

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 33

An Act to incorporate certain persons therein named, and their associates, for the purpose of opening, making and keeping in repair, a Turnpike Road from the Southern boundary of the Seigniorship of Saint Armand, to the Town of Saint John's, in the District of Montreal, and for the erecting and building of Bridges over Pike River and the River Richelieu, or for the establishment of a Ferry over the said River Richelieu. (14th April, 1808.)

Whereas the Inhabitants of the Seigniorship of Saint Armand, and those who reside in the country thereto adjacent, within the District of Montreal, will be much benefited by the opening of a Road, between the said Seigniorship and the Town of Saint John's, by which a safe and easy communication with the City of Montreal may be had, for carrying the produce of the said Seigniorship and the neighbouring country to the Montreal market; and whereas Sir John Johnson, Baronet, William Sturge Moore, John Ruiter, Alexander Taylor, Daniel Sullivan, Jacob Best, Joseph Powel, Philip Luke, Philip Ruiter, John Mills, Christian Wehr, Junior, Wait Catling, Joseph Smith, Charles Miller, Mathias Kemble, Garret Sexby, Peter Krance, William Johnson Holt, Calvin May, John Baccous, Jeremiah Rhuycart, Peter Rosenberger, Peter Rosenberger, Junior, Peter Kreller, Amos Lay, George Hogel, Hermanus Best, Christian Wehr, Senior, John McCarthy, George Mitchel, Samuel Mix, John Jones, Abijah Cheeseman, Gabriel Marchand, John Lane, Henry Cull, James Watson, Solomon Davis, Ethiel Towner, Austin Leonard, Charles Rice, Jacob Heath, Minard Harris Yoemans, Nicolas Moore, Israel Lockwood, Joseph Baker, Leon Lalanne, Jonas Abbott, Jedediah Hibbard, Senior, and Silas Gardner are willing and desirous to open the said road, and to make and erect the necessary Bridges thereon, at their own cost and expence. And whereas the purposes aforesaid cannot be effected without the aid of the Legislature: 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 of 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 the said Sir John Johnson, Baronet, William Sturge Moore, John Ruiter, Alexander Taylor, Daniel Sullivan, Jacob Best, Joseph Powel, Philip Luke, Philip Ruiter, John Mills, Christian Wehr, Junior, Wait Catling, Joseph Smith, Charles Miller, Mathias Kemble, Garret Sexby, Peter Krance, William Johnson Holt, Calvin May, John Baccous, Jeremiah Rhuycart, Peter Rosenberger, Peter Rosenberger, Junior, Peter Kreller, Amos Lay, George Hogel, Hermanus Best, Christian Wehr, Senior, John McCarthy, George Mitchel, Samuel Mix, John Jones, Abijah Cheeseman, Gabriel Marchand, John Lane, Henry Cull, James Watson, Solomon DAVIS, Ethiel Towner, Austin Leonard, Charles Rice, Jacob Heath, Minard Harris Yeomans, Nicholas Moore, Israel Lockwood, Joseph Baker,

Leon Lalanne, Jonas Abbott, Jedediah Hibbard, Senior, and Silas Gardner, and such other persons as may be admitted as their associates in the aforesaid undertaking, their heirs, executors, curators, administrators and assigns, be, and they are hereby constituted a Corporation, by the name of "the Bedford Society," and shall, by that name, sue, and be sued, and have a Common Seal, and shall enjoy all the privileges and powers incident to a Corporation, for the purpose of opening, making and keeping in repair a Turnpike Road, from the Southern Boundary of Saint Armand aforesaid, through the Township of Stanbridge, and the Seignories [Seigneuries] of Noyan, Sabrevois and Bleury to the Town of Saint Johns's aforesaid, in the most direct and convenient course, and as will be most advantageous to the Public, and to erect Bridges over Pike River and the River Richelieu; or to establish a Ferry over the said River Richelieu.

II. And be it further enacted by the authority aforesaid, that, before the said Road shall be opened, and the said Bridge or Bridges erected and built, or the said Ferry established, the said Corporation, shall cause the same to be regularly marked out, so that it may be clearly ascertained through what lands, and in what direction the same shall pass, and where the said Bridge or Bridges or Ferry, are to be erected and established, and a regular and exact Procès Verbal and plan thereof, shall be made and drawn by the Grand Voyer of the District of Montreal or his Deputy, which said Procès Verbal and plan, shall be submitted, for the ratification or rejection of the Court of General Quarter Sessions of the Peace, for the said District of Montreal, according to due course of law, and over and above the regular and legal publications, notice shall be given of the said Procès Verbal and plan in the Quebec and Montreal Gazettes, at lead two Calendar months, before the day fixed for the homologation thereof.

III. And be it further enacted by the authority aforesaid, that so soon as the said road shall have been laid out, made and compleated to the Falls upon Pike river, commonly, called "Pike River Lower Falls," and that a good and sufficient Bridge over the said River shall have been erected and built, and made fit and proper for the passage of Travellers, Cattle and Carriages, a regular Plan and Survey thereof shall be presented to the Justices of the Peace, in their General Quarter Sessions to be held in and for the District of Montreal, who are hereby authorised and empowered to appoint three or more disinterested and intelligent persons or Experts, to examine the said road, at the expence of the said Corporation, which persons shall be duly sworn to make a faithful report of the date and sufficiency of the said road and Bridge, and if it shall appear to the said Court, by the report of the said Experts, that the said Road and Bridge are sufficiently made and compleated, and in all respects conformable to the directions of this Act, the said Court of General Quarter Sessions of the Peace shall grant to the said Corporation, a certificate of the same, to be signed by two or more of the Justices of the said Court, and which being advertised in the Montreal and Quebec Gazettes, it shall be lawful for the said Corporation to erect one Gate on the said Bridge, and they are hereby intituled to demand and receive, at such Gate, as and for a Toll or Duty, before any passage over the said intended Bridge shall be permitted, the following sums, for the proper use and behoof of the said Corporation, 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: 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, one Shilling and eight Pence, and if drawn by one horse or other beast of draught, one Shilling and four Pence; For every Cart, Sled, or other such carriage, loaded or unloaded, drawn by two horses, oxen or other beasts of draught, with the Drivers, one Shilling and three Pence, and if drawn by one horse or other beast of draught, ten Pence. For every person on foot, three Pence. For every horse, mare, gelding, mule, or other beast of draught, laden or unladen, six Pence. For a horse and his rider, one Shilling. For every bull, ox, cow, and all other horned and neat cattle, each, nine Pence. For every hog, goat, sheep, calf or lamb each, three Pence.

IV. And whereas the building and erecting of a Bridge over the River Richelieu, will be a work of great magnitude and expence, and the Road from Pike River to the said River Richelieu, will necessarily be made and compleated long before such Bridge can be built and erected. Be it therefore further enacted by the authority aforesaid, that so soon as the Road from Pike River, to the River Richelieu aforesaid, shall have been said out and compleated, and duly reported upon and certified, and public notice thereof given in the manner herein before directed and prescribed, it shall and may be lawful for the said Corporation to erect one other Gate on such part of the said Road, as the said Corporation may think fit, provided the same be not at a less distance than six miles from the Ferry upon the said River Richelieu, and the said Corporation shall be, and are hereby intituled to receive, at such Gate, as and for a Toll or Duty, the following sums for the proper use and behoof of the said Corporation, 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. 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, one Shilling and eight Pence, and if drawn by one horse or other beast of draught, one Shilling and four Pence; For every Cart, Sled or other such Carriage, loaded or unloaded, drawn by two horses, oxen or other beasts of draught, with the Drivers, one Shilling and three Pence, and if drawn by one horse or other beast of draught, ten Pence. For every Person on foot, three Pence. For every horse, mare, gelding, mule other beast of draught, laden or unladen, six Pence. For a horse and his rider, one Shilling. For every bull, ox, cow and all other horned and neat cattle each, nine Pence. For every hog, goat, sheep, calf or lamb, each, three Pence. Provided always, that no such Toll shall be demanded or received until the said Corporation shall have established a Ferry over the said River Richelieu, with good and sufficient Ferry Boats, Batteaux, Scows and Canoes, for the ease and convenience of persons travelling and for the passage of horses, cattle, carriages and effects over the said River Richelieu. And it shall and may be lawful for the said Corporation to ask, demand and receive for the passage of all such persons, horses, cattle, carriages and effects, over the said River Richelieu, the following sums of money, that it 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. 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, one Shilling and eight Pence, and if drawn by one horse or other beast of draught, one Shilling and four Pence. For every Cart, Sled, or other such Carriage, loaded or unloaded, drawn by two horses, oxen or other beasts of draught, with the Driver, one Shilling and three Pence, and if drawn by one horse or other beast of draught, ten Pence; for every person on foot, three Pence. For every horse, mare, gelding, mule, or other beast of draught, loaded or unloaded, six pence. For a horse and his rider, one Shilling. For every bull, ox, cow and all other horned and neat cattle, each, nine Pence. For every hog, goat, sheep, calf or lamb, each, three Pence.

V. And be it further enacted by the authority aforesaid, that so soon as a good and sufficient Bridge shall have been built and erected by the said Corporation, over the aforesaid River Richelieu, and duly reported upon, and certified and public notice thereof given in the manner herein before directed, the said Corporation shall be no longer bound to keep the aforesaid Ferry, and it shall be lawful for the said Corporation to erect a Gate upon the said Bridge, and to ask, demand and receive thereat, the same Tolls as are hereby authorised to be taken for the passage of Travellers, horses, cattle, carriages and effects over the said River Richelieu in Ferry Boats, Batteaux, Scows and Canoes as aforesaid.

VI. And be it further enacted by the authority aforesaid, that the said Corporation may, if they see proper, commute the rate of Toll with any person or persons by taking of him or them, a certain sum, monthly or annually, to be mutually agreed upon, in lieu of the Tolls aforesaid; and the said Corporation, at all such places where the said Tolls shall be collected, shall affix or cause to be affixed, in some conspicuous place, at or near each Toll Gate, a Table of the Rates of Toll, plainly and legibly written.

VII. And be it further enacted by the authority aforesaid, that the whole of the said Road so to be laid out and made as aforesaid, shall be thirty feet wide between two Ditches, each of the width of three feet, and of sufficient depth to drain off the water. And the said Bridges so to be erected and built shall be made fit and proper for the passage of Travellers, Horses, Cattle, and Carriages; And so wide as to permit Teams and Carriages freely and conveniently to pass each other, over and above the room necessary on each side for foot Passengers; and the said Corporation shall pay all damages which shall, in Equity, accrue to any person or persons being Owners of any lands or grounds, which are not waste or common, through which the said Road shall pass, and where such land cannot be obtained by voluntary purchase from the owner, such damage shall be estimated by seven Experts to be nominated according to Law.

VIII. And be it further enacted that if any person or persons, shall, after proceeding upon the said Road with any of the articles liable to the payment of Toll, turn out of the same into any other Road, or being upon any other Road, shall enter the said Road beyond a Turnpike Gate, whereby such payment shall be avoided, or shall take off, or cause to be taken off, any Horse or other Beast of draught from any carriage liable to Toll, at or before the same shall come to any Turnpike Gate erected by virtue of this Act, with an intent to avoid paying any Toll or Rate hereby imposed, or shall put and leave in any House or place, any Horse or Beast

of draught or any carriage liable to Toll, with such intent, as aforesaid, every person so offending, shall, for every such offence, forfeit and pay to the said Corporation or to their Treasurer or Collector, a sum not exceeding Ten Shillings, currency. Provided always, that any person or persons in any of the cases abovesaid, who shall proceed no further upon the said Road than the extent of Three Miles, shall not be adjudged to be liable to Toll, unless that he, she or they, shall pass through a Turnpike Gate.

IX. And be it further enacted, that every person having paid Toll for passing through any Turnpike Gate erected under this Act, may and shall be permitted to return the same day, before twelve of the Clock at night with the same Carriage, saddle Horse, Mare or Gelding, without again paying Toll for the same. Provided such carriage be not loaded in whole or in part with merchandise or other articles, exceeding one hundred pounds weight but in case the same carriage shall pass with such a new load or any part thereof a second time or oftener, then the Toll, shall each time, be payable in the same manner as the first time; and the Corporation at a general meeting assembled, may make Tickets or Checks under such regulations, as they shall see fit, for prevention of frauds and abuses in the said Tolls or Rates, or compositions, as herein before mentioned, and the Collector and every person receiving such a Ticket or Check, who shall give, lend or dispose of the same to any person or for any purpose not authorised by the Corporation in their said regulations, and every person, who shall wrongfully and knowingly receive, borrow, purchase or use the same, and every person who, by any false pretext, shall obtain an exemption from any Toll, to which he or she is liable, being thereof convicted, shall, for each offence, respectively, forfeit and pay a sum, not exceeding Twenty Shillings currency.

X. And be it further enacted by the authority aforesaid, that no person shall leave any Waggon, Cart or other Carriage, nor shall lay or leave or cause to be laid or left any matter or thing, creating an obstruction of any kind or nuisance upon the said Road, or the ditches or drains thereof, and every person so offending, shall, for every such offence, forfeit and pay a sum not exceeding Ten Shillings, besides the expence of removing the same, and in case it shall not appear who laid down or left any such nuisance or obstruction, the possessor or occupier of the ground adjacent to that part of the Road, ditch or drain on which the same shall be found, (if any part of the Lot shall be under improvement and inhabited,) shall be deemed and held to have committed the offence.

XI. And be it further enacted that if any person or persons occupying inclosed lands near to any Turnpike or Gate, which shall be erected in pursuance of this Act shall knowingly and willingly permit or suffer any person or persons to pass through such lands, or through any Gate, passage or way thereon, with any carriage, or with any horse, mare gelding or other animal, or any foot Passenger, liable to the payment of Toll, whereby such payment shall be avoided, every person so offending, and also, the person or persons riding or driving the animal or carriage or foot Passenger, whereon such payment is so avoided, being thereof convicted, shall, for every such offence, severally forfeit and pay to the Corporation, their Treasurer or Collector, any sum not exceeding Ten Shillings currency.

XII. 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 any Officer or Soldier of His Majesty's forces or of the Militia, whilst upon their march or on duty, nor the horses and carriages laden or not laden and drivers attending such Officers, Soldiers and Militia, nor Carriages and Drivers or Guards sent with Prisoners of any description, or any person who shall be passing with his horse or carriage, to or from Public Worship, nor if attending or returning from the Funeral of any person who shall die within the same Parish, nor if going from one part to another part of the same farm occupied by the same person, be chargeable with any Rate or Toll whatever.

XIII. And be it further enacted by the authority aforesaid, that the said Corporation shall be, and they are hereby required and directed to leave an opening of at least twenty five feet under the Bridge over Pike River Falls, and of at least one hundred feet under the Bridge over the River Richelieu, so to be erected and built as aforesaid, and which said Bridge over the River Richelieu, shall be of sufficient height, for the passage of Rafts of Timber and Wood, so that such Rafts may pass under the same without interruption and without payment of any Fee or Reward, and such opening under the said Bridge, over the River Richelieu, shall be left at such part of the Channel thereof as shall be most convenient for the passage of Rafts.

XIV. And be it further enacted by the authority aforesaid, that if the said Corporation or Toll Gatherers, or any other person in their employment, shall unreasonably hinder or delay any Passenger at either of the said Gates or Ferry aforesaid, or shall demand or receive more Toll than is by law allowed, the said Corporation shall forfeit and pay a sum not exceeding Five Pounds current money of this Province, besides the reimbursement of what they shall have taken above the said Toll, and the said Corporation, shall be liable to pay all damages which may happen to any person, and which may arise from neglect of any Bridge or want of repair on the said Road, after the same has been made, compleated and certified as aforesaid, and it shall be lawful for any person or persons, having paid Toll thereon, to prosecute the Corporation before the Court of King's Bench, for the District of Montreal, who are hereby authorised and required to hear and determine the same in a summary manner, without awaiting the course of the Roll, and upon finding the said Road or any part thereof not to be in proper repair, the said Corporation may and shall be obliged to have the same amended and repaired, in a proper manner, within the space to be limited by the said Court, who shall adjudge full expences of suit to the Prosecutor or Prosecutors against such Corporation, who shall pay the same at their own private cost; but if such prosecution shall, upon trial, be found to be vexatious and groundless, the Prosecutor or Prosecutors, shall be liable to costs to be taxed.

XV. And be it further enacted by the authority aforesaid, that if any person or persons shall cut, break down or otherwise destroy any of the said Bridges, Turnpike Gates, or any Toll House, to be erected by virtue of this Act, every person so offending and being lawfully convicted, shall be deemed guilty of Felony, and if any person or persons shall remove any earth, stone or timber on the said Road to the damage of the same, or shall forcibly pass or

attempt to pass by force any of the said Gates, without having first paid the legal Toll at such Gate, such person or persons shall pay all damages sustained by the said Corporation, and shall forfeit and pay a Fine not exceeding Five Pounds, nor less than Two Pounds Ten Shillings, currency.

XVI. And be it further enacted by the authority aforesaid, that the said Corporation be and they are hereby enabled to purchase, receive and hold lands sufficient for the accommodation of their respective Toll Gatherers and the same to transfer in such manner as by their Bye Laws they may direct. And in case any of the person or persons herein before named as a Member or Members of the said Corporation shall, before the said Road shall have been commenced, refuse or neglect, after twenty Days notice first given to contribute to the making of the same, and to the erecting of the aforesaid Bridges, then and in that case, such person or persons shall be deprived of any benefit or advantage which he or they might otherwise have or claim under and by virtue of this Act, and shall not be considered a Member or Members of the said Corporation, any thing herein contained to the contrary thereof in any wise notwithstanding.

XVII. And be it further enacted by the authority aforesaid that there shall be a meeting of the said Corporation holden at some convenient place in the Seignory of Saint Armand, within the space of three Calendar Months from the day of the commencement of this Act as herein after directed, of which one Month's notice shall be given in two of the most public places within the said Seignory, for the choosing a Clerk and such other Officers as may be deemed necessary by the said Corporation, and they may at that or any further meeting, make, repeal and after such Bye Laws, Rules and Regulations not repugnant to Law as they may deem necessary for carrying into effect this Act, and to regulate the interests of the said Corporation.

XVIII. And be it further enacted by the authority aforesaid, that when any Proprietor shall neglect or refuse to pay any contribution for making or for repairing the said Road, or for erecting or repairing the said Bridge or Bridges, duly assessed by the said Corporation, in the manner by them directed, to the Treasurer for the space of twenty days after the time appointed for the payment thereof, the Treasurer is hereby authorised to sell at Public Auction, the Share or Shares of such Delinquent, under such regulations as the said Corporation, by their Bye Laws, may direct. And the Purchaser on producing a Certificate of such Sale from the Treasurer to the Clerk of the said Corporation in the name of such purchaser, with the number of the share or shares so sold, and the same being recorded by the Clerk at the expence of such Purchaser, the said Purchaser shall thereupon be deemed to all intents and purposes the Proprietor thereof, and the overplus money, if any there be, arising on such Sale, after paying the said contribution and costs, shall be, by the Treasurer returned to the Delinquent, on demand.

XIX. And be it further enacted by the authority aforesaid, that it shall and may be lawful to and for each and every of the Members of the said Corporation for the time being, his and her Executors, Administrators and Assigns, to give, sell, alien, assign, devise or dispose of his,

her or their respective Share or Shares, and interest in the said Corporation to any person or persons; and the said person or persons and their respective assigns shall be Members of the said Corporation, and shall be intitled to all and every the rights and privileges thereof and in the profits and advantages therefrom arising and in the said Corporation, as the Members named in this Act are intitled to by virtue of this Act.

XX. And be it further enacted by the authority aforesaid, that so soon as the said Road from the Southern Boundary of Saint Armand to Pike River, and the Bridge over the said River, shall have been made and compleated, from thenceforward no person or persons shall erect or cause to be erected any Toll Bridge or Bridges or work or use any Ferry for the passage of any Persons, Cattle or Carriages whatsoever for hire or gain across the said Pike River, within two miles of the said Bridge, and so soon as the said Road from Pike River, to the River Richelieu, shall have been compleated and a good and sufficient Ferry established upon the said River, or a Bridge erected over the same as before directed, from thenceforth in like manner no person or persons shall erect or cause to be erected any Toll Bridge or Bridges, or work or use any Ferry for the purposes aforesaid upon the said River Richelieu, within two miles of the said Ferry or Bridge to be established and erected by the authority of this Act, 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 Rivers or over such Bridge or Bridges within the limits aforesaid, such Offender or Offenders, shall, for each Carriage, Person or Animal so carried across the said River Richelieu, or passed over such Bridge or Bridges forfeit and pay the sum of Ten Shillings, currency of this Province.

XXI. Provided always and be it further enacted by the authority aforesaid, that nothing in this Act contained, shall be construed to extend to deprive the Public, or any individual, of the opening of any front or bye Road, according to the laws of the Country, across the said Turnpike Road to be made by virtue of this Act, nor to deprive the Public or any individual of making any other Roads conformable to the laws of the Country.

XXII. And be it further enacted by the authority aforesaid, that the said Roads, Bridges, Toll Houses and conveniences, and the said Tolls shall be, and the same are hereby vested in the said Corporation forever; Provided that after the expiration of fifty years, to be accounted from the time this Act shall have operation, it shall and may be lawful for His Majesty, his Heirs and Successors, to assume the possession and property of the said Roads, Bridges, Ferries, Toll Houses, Turnpikes and Conveniencies, and dissolve the said Corporation, upon paying to the said Corporation, their full and entire value, which the same may at the time of such assumption bear and be worth, and thereupon the said Tolls shall from the time of such assumption, appertain and belong to His Majesty, his Heirs and Successors, who may from thenceforth be substituted into the place and stead of the said Corporation, for all and every the purposes of this Act.

XXIII. And be it further enacted by the authority aforesaid, that to intitle the said Corporation, to the benefits and advantages by this Act granted to the said Corporation, shall and are hereby required to make and compleat the said Roads, from the Southern

boundary of Saint Armand, to the River Richelieu and built and erect a Bridge or Bridges over the said Pike River, and over the said River Richelieu, or establish a Ferry upon the said River Richelieu, and erect the Toll Houses, Turnpikes and conveniences within five years from the day that this Act shall have operation, and if the same be not compleated, within the time last mentioned, the said Corporation shall cease to have any right, title or claim in or to the Tolls hereby imposed, which from thenceforward shall belong to His Majesty, and the said Corporation, shall not by the said Toll or in any other manner or way be intituled to any reimbursement of the expence, they may have incurred in opening and making the said Road, and in the building of the Bridge or Bridges or the establishment of the Ferry aforesaid. Provided always that if a Bridge shall not be built by the said Corporation, over the River Richelieu within five years after the said Road shall be compleated to the said River, then the exclusive right of the said Corporation to build such Bridge, shall henceforth cease, and it shall be lawful to grant such right to such other persons, as shall undertake to build a Bridge over the said River.

XXIV. And be it further enacted by the authority aforesaid, that the Penalties hereby inflicted, (where not otherwise particularly directed by this Act,) shall, upon proof of the offences respectively, before any two 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, (other than the prosecutor,) which oath such Justices are hereby empowered and required to administer, be levied together with the costs of prosecution by distress and sale of the goods and chattels of such offender, by Warrant signed by such Justices, and the overplus, after such Penalties, and the costs of such prosecution and charges of such distress and sale, are deducted, shall be returned upon demand to the owner of such goods and chattels, and for want of sufficient distress, the Offender shall be sent by such Justices to the Gaol of the District, for any time not exceeding one month, nor less than fourteen days, as such Justices shall think most proper, one moiety of which Penalties respectively, when paid and levied, shall belong to the person suing for the same, and the other moiety to His Majesty, to be paid into the hands of the Receiver General of this Province, and the same shall be accounted for to His Majesty, his Heirs and Successors, through the Lords Commissioners of His Majesty's Treasury, in such manner and form as His Majesty, his Heirs and Successors may direct.

XXV. And whereas, in undertakings of great expence, where the returns are uncertain, it is reasonable and proper to encourage the prosecution of the same by securing to the persons concerned therein, their successors and assigns, the possibility of a considerable eventual benefit. Be it therefore further enacted by the authority aforesaid, that the clear profits to be received from the said Road and Bridges, or from the Ferry over the River Richelieu, shall not, from and after seven years from the date of the instrument herein after mentioned, for authorising the said Road to be made, exceed twelve Pounds per centum, per annum, upon the Capital Stock as herein after mentioned, including in such Stock the monies which, after the said Road and Bridges shall be compleated, shall thereafter be expended in rebuilding the said Bridges or either of them, that shall be destroyed or carried away by floods or other accidents, unless that it shall be found, at the said period of seven years, after the date of

the Instrument abovesaid, that the said Corporation or Society, their successors or assigns, have not divided a clear profit of twelve Pounds per centum, per annum, on the said Capital Stock, reckoning the same from the time of the said Road and Bridges or Ferry over the River Richelieu, being respectively compleated or established, in which case the Tolls and Ferriage, shall be continued and be collected by, and for the use of the said Corporation or Society, their successors and assigns, at the rates allowed by this Act, until that such clear profit shall be divided as abovesaid, and from and after the said term of seven years, from the date abovesaid: but after the time that the said rates of profits, from the periods when the said Road and Bridges or Ferry, were respectively compleated or established, shall have been made up, if more than such rate of profits shall have been so divided upon the said Capital, then the aforesaid Tolls, shall be reduced in manner following, that is to say: If on making up and balancing the accounts of the year immediately preceding such time, (comprehending therein all receipts of Tolls and Ferriages, and all disbursements for repairs and expences of management,) it shall appear, that the ballance, or clear profits of the said Road and Bridges or Ferry, within such year, shall have exceeded the said rate of twelve Pounds, per centum, upon the said Capital, including the monies, which after the said Road and Bridges have been compleated, shall have been expended in rebuilding the said Bridges, or either of them, then and in such case, the Tolls and Ferriages, to be taken during the course of one entire year, after the first day of February, then next following, shall be lower than the respective Tolls, herein before established, in the proportion of one twelfth part, as nearly as may be, (to avoid fractional parts of a half penny,) for every twenty shillings, per centum, which such clear profits, shall have exceeded the rate thereof, by this Act allowed to be divided, and from time to time thereafter, the Court of General Quarter Sessions of the Peace, for the District of Montreal, shall, in their January Term, six and ascertain, by the same rule and standard, an augmentation or reduction of Tolls and Ferriages, to be taken during the course of one entire year, after the first day of February following, in proportion as the Tolls and Ferriages, during the course of twelve months immediately preceding, shall appear by the accounts of such twelve months, so made up and balanced, to have exceeded or fallen short of the said clear profit of twelve Pounds, per centum; but in no case shall the Tolls or Ferriages so augmented, exceed the rates of Toll and Ferriage respectively authorised to be taken by this Act; and the said Corporation or Society, their successors and assigns, shall not demand or take, or be entitled to receive, after the time aforesaid, any greater or higher rates of Toll or Ferriage than in the said reduced or augmented proportions, so fixed by the said Justices as aforesaid; any thing in this Act contained to the contrary notwithstanding.

XXVI. And in order to ascertain from time to time the clear profits arising from the said Road or Bridges or Ferry over the River Richelieu. Be it further enacted by the authority aforesaid, that so soon as the Road shall be made and compleated as far as Pike River, and a Bridge built over that River, a true and exact account, shall be made out of all the monies which shall have been expended in making and compleating such part of the Road and such Bridge, as also the Toll House and Turnpike Gate thereunto belonging, and of all expences of management, which to that time, shall have been incurred on account of the same; and in which account shall be charged interest on such monies respectively, from the time of

payment, thereof, to the time of so making up the account at the rate of six per centum per annum, which account so made out shall be dated, and then certified by at least three of the Proprietors, who shall have been appointed by the Corporation to direct or superintend the making of the Road, and by their Clerk, who respectively shall make oath, before one of His Majesty's Justices of the Peace for the District of Montreal, that such account is faithfully extracted from the Books of the Corporation, and to the best of their knowledge and belief is just and true, (which oath the said Justice as well as in the cases aftermentioned, is hereby authorised and required to administer to each of them) and when the continuation of the said Road to the River Richelieu, shall be completed and the Ferry over the same established, a like account of monies expended thereon including the expences of management and cost of Ferry boats, Scows and Canoes, shall be in like manner made out, dated, certified and sworn to as above, and when a Bridge, over the River Richelieu shall be built, or when the same, or the other Bridge shall be carried away or destroyed, and rebuilt, a like account respecting the same, shall be made out, dated, certified and sworn to as above, and such accounts when so made out, certified and sworn to, shall respectively be deposited amongst the Records of the Court of Quarter Sessions for the District of Montreal, and the amount thereof shall be considered as the Capital Stock of the said Corporation, and on which the profits allowed to the same, are to be estimated as herein before mentioned, and there shall afterwards, at the end of every year, after the completion of the said Road and Bridges or establishment of said Ferry over the River Richelieu, be made out a true and exact account of the monies expended in repairing the same, and the Toll Houses and Gates, with the charges of management, and also, a true and exact account of all the monies collected or received from Tolls and Ferriages by virtue of this Act, which annual account, shall be dated, certified, sworn to and deposited as above required; and if such accounts shall not be so made out, dated, certified, sworn to and deposited as abovesaid, the said Corporation shall forfeit and pay, the sum of fifty Pounds, for every month that the same shall be refused or neglected, after being thereunto required by any of His Majesty's Justices of the Peace for the District abovesaid, to be recovered by action of debt, in any Court competent to decide thereon, and paid to the Person who shall sue for the same; and if any person sworn as abovesaid, who shall wilfully, or corruptly swear, falsely, every such person, being thereof duly convicted, shall suffer the punishment inflicted by law for Perjury.

XXVII. And be it further enacted by the authority aforesaid, that this Act shall not have effect, nor shall the said Road and Bridges, or any part thereof be made, erected or built, until authority shall be given, by the Governor, Lieutenant Governor or Person administering the Government of this Province for the time being, by an instrument in writing, under his hand and seal at arms, to the Corporation herein before constituted, and such Corporation shall be held and bound to make, erect and compleat the same within five years, from the date of such authority, so to be given in the manner herein before prescribed, under the pains and penalties hereby imposed and laid.

XXVII. And be it further enacted by the authority aforesaid, that no suit or action shall be commenced or brought against any person offending against this Act, unless the same shall

be commenced or brought within three Calendar Months next after the offence committed, and not afterwards.

XXIX. 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.