

The Provincial Statutes of Lower-Canada, Being the first session of the fourth Provincial Parliament of Lower-Canada. Quebec: P. E. Desbarats, Printer to the King's Most Excellent Majesty, 1805.

45 George III – Chapter 14

An Act to authorize Thomas Porteous, Esquire, to build a Bridge over a Branch of the River Ottawas, otherwise Des Prairies, from La Chenaye 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. (25th March, 1805.)

Whereas the convenience and the facility of intercourse of the inhabitant of the adjacent Parishes, and of the Public in general would be much promoted, by the erection of a Bridge or Bridges over that branch of the river Ottawas, otherwise Des Prairies, which separates La Chenaye in the Country of Leinster, from the Island of Montreal; And whereas Thomas Porteous of Terrebonne, in the Country of Effingham, Esquire, hath by his petition in this behalf prayed leave to build a Toll-Bridge, over the said branch of the said river, from La Chenaye aforesaid, to an Island, called Bourdon, lying between that place and the Island of Montreal; and another Toll-Bridge, from the said Island Bourdon, to the said Island of Montreal, whereby a safe and commodious communication from La Chenaye aforesaid, to the said Island of Montreal, will be afforded; therefore 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 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 Ottawas, otherwise Des Prairies, from the bank or shore at Lachenaye, aforesaid, to the said Island Bourdon, and another good and substantial Bridge from that Island to the said Island of Montreal, at such convenient place and places, as the said Thomas Poteous 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 conveniences, on or near the said Bridges; 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 Bridges, Toll Houses, Turnpikes and conveniencies, according to the tenor and true meaning of this Act; and further, that for the purpose of erecting, building, maintaining or supporting the said Bridges, 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 Bridges, 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 or for the purpose of erecting the said Bridges; 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 and finally determine the same accordingly.

II. And whereas it may be necessary for the purpose of effecting a communication with the said Bridges 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 said 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 highway or highways, bye road or by roads, as may be necessary for communicating with the said Bridges; 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.

III. And be it further enacted by the authority aforesaid, that the said Thomas Porteous, shall, and he is hereby directed and required to cause a Draw Bridge, or opening, of at least twenty five feet wide, to be made in the Bridge to be erected over the said river from the said Island Bourdon to the said Island of Montreal, where the said river is sufficiently deep, and to cause the same to be so constructed, that it may be drawn up or otherwise opened, for the passage of sloops, schooners or other vessels, with standing rigging, navigating upon the said river; and the said Thomas Porteous, his heirs, executors, curators or assigns, shall and they are hereby also required to employ, one or more proper person or persons, who shall, during the season of navigation, attend at the said Draw Bridge to be drawn up or otherwise opened without delay, as often as required so to do, by the owners or other person or persons navigating, or having the care or any sloop, schooner or other vessel, which shall have occasion to pass through the said Bridge, so that such sloop, schooner or other vessel may pass through the same, with standing rigging, without interruption, fee or reward, any thing in this Act contained to the contrary notwithstanding.

IV. And be it further enacted by the authority aforesaid, that the said Bridges and the said Toll Houses, Turnpikes and conveniencies to be erected thereon or near thereto, and also, the ascents or approaches to the said Bridges, 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 Bridges, Toll Houses, Turnpikes, and conveniencies, and the ascents and 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, bear, and be worth: and when so soon as the said Bridges 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 Montreal, after examination thereof by three Experts to be appointed and sworn by the said Justices, and 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 Bridges, 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, Four Shillings, 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, Two Shillings and Nine Pence currency; and if drawn by one horse, or other beast of draught Two Shillings and Six 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 drivers, Two Shillings and Three Pence, currency; and if drawn by one horse or other beast of draught, Two Shillings currency; For every person on foot, Six Pence currency; For every Horse, Mare, Gelding, Mule or other beast of draught, laden or unladen, Ten Pence currency; For a Horse and his Rider, One Shilling and Six Pence currency; For every Bull, Ox, Cow and all other horned and neat Cattle, each Nine, Pence currency; For every Hog, Goat, Sheep, Calf or Lamb, Three Pence currency.

V. 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, carriages, laden or not laden and drivers, attending Officers and Soldiers of his Majesty's Forces, whilst upon their march, or on duty, nor carriages and drivers 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 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 authorised 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 Bridges, and so often as such Rates may be diminished or augmented, he or they shall cause such alteration to be affixed in manner aforesaid.

VI. 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 Bridges, 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 into the place and stead of the said Thomas Porteous, his heirs and assigns, for all and every the purpose of this Act.

VII. 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 Bridges, or for 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 twenty Shillings currency.

VIII. 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 Lachenaye aforesaid, and the said Island of Montreal, shall cease to be worked, and from thence forwarded, no person or persons shall erect or cause to be erected and 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 Ottawas otherwise Despairies, within three miles from the lower end of the said Island Bourdon upwards in the said river Ottawas, otherwise Despairies; and if any person or persons shall erect 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.

IX. And be it further enacted by the authority aforesaid, that if any person shall maliciously pull down; burn or destroy the said Bridges 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.

X. 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 Bridges, Toll Houses, Turnpikes and conveniencies, within three years from the day of the passing of this Act, 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 Bridges 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 intituled to any reimbursement of the expence, he may have incurred in and about the building of the said Bridges; and in case the said Bridges, after they 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 or assigns, shall and they are hereby required, within eighteen months from the time at which the said Bridges 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 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 Bridges be not so repaired, or rebuilt, as the case may require, then the said Bridges 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 Bridges, 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 Bridges, or the remaining parts thereof, and the Tolls hereby granted, and his and their right in the premisses, 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 of the said Bridges, 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 authorised 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 Bridges as conveniently may be, and to demand, collect and receive for passage of such Travellers, Cattle and Carriages in the said ferry Boats or Scows before they respectively shall be permitted to pass, the like Tolls as are hereby authorised to be taken, for passing over the said Bridges, any thing herein before contained to the contrary notwithstanding.

XI. 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 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 of Justices, and the overplus, after such Penalties and the charges of such distress and sale are deducted, shall be returned upon demand to the owner 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.

XII. 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.

XIII. 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 the persons whomsoever without being specially pleaded.