

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 16

An Act to authorise Jacques Morin, Junior, to build a Bridge over the River Du Sud, at the fourth range of concessions, in the Parish of St. Valier, near the Fall; to fix the rates of Toll for passing thereon; and to provide Regulations for the said Bridge. (14th April, 1808.)

Whereas the convenience and the facility of intercourse of the Inhabitants of the adjacent Parishes and concessions, and of the public in general, would be much promoted by the erection of a Bridge over the River du Sud, at the fourth range of grants of the Parish of St. Valier, near the Fall, in the County of Hertford. And Whereas Jacques Morin, Junior, of the said Parish of Saint Valier, hath, by his Petition in this behalf, prayed leave to build a Toll Bridge, over the said River, at the aforesaid place, 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 Jacques Morin, Junior, 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 du Sud, at the fourth range of grants of the Parish of Saint Valier, near the fall, at such convenient place as the said Jacques Morin, Junior, may find best adapted to the purpose, and to erect and build one Toll House and Turnpike, 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 House, Turnpike 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 Bridge, the said Jacques Morin Junior, 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, the said Jacques Morin, Junior, 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 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 Quebec, 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 is necessary, to open a bye-road on each side of the said River, as a communication from the King's Highway, to the said Bridge. Be it therefore further enacted, by the authority aforesaid, that upon the said Jacques Morin, Junior, petitioning the Grand Voyer, for the District of Quebec, or his Deputy, they or either of them, shall proceed to lay out and regulate such bye roads, and shall draw up a Procès Verbal thereof, the which shall be heard, examined and determined upon in due course of law; and the said Bye-roads, shall be opened upon, kept up, and repaired by the said Jacques Morin Junior, his heirs, executors, curators and assigns, so long as he or they, shall enjoy and receive the rates of Toll over the said Bridge.

III. And be it further enacted by the authority aforesaid, that the said Bridge and the said Toll House, Turnpike and conveniencies, 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 Jacques Morin, Junior, 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 House, Turnpike and conveniences, and the ascents and approaches thereto, upon paying to the said Jacques Morin, Junior, 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 Quebec, after examination thereof by three Experts, to be appointed and sworn, by the said Justices, and be advertised in the Quebec Gazette, it shall be lawful, for the said Jacques Morin, Junior, his heirs, executors, curators and assigns, from time to time, and at all times, to ask, demand, receive, recover and take toll 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 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, ten pence, currency; for every Chaise, Calash, Chair, with two wheels or Carriole, or other such Carriage, loaded or unloaded, with the Driver and two Persons or less, drawn by two Horses or other Beasts of draught, five pence, currency; and if drawn by one Horse or other Beast of draught, four 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, four pence half penny, currency; and if drawn by one Horse, or other Beast of draught, three pence half penny, currency; for every Person on foot, one half penny, currency; for every Horse, Mare, Gelding, Mule, or other Beast of draught, laden or unladen, one penny half penny, currency; for a Horse and his Rider, one

penny, currency; for every Bull, Ox, Cow and all other horned and neat Cattle, each, one penny, currency; for every Hog, Goat, Sheep, Calf or Lamb, one half penny, currency.

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 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 or Soldiers, or any of them, nor Carriages and Drivers or Guards sent with 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 Jacques Morin, Junior, 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 Jacques Morin, Junior, his heirs, executors, curators, or assigns shall affix or cause to be affixed, in some conspicuous place, at or near such 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 Jacques Morin, Junior, 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-House, Turnpike 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 Jacques Morin, Junior, 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, without paying the Toll or any part thereof; or shall interrupt or disturb the said Jacques Morin, Junior, 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.

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, 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 du Sud within half a league on each side of the said Bridge, and if any person or persons shall erect a Toll Bridge or Toll Bridges over the said River, within the said limits, he or they shall pay to the said Jacques Morin, Junior, 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. Provided that nothing in this Act contained, shall be construed to deprive the public from passing any of the Fords, in the said River, within the limits aforesaid.

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 the 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 Jacques Morin, Junior, 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 House, Turnpike and conveniences 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 Bridge, he the said Jacques Morin, Junior, 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 Jacques Morin, Junior, 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 Jacques Morin, Junior, his heirs, executors, curators, or assigns, shall, and they are hereby required within eighteen months 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 Quebec, 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 Jaques Morin, Junior, 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.

X. And he 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 Peace for the District of Quebec, 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 chattles 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 chattles, 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.

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 Jacques Morin, junior, 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.

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 all other persons whomsoever, without being specially pleaded.