices of the Peace, having jurisdiction for the locality in which the offence shall be committed on the oath of one credible witness, and may be levied by distress and sale of the offender's goods and chattels, by warrant under the hand of the said Justice if not forthwith paid: and one moiety of the penalty shall belong to Her Majesty, her heirs and successors, for the public uses of the Province, and the other moiety to the prosecutor; Provided always that any one of the said Commissioners or any person employed by them shall be a competent witness if he be not the prosecutor.

XI. And be it further Ordained and Enacted, that if any person or persons shall wilfully cut, break down, destroy or injure the said bridge or any part thereof, or work therewith connected, the person or persons so offending shall be guilty of a misdemeanor, and being thereof convicted, shall be liable to be punished by fine or imprisonment or both, at the discretion of the Court before whom the conviction shall take place; and shall moreover be liable to the Commissioners for all damages done to the said bridge or work by such person or persons; Provided always that if the act committed by such person or persons shall amount to any higher crime or offence than a misdemeanor, nothing herein contained shall prevent such person or persons from being indicted or punished as if this section had not been passed.

XII. And be it further Ordained and Enacted, that the said Commissioners and the Trustees to be appointed under the Ordinance hereinabove cited, shall account to the Governor, Lieutenant Governor, or person administering the Government of this Province, in such manner and form and at such times as he may appoint, for all monies by them received or expended under the authority of this Ordinance.

XIII. Provided always, and be it further Ordained and Enacted, that it shall be lawful for the Governor, Lieutenant Governor, or person administering the Government of this Province at any time, and whenever he shall deem it expedient, to appoint all the Trustees appointed under the said Ordinance, to be Commissioners for carrying this Ordinance into effect; any provision in this Ordinance limiting the number of such Commissioners to the contrary notwithstanding; and during the time the said Trustees shall be such Commissioners, the said Bridge shall be held to be part of the Roads and Bridges under the control and management of the said Trustees, as if it had been mentioned in the ninth section of the said Ordinance, and the tolls authorized by this Ordinance to be levied and taken from the persons using the said Bridge, and collected during the said time, shall form part of the funds

placed by the said Ordinance at the disposal of the said Trustees, and shall and may be applied by them in the same manner as the tolls levied under the authority of the said Ordinance.

XIV. And be it further Ordained and Enacted, that this Ordinance shall be a public Act or Ordinance, and shall be noticed as such by all Judges, Justices of the Peace, and others, without being specially pleaded.

XV. And be it further Ordained and Enacted, that this Ordinance shall be a permanent Ordinance, and shall remain in force until repealed or altered by competent authority.

SYDENHAM.

Ordained and Enacted by the authority aforesaid, and passed in Special Council, under the Great Seal of the Province, at the Government House, in the City of Montreal, the Sixth day of February, in the Fourth year of the Reign of Our Sovereign Lady Victoria, by the Grace of God, of Great Britain and Ireland, Queen, Defender of the Faith, and so forth, and in the year of Our Lord one thousand eight hundred and forty-one.

By His Excellency's Command,
W. B. LINDSAY,
Clerk Special Council.