

Clause in A &
44 Geo. III, Cap.
14 recited.

“ Act to authorise Thomas Porteous, Esquire, to build a Bridge over a branch of the river Outaouais, otherwise des Prairies, from Lachenaye to the Isle called Bourdon; and another Bridge, from that Island to the Island of Montreal, to establish the rates of Toll payable thereon, and for regulating the said Bridges,” it is amongst other things enacted, that if, at any time after the said Bridges shall have been erected and completed, they shall become impassable or unsafe for Travellers, Cattle or Carriages, he the said Thomas Porteous, his heirs, executors, curators or assigns, shall, within eighteen months after the same shall be ascertained, and notice thereof given by His Majesty's Court of General Quarter Sessions of the Peace, in and for the District of Montreal, repair or rebuild the same, on pain of forfeiting all his right, title or claim of, into, or out of the said Bridge. And whereas the said Thomas Porteous, in virtue of the afore recited Act, did cause the said Bridges to be erected and opened, at a great expence, and that the same were unfortunately carried away by the breaking up of the ice, last spring, to the great damage of the said Thomas Porteous, and to the great inconvenience of the Public; and that he hath stated, by his humble petition to the Legislature, that the time so allowed for rebuilding as aforesaid, is not sufficient: for remedy whereof; 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 there shall be allowed and granted unto the said Thomas Porteous a delay of six years from and after the passing of this Act for rebuilding the said Bridges. Provided always, that nothing in the present Act, shall be held or construed to change, alter, or amend any other part of the above recited Act, of the forty fifth year of His present Majesty's reign, Chapter fourteenth, which said Act, in every other respect, shall remain in full force and effect, as if this Act had never been passed.

Thomas Porteous
allowed a delay of
six years for the
rebuilding the
Bridges.
Proviso.

C A P. XXIV.

AN ACT to authorise *Thomas Porteous* of Terrebonne, Esquire, to erect a Bridge, from Repentigny to the Island, called, Bourdon.

(14 April, 1808.)

Preamble.

WHEREAS the convenience and the facility of intercourse of the Inhabitants of the adjacent Parishes, and of the public in general, would be much promoted

moted by the erection of a Bridge from Repentigny, in the County of Leinster, to the Island, called Bourdon, to communicate with two other Bridges to be rebuilt from the said Island to Lachenaye, and to the Island of Montreal, by the authority of an Act of the Provincial Parliament, made and passed in the forty fifth year of His Majesty's reign, intituled, *An Act to authorise Thomas Porteous, Esquire, to build " a Bridge over a branch of the River Outaouais, otherwise, des Prairies from Lachenaye, to the Island, called Bourdon; and another Bridge from that Island to the Island of Montreal; to establish the rates of Toll, payable thereon, and for regulating " the said Bridges."* 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 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 *Thomas Porteous*, and he is hereby authorised and empowered, at his own costs and charges, to erect and build a good and substantial Bridge over the said River Outaouais, otherwise des Prairies, from the bank or shore, at Repentigny aforesaid, to the said Island, Bourdon, at such convenient place as the said *Thomas Porteous* may find best adapted to the purpose, and to erect and build one or more Toll House or Toll Houses and Turnpike or Turnpikes, with other conveniencies, 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 Houses, Turnpikes and conveniencies, according to the true meaning and tenor of this Act: and further, that for the purpose of erecting building, maintaining or supporting the said Bridge, the said *Thomas 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, 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: he the said *Thomas Porteous*, his heirs, executors, curators or 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, by means of and for the purpose of erecting the said Bridge; and in case of difference and dispute about the quantum of such satisfaction, the same shall be settled by His Majesty's Court of King's Bench, of and 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, for the nomination and appointment of *Experts* in Civil Suits at Law; and the said Court is hereby authorised and empowered to hear, settle

Thomas Porteous authorised to build a Bridge over the River Outaouais from Repentigny, to the Island Bourdon,

Proviso.

settle and finally determine the same, accordingly. Provided always, that the said Bridge, shall not be erected until the Bridges, from Lachenaye, to the aforementioned Island, and thence to the Island of Montreal, which were heretofore erected by the authority of the Act of the Provincial Parliament herein before recited, and which were subsequently carried away by the ice, shall have been rebuilt and opened for the passage of Travellers; and Provided also, that an open space, shall be left between the Pillars of said Bridge, of at least one hundred and fifty feet for the safe and commodious passage of Rafts.

An open space to be left for passage of Rafts.

Grand Voyer, or his Deputy, of the District of Montreal, authorized to change the direction of the King's highway.

II. 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*, or his deputy of the said District of Montreal, to send an order to the Surveyor of highways, in every Parish through which the said King's highway or highways may pass, to be by him read and published in the usual manner, at the Church door of every such Parish; in which order the said *Grand Voyer* or his Deputy, shall require the persons interested in the King's highway or highways to meet, on the day and at the hour and place which he shall fix, to give such information as they may judge necessary or 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 or bye roads, and open such other highways or highways, bye road or bye roads as may be necessary for communicating with the said Bridge; and the said *Grand Voyer*, or his Deputy, shall fix and allot the work to be performed, and by whom, upon such parts of the King's highway or highways to be so as aforesaid changed, and upon such highway or highways, bye road or bye roads, which shall be opened as aforesaid, of all which he shall make his *Procès Verbal* to be heard, examined and determined upon, in due course of law.

The Bridge, & vested in Thomas Porteous, his heirs and Assigns for ever.

After the expiration of 50 years His Majesty may assume the possession of the said Bridge, &c paying to Thomas Porteous, &c the full value thereof.

When the Bridge is built and fit for the passage of Travellers, &c. Thomas Porteous &c.

III. And be it further enacted by the authority aforesaid, that the said Bridge and the said Toll Houses, Turnpikes and conveniencies to be erected thereon, or near thereto, and also the ascents and approaches to the said Bridge, and all materials which shall be from time to time gotten or provided, for erecting, building, making, maintaining and repairing the same, shall be vested in the said *Thomas Porteous*, his heirs and assigns for ever. Provided, that after the expiration of fifty years, to be accounted 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 Houses, Turnpikes and conveniencies and the ascents and the approaches thereto, upon paying to the said *Thomas Porteous*, his heirs, executors, curators or assigns the full and entire value which the same may at the time of such assumption, be worth; and 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 be certified by any two or more Justices of the Peace, for the District

of

authorized to take for Pontage the same Tolls as in Act 45, Geo. III, Cap. 14,

of Montreal, after examination thereof, by three *Experts*, to be appointed and sworn by the said Justices, and to be advertised in the Quebec and Montreal Gazettes, it shall be lawful for the said *Thomas Porteous*, his heirs, executors, curators and assigns, from time to time and at all times, to ask, demand, receive, recover and take to and for their own proper use and behoof, for Pontage, as or in the name of a Toll or Duty, before any passage over the said intended Bridge, shall be permitted, at and after the same rates as mentioned in the aforementioned Act, of the forty fifth year of His present Majesty, chapter fourteenth, for passing the same, and one or other of the Bridges, therein mentioned, either to Lachenaye or to the Island of Montreal.

Exemption in certain cases.

Thomas Porteous, &c. may reduce and afterwards advance the Tolls.

Table of Rates to be affixed in some conspicuous place at each Toll Gate.

Tolls vested in Thomas Porteous &c.

Unless His Majesty, at the end of 50 years shall assume the possession of the Bridge &c. then the same shall be vested in His Majesty.

Penalty on persons forcibly passing the Turnpike without paying the Tolls, or who shall obstruct the said Thomas Porteous in building

IV. 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, Carriages, laden or not laden, and Drivers attending Officers and Soldiers of His Majesty's Forces, or of the Militia, nor the said forces or Militia men, whilst upon their march or on duty, nor Carriages and Drivers attending on the Guard sent with Prisoners of any description, be chargeable with any Toll or rate whatsoever. Provided also, that it shall and may be lawful for the said *Thomas Porteous*, his heirs, executors, curators and 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 *Thomas Porteous*, his heirs, executors, curators or assigns, shall affix or cause to be affixed, in some conspicuous place, at or near each 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.

V. And be it further enacted by the authority aforesaid, that the said Tolls shall be, and the same are hereby vested in the said *Thomas Porteous*, 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 Houses, Turnpikes and conveniencies, 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 *Thomas Porteous*, his heirs and assigns, for all and every the purposes of this Act.

VI. And be it further enacted by the authority aforesaid, that if any person shall forcibly pass through the said Turnpike or Turnpikes, without paying the Toll or any part thereof; or shall interrupt or disturb the said *Thomas 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 for making or repairing the way over the same

he Bridge &c.

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 twenty Shillings, currency.

Ferries to cease between Repentigny and the Island of Montreal. No Bridge, &c. to be built within 3 miles.

VII. 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, the present Ferries, between Repentigny aforesaid, and the said Island of Montreal, shall cease to be worked, and from thence forward, 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 Outaouais, otherwise des Prairies, from the entrance upwards in the River Outaouais, otherwise des Prairies, for three miles; and if any person or persons shall erect, or cause to be erected, a Bridge or Bridges, over the said River, within the said limits, he or they shall pay to the said *Thomas 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, Carriage or Carriages, across the said River, within the limits aforesaid, such Offender or Offenders shall, for each Carriage, Person or Animal, so carried across, forfeit and pay the sum of twenty Shillings, currency.

Penalty.

Penalty on persons pulling down &c. the Bridge or Toll Houses.

VIII. 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 any Toll House to be erected by virtue of this Act, every person, so offending and being thereof lawfully convicted, shall be deemed guilty of felony.

Thomas Porteous required to erect the said Bridge within two years after having erected two other several Bridges.

IX. And be it further enacted by the authority aforesaid, that the said *Thomas 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 Houses, Turnpikes and conveniencies within two years after having rebuilt the Bridges from Lachenaye, to the Island called Bourdon, and thence to the Island of Montreal; and if the same shall not be completed, within the time last mentioned, so as to afford a convenient and safe passage over the said Bridge, he the said *Thomas Porteous*, 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 *Thomas Porteous*, shall not, by the said Tolls, or in any other manner or way, be entitled to any reimbursement of the expence 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, he the said *Thomas Porteous*, his heirs, executors, curators and assigns, shall, and they are hereby required, within five years, from the time at which the said Bridge, shall by

His

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 him or 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 so repaired or rebuilt, as the case may require, then the said Bridge, or such part or 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 *Thomas Porteous*, his heirs, executors, curators or assigns, shall cease to have any right, title or claim of, in, to, or out of the said Bridge, or the remaining parts thereof, and the Tolls hereby granted, and his and their right in the premises, shall be wholly and for ever determined. Provided always, that before the said default is incurred, and during the interval hereby allowed for the repairing or rebuilding of the said Bridge, it shall and may be lawful for the said *Thomas Porteous*, his heirs, executors, curators or assigns, and he and they is, and are hereby authorized and obliged to provide proper and convenient Ferry Boats or Scows, for the passage of Travellers, Cattle and Carriages over the said River, as near to the said Bridge as conveniently as may be, and to demand, collect and receive, for the passage of such Travellers, Cattle and Carriages over the said River, in the said Ferry Boats or Scows, before they respectively shall be permitted to pass, the like Tolls as are hereby authorized to be taken, for passing over the said Bridges, any thing herein before contained to the contrary notwithstanding.

Penalty if not completed.

During the interval for repairing or the building the Bridge, proper and convenient Ferry Boats to be provided.

And to take the same Tolls.

Penalties how recoverable.

X. And be it further enacted by the authority aforesaid, that the penalties hereby inflicted, shall, upon proof of the offences respectively, before any or more of the Justices of the Peace, for the District of Montreal, either by 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 owners of such goods and chattels, one half of which penalties, respectively, when paid or levied, shall belong to His Majesty, and the other half to the person suing for the same.

Money levied by this Act and not granted to *Thomas Porteous*, and the several fines and penalties granted to His Majesty, to be accounted for to His Majesty.

XI. And be it further enacted by the authority aforesaid, that the money to be levied by virtue of this Act, and not herein before granted to the said *Thomas Porteous*, his heirs and assigns, and the several fines and penalties hereby inflicted, shall be, and the same are hereby granted and reserved to His Majesty, his Heirs, and Successors, for the public uses of this Province, and 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, in such manner and form, as he or they shall direct, through the Lords Commissioners of His Majesty's Treasury: for the time being.

XI.

Public Act.

XII. 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 and other persons whomsoever, without being specially pleaded.

C A P. XXV.

AN ACT more effectually to provide for the making, altering and repairing the Highways and Bridges, within the Inferior District of Gaspé, and to repeal so much of an Act, passed in the thirty-sixth year of His Majesty's Reign, intituled, "*An Act for making, repairing and altering the Highways and Bridges within this Province, and for other purposes*" as regards the said Inferior District.

(14th April, 1808.)

Preamble.

Clause in Act
36 Geo. III. Cap.
9. recited.

WHEREAS that part of an Act, made and passed in the Legislature of this Province, in the thirty-sixth year of His present Majesty's Reign, intituled, "*An Act for making, repairing and altering the Highways and Bridges within this Province, and for other purposes,*" which provides for the Highways and Bridges in the Inferior District of Gaspé, has, from experience, been found insufficient; in order therefore to facilitate the making, repairing and altering of the said Highways and Bridges within the said Inferior District: 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 said authority, that so much of the aforesaid Act, of the thirty-sixth of His present Majesty, as is contained in the thirty-fifth clause thereof, and which authorises the Judge of the Provincial Court of Gaspé, with three Justices of the Peace and the Grand Voyer for the said Inferior District of Gaspé, to make and conclude, in their discretion, Bye Laws and Regulations for laying out, making and repairing Highways and Bridges within the same, and which directs, that no person shall be obliged to contribute more than twelve days labour, in any year, towards the making and repairing of Highways and Bridges, which shall be necessary to be made by joint labour; and every matter and thing in the said Clause contained be and the same are hereby repealed, and that, from and after the passing of this Act, all and every the regulations and provisions in and by the said in part

recited

So much of the
Act 36 Geo. III.
Cap. 9 which has
reference to Gas-
pé, repealed and
the other provi-
sions of the Act
extended to the
Inferior District
of Gaspé.