

*The Provincial Statutes of Lower-Canada, Being the fourth session of the Second Provincial Parliament of Lower-Canada.* Quebec: P. E. Desbarats, Printer to the King's Most Excellent Majesty, 1800.

40 George III – Chapter 6

**An Act for erecting a Bridge over the River Jacques Cartier. (29th May, 1800.)**

Whereas the River Jacques Cartier, from the violence and rapidity of the current is sometimes impassible and at all times dangerous. 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 and may be lawful to and for His Excellency the Governor, Lieutenant Governor or Person administering the Government of this Province for the time being, by an instrument under his hand and seal at arms, to nominate and appoint three persons for the purpose of erecting the bridge, to be erected in pursuance of this Act, over the River Jacques Cartier, to remove from time to time the said persons or either of them, and to appoint others in the place and stead of such as shall be removed or shall die or resign their trust; and that the said persons to be so aforesaid nominated and appointed, shall be, and they are hereby constituted, Commissioners, for erecting the said Bridge.

II. And be it further enacted by the authority aforesaid, that the said Commissioners or any two of them, after due examination, of the advantages or disadvantages of the several roads opened, or that may be opened leading to the said River Jacques Cartier or to the Bridge already erected thereon and Procès Verbal made thereof, shall fix upon some convenient situation on the banks of the said River Jacques Cartier, on which the said Bridge may be most advantageously erected for the immediate benefit of the Royal Post Road; Provided always, that such situation shall by the said Commissioners or any two of them, accompanied by the Procès Verbal herein before mentioned, on the advantages and disadvantages of the several Roads opened or that may be opened leading to the said River Jacques Cartier, be reported to and be approved by His Excellency the Governor, Lieutenant Governor or Person administering the Government of this Province for the time being, before the same shall be finally fixed upon.

III. And be it further enacted by the authority aforesaid, that when such situation on the said banks of the said River Jacques Cartier, shall be so as aforesaid fixed upon, with such approbation as aforesaid, it shall and may be lawful for the said Commissioners or any two of them, and they are hereby required to cause to be thereon erected and finished a strong and substantial Bridge of stone or wood or of both. Provided always, that before the building

of the said Bridge shall be commenced, the said Commissioners or any two of them, shall and they are hereby directed to cause a Plan of the said Bridge, with an estimate of the expence of erecting the same, to be made, which Plan and Estimate, shall by the said Commissioners or any two of them, be laid before, and approved of by His Excellency the Governor, Lieutenant Governor or Person administering the Government of this Province for the time being; and After such approbation, it shall and may be lawful for the said Commissioners or any two of them, to proceed forthwith to the said Bridge, and to this end to bargain, agree, and contract, with any person or persons for the building of the said Bridge, and for furnishing the Materials therefor, in the manner herein after directed; and in default of such bargain and contract, to hire any workmen and labourers for the building of the said Bridge, or any part or parts of the same, and to provide any Materials therefor which they the said Commissioners or any two of them shall find necessary and expedient. Provided always, that when and as soon as such approbation as aforesaid shall be obtained, for the erection of the said Bridge, and before any further steps shall be taken, the said Commissioners or any two of them shall give Public Notice and information in the Quebec Gazette, of the place where, and of the materials of which the said Bridge is to be erected, and of the dimensions of the said Bridge, and by such Notice shall require all persons willing or desirous to contract for the erection of the said Bridge and for furnishing materials therefore offering good and sufficient security for the performance of their Contract, to give in their proposals in writing, with the names of their securities, to them the said Commissioners within forty days from the date of such Notice: and if upon such notice any proposal or proposals for the erection of the said Bridge and for furnishing materials therefor, with security as aforesaid, shall be made, the same shall forthwith by the said Commissioners be submitted to the consideration of the Governor, Lieutenant Governor or person administering the Government of this Province for the time being, and any such proposal or proposals, which he shall approve, and for that purpose direct, the said Commissioners shall forthwith cause to be advertised in the Quebec Gazette, and by such advertisement shall for her require all persons willing or desirous to contract for the erection of the said Bridge and for furnishing materials therefor, with security as aforesaid, at and for any sum less than the sum contained in such proposal or proposals so advertised, to give in their further proposal in writing, with the names of their securities to them, the said Commissioners, within thirty days from the date of such Advertisement, after the expiration of which time, it shall and may be lawful to and for the said Commissioners or any two of them, to close with any such proposal so made as aforesaid, if the same and the securities offered for the due performance thereof shall be then approved by His Excellency the Governor, Lieutenant Governor or person administering the Government of this Province for the time being. And the said Commissioners or any two of them in such case shall and may by an instrument in writing, contract and agree with such person or persons, whose proposal or proposals shall have been so approved as aforesaid, and with the person or persons who shall become his or their security or securities in this behalf, for the erection of the said Bridge and for furnishing materials therefor, and in such instrument shall and may make and enter into all such covenants and agreements as shall or may be necessary in this respect for effecting the purposes of this Act.

IV. And for providing materials and defraying the expences of erecting the said Bridge, Be it further enacted by the authority aforesaid, that it shall and may be lawful to and for His Excellency the Governor, Lieutenant Governor or person administering the Government of this Province, for the time being, out of any unappropriated monies, in the hands of the Receiver General of this Province, to advance to the said Commissioners, any sum, not exceeding the sum of fifteen hundred pounds, current money of this Province.

V. Provided always, and be it further enacted, that it shall and may be lawful to and for the said Commissioners or any two of them, and they are hereby authorised, by and with the consent and approbation of the Governor, Lieutenant Governor or person administering the Government of this Province for the time being, to bargain, agree and contract with any person or persons whatsoever, for the building and erecting of the said Bridge, at the proper cost and charges of such person or persons, and to grant and assign over unto such person or persons who shall so undertake to build and erect the said Bridge at their own proper costs and charges, the toils arising or to arise from the said Bridge, which said tolls shall be collected and taken at the charge of such undertaker, under and by virtue of this Act, for and during the term not exceeding thirty years. Provided also, that the party so undertaking, shall first give good and sufficient security that the said Bridge shall be built in a solid and durable manner, and shall be left in a state of complete repair, to the satisfaction of such person or persons as may be appointed by the Governor, Lieutenant Governor or person administering the Government of this Province for that purpose, at the end of the said thirty years.

VI. And be it further enacted by the authority aforesaid, that the said Commissioners from time to time, when thereunto required, shall account to His Excellency the Governor; Lieutenant Governor or person administering the Government of this Province for the time being, for the application and expenditure of all and every the sum and sums of money to be advanced and disbursed in the erection and finishing of the said Bridge and in the contingent expences thereof, in such manner and form as His Excellency the Governor, Lieutenant Governor or Person administering the Government of this Province for the time being, shall appoint and direct.

VII. And whereas it is necessary to provide for the repayment of the aforesaid sum of fifteen hundred pounds or such part thereof as shall lo as aforesaid be advanced and expended in the building and erecting of the said Bridge and furnishing materials therefor, and also for the perpetual maintaining and repairing of the said Bridge; Be it therefore further enacted, that when and as soon as the said Bridge shall be erected and built, and made lit and proper for the passage of travelers, cattle and carriages, there shall be paid for pontage, as or in the name of toll, before any passage over the said intended Bridge shall be permitted, the several sums following, that is to say, For every coach or other four wheel carriage, with the driver and four persons or less, drawn by two horses or other beasts of draught, the sum of one shilling and six pence— For every chaise, calash, chair with two wheels, or cariole or other carriage, with the driver and two persons or less, drawn by two Horses or other beasts of draught, the sum of one shilling, and drawn by one horse or other beast of draught, the

sum of nine pence.—For every cart, sled, or other carriage drawn by two horses, oxen, or other beasts of draught with the driver, the sum of one shilling, and drawn by one horse or other beast of draught, the sum of nine pence;—For every horse, mare, gelding, mule or ass, the sum of four pence half penny.—For every foot passenger whatsoever, the sum of two pence.—For every hog, goat, sheep, calf or lamb, the sum of one penny.— For every bull, ox, cow, and all other horned and neat cattle each, the sum of two pence half penny. And the said tolls shall be and the same are hereby vested in His Majesty, his Heirs and Successors for ever, as well for the repayment of the aforesaid sum of fifteen hundred pounds so as aforesaid to be advanced and expended, in the building and erecting of the said Bridge and furnishing materials therefor, as for the perpetual repairing and maintaining of the said bridge.

VIII. And be it further enacted, that after the said Bridge shall be erected and built and made fit and proper for the passage of travellers, cattle and carriages, no person or persons, whatsoever shall erect or cause to be erected, any ferry boat or canoe for the passing or conveying, or shall in any manner pass or convey for hire or gain, any person or persons, cattle, carriage or carriages over the said River Jacques Cartier, within the distance of half a league from the said Bridge, and if at any time any person or persons shall for hire or gain, pass or convey any person or persons, cattle, carriage or carriages, such offender, shall for every offence, forfeit and pay the sum of ten shillings, recoverable by complaint before any one or more Justices of the Peace, and to be levied by warrant of distress, under his or their hand and seal, one half of which forfeiture shall be paid to His Majesty, and the other half to the person suing for the same.

IX. And whereas it may be necessary for the purpose of communicating with the said Bridge to change the direction of the King's high way now leading to the ferry of the said River Jacques Cartier, Be it further enacted by the authority aforesaid, that the Grand Voyer of the aforesaid District: of Quebec, shall send an Order to the Surveyor of highways in the Parish through which the said King's highway may pass, to be by him read and published in the usual manner, at the Church door of such Parish; in which order the said Grand Voyer, shall require the persons interested in the said King's highway, 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, shall go upon the spot to change the direction of such part of the said King's highway and open such bye road (route) as may be necessary for communicating with the said Bridge; and the said Grand Voyer shall fix and allot the work to be performed upon such parts of the King's highway, to be so as aforesaid changed, and upon such bye road 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. Provided always, that if it shall be deemed necessary, by the Governor, Lieutenant Governor or person administering the Government of this Province, to afford any pecuniary assistance for changing the direction of the said highway or for opening, such bye road, as shall be made by virtue of this Act, it shall and may be lawful, to and for the Governor, Lieutenant-Governor or person administering the Government of this Province for the time being, out of the aforesaid sum of fifteen hundred pounds, hereby appropriated to the erection of the

Bridge to be built in pursuance of this Act, and to the contingent expences thereof, to advance for that purpose, to the Grand Voyer of the said District of Quebec any sum not exceeding the sum of two hundred pounds any thing herein contained to the contrary notwithstanding; for the expenditure of which sum, the said Grand Voyer, whenever thereunto required, shall account, to the Governor, Lieutenant Governor or person administering the Government of this Province for the time being, in manner as he or they shall appoint and direct.

X. And be it further enacted, that all the money to be levied by virtue of this Act, and the several fines, forfeitures and penalties hereby imposed, 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 monies, fines, forfeitures 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. And be it further enacted by the authority aforesaid, that this Act shall be deemed and taken to be a Public Act, and shall judicially be noticed by all Judges; justices and other persons, without being specially pleaded.