

*The Provincial Statutes of Lower-Canada, Being the fourth session of the fourth Provincial Parliament of Lower-Canada.* Quebec: P. E. Desbarats, Printer to the King's Most Excellent Majesty, 1808.

48 George III – Chapter 12

**An Act to authorise Eustache Nicolas Lambert Dumont, Esquire, to erect a Toll Bridge over the River Outaouais. (14th April, 1808.)**

Whereas the erection of a safe and convenient Bridge over that part of the River Outaouais, otherwise des Prairies, which separates the Island of Montreal from the Isle Jesus, in the County of Effingham, in the Parish of Saint Martin, would be advantageous for the intercourse of the Inhabitants of the neighbouring Parishes, and of the Public in general. And Whereas Eustache Nicolas Lambert Dumont, of the river Duchêne, in the said County of Effingham, Esquire, hath, by his Petition to this effect, prayed for leave to erect a Toll Bridge, over that part of the said river Outaouais, otherwise des Prairies, from the place commonly called l'Abord des Ploufs, in the Island of Montreal, to the Parish of Saint Martin, in the said Isle Jesus, in the narrowest part of the said river Outaouais, or des Prairies, whereby there will be at all times a safe and commodious intercourse between the said Island of Montreal and the Isle Jesus: 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 and may be lawful for the said Eustache Nicolas Lambert Dumont, and he is hereby authorised, to erect and build a good and substantial Bridge, at his own costs and charges, over the said River Outaouais or des Prairies, from the bank or shore of the Parish of Saint Martin, in the Isle Jesus, to the opposite side of the Island of Montreal, at such place or places as the said Eustache Nicolas Lambert Dumont shall find most suitable and best adapted to this object; and to erect and build one or two Toll Houses and one or two Turnpikes, with other dependencies, upon or near the said Bridge; and also to do, perform and execute all other matters and things, requisite, necessary, useful and convenient for erecting, building, maintaining and upholding the said intended Bridge, Toll Houses, Turnpikes and other dependencies so intended to be made, agreeably to be tenor and meaning of this Act: And further, in order to enable the said Eustache Nicolas Lambert Dumont to build, erect, support and maintain the said Bridge, he the said Eustache Nicolas Lambert Dumont, his Heirs, Executors, Curators and Assigns, shall have full power and authority, from time to time, to take and use the Land on either side of the said River and there to work or cause the materials and other things necessary for the erecting, building or repairing the said Bridge to be wrought, and in consequence, the said Eustache Nicolas Lambert Dumont, his Heirs, Executors, Curators or Assigns, or the persons by him or them

employed, shall cause as little damage as possible, and shall make a just and reasonable compensation to the respective Proprietors or Occupiers of all such Lands, which may be charged, damaged and made use of for the purpose of erecting the said Bridge; and in case of difference or dispute, about the amount of such compensation, the same shall be fixed by His Majesty's Court of King's Bench for the District of Montreal, after a previous survey and estimation of such places, 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 of Experts, in Civil causes; and the said Court is by these presents authorised to hear, settle and finally determine the amount of such compensation accordingly.

II. And be it further enacted by the authority aforesaid, that in erecting the said Bridge, there shall be left an opening, between the Pillars thereof, of at least eighty feet in width, at the deepest part of the River, so that Rafts floating down the same may meet with no kind of obstruction; and it shall be the duty of the Proprietors or Conductors of every such Raft to give two hours previous notice to the Toll Gatherer, or person having charge of the said Bridge, of his or their intention to pass through the same with such Raft. Provided always, that no more than two Cribs shall pass at the same time, and all damage caused by any such Raft as may come upon or against the said Bridge, without such notice as aforesaid having been given, or containing more than two Cribs, shall be made good by the Proprietor of such Raft to the said Eustache Nicolas Lambert Dumont, His Heirs, Executors, Curators or Assigns, and shall be recoverable by suit at Law, in any Court of Record, taking cognizance of causes to the like amount.

III. And whereas it may be necessary for the purpose of erecting 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 of the District of Montreal, or his Deputy, 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 all 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 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 to 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.

IV. And be it further enacted by the authority aforesaid, that the said Bridge and the said Toll Houses, Turnpikes and conveniences 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 gotten or provided, for erecting, building, making, maintaining and repairing the same, shall be vested in the said Eustache Nicolas Lambert Dumont, 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 conveniences, and the ascents and approaches thereto, upon paying to the said Eustache Nicolas Lambert Dumont, 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 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 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 Eustache Nicolas Lambert Dumont, 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, 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 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 and three pence, currency, and if drawn by one Horse or other Beast of Draught, one Shilling and three pence, currency; for every Cart, Sled or other such Carriage, loaded or unloaded, drawn by two Horses, Oxen or other Beast of Draught, with the Drivers, one Shilling, currency, and if drawn by one Horse or other Beast of Draught, one Shilling currency; for every person on foot, three pence, currency; for every Horse, Mare, Gelding, Mule or other Beast of Draught, laden or unladen, five pence, currency; for a Horse and his Rider, seven pence half penny, currency; for every Bull, Ox, Cow and all other horned and neat Cattle, each, two pence, currency; for every Hog, Goat, Sheep, Calf or Lamb, one penny, 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, or of the Militia, whilst upon their march or on duty, nor the said Officers and Soldiers, or either of them, nor Carriages and Drivers or Guards conducting Prisoners of any description, shall be chargeable with any Toll or rate whatsoever. Provided also, that it shall and may be lawful for the said Eustache Nicolas Lambert Dumont, 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 Eustache Nicolas Lambert Dumont, 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.

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 Eustache Nicolas Lambert Dumont, his heirs and assigns forever. 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 into the place and stead of the said Eustache Nicolas Lambert Dumont, his heirs and assigns, for all and every the purposes 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 Eustache Nicolas Lambert Dumont, 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, 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 Ferry between the Parish of Saint Martin, in the Isle Jesus, 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 Works, or use any Ferry for the Carriage of any Persons, Cattle or Carriages whatsoever, for hire, across the said River Outaouais, otherwise des Prairies, within three miles on each side of the said Bridge, either in ascending or descending the said river Outaouais, or des Prairies; 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 Eustache Nicolas Lambert Dumont, 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 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.

X. And be it further enacted by the authority aforesaid, that the said Eustache Nicolas Lambert Dumont, 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 conveniences within five 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 Bridge, he the said Eustache Nicolas Lambert Dumont, 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 Eustache Nicolas Lambert Dumont 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 Eustache Nicolas Lambert Dumont, his heirs, executors, curators, or assigns, shall, and they are hereby required within five 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 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 Eustache Nicolas Lambert Dumont, 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 to 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 Eustache Nicolas Lambert Dumont, 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 Bridge as conveniently may be; and to demand, collect and receive for the 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 Bridge, 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 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 owner of such goods and chattels, 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.

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 Eustache Nicolas Lambert Dumont, 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 all other persons whomsoever, without being specially Pleaded.