

The Provincial Statutes of Lower-Canada, Being the second session of the seventh Provincial Parliament of Lower-Canada. Quebec: P. E. Desbarats, Printer to the King's Most Excellent Majesty, 1812.

52 George III – Chapter 22 (Session 1)

An Act to authorise Jacques Morin, Junior, to build a Bridge over the Arm of St. Nicolas, in the County of Devon, to fix the Rates of Toll for passing thereon, and to provide Regulations for the said Bridge. (19th. May, 1812.)

Whereas the convenience and the facility of intercourse of the inhabitants of the adjacent Parishes and Concessions, and the public in general, would be much promoted by the erection of a Bridge over the Arm St. Nicolas, in the County of Devon. And Whereas Jacques Morin, Junior, of the Parish of St. Vallier, hath by his Petition in this behalf prayed leave to build a Toll Bridge over the said Arm St. Nicolas: 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 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 Arm St. Nicolas, at the distance of twelve feet at least free from any incumbrances of the said Bridge or its dependencies on the south side of the King's highway, and to erect and build one Toll House upon a lot of ground not exceeding thirty feet square on the South West side of the said Bridge 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 Arm Saint Nicolas, 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 and 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 for the value of such lots of ground as well as for the alteration and damage thereof, which the proprietor may have sustained by means of or for the purpose of erecting the said Bridge and the said House as herein before mentioned; 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' 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 by law prescribed 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 Jacques Morin, his heirs or successors shall not commence the building of the said Bridge and other dependencies, by which any individual may be deprived of his land or part thereof, or suffer damages unless the price or value of the said lands and damages estimated and regulated in the manner herein before prescribed, shall have been paid to such individual, or until such price or value shall have been tendered him or upon his refusal, the said Jacques Morin shall have deposited the same in the Prothonotary's Office of the Court of King's Bench for the District of Quebec.

II. 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 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 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 conveniencies, and the ascents and the 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 to 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 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, Four pence, currency; and if drawn by one Horse or other Beast of draught, three 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 Driver, three pence, currency; and if drawn by one Horse or other Beast of draught, two pence, half penny currency; for every person on foot, one half penny, currency; for every Horse, Mare, Mule, or other Beast of draught, laden or unladen, one penny, currency; for a Horse and his Rider, one penny half penny, currency; for every Bull, Ox, Cow and all other horned and neat Cattle, each one penny; for every Hog, Goat, Sheep, Calf or Lamb, on foot, one half penny, currency.

III. 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.

IV. 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 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-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.

V. 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 forty shillings, currency.

VI. 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 Work, or use any Ferry for the Carriage of any Persons, Cattle or Carriages whatsoever, for hire, across the said Arm St. Nicolas within half a league above the said Bridge; and if any person or persons shall erect a Toll Bridge or Toll Bridges over the said Arm St. Nicolas in 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 Arm St. Nicolas within the limits aforesaid, such Offender, or Offenders, shall, for each Carriage, Person or Animal so carried across forfeit and pay the sum of forty Shillings, currency. Provided that nothing in this Act contained, shall be construed to deprive the public from passing any of the Fords, of the said Arm St. Nicolas within the limits aforesaid.

VII. 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.

VIII. 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 conveniencies within two 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 expences 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 Jacques 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.

IX. And be it further enacted by the authority aforesaid; that this Act or any thing herein contained, shall not extend or be construed to extend to lessen, take away of affect the right or privileges of the King's Majesty, his heirs or successors, or of any person or persons, bodies politic or corporate in or to the premisses (except the power and authorities hereby given to the said Jacques Morin, Junior, and his heirs and successors or assigns and except such as are expressly altered or extinguished by this Act) but that the King's Majesty, his heirs and successors, and all and every person or persons, body politic or corporate, their successors, heirs, executors and administrators, shall have, hold, exercise and enjoy all such rights (except as before excepted) as they, every or any of them had before the passing off this Act, in as full and ample a manner to all intents and purposes as if this Act had never been made.

X. 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 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.