

*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 24

**An Act to authorise Thomas Porteous of Terrebonne, Esquire, to erect a Bridge, from Repentigny to the Island, called, Bourdon. (14 April, 1808.)**

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 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 [Lachenaie], 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 conveniences, 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 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.

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 hint 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.

III. 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 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 veiled 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 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.

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 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 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, 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, 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.

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.

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 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 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 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 authorised to be taken, for passing over the said Bridges, any thing herein before contained to the contrary notwithstanding.

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.

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 Provinces, 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 other persons whomsoever, without being specially pleaded.