

The Provincial Statutes of Lower-Canada, Being the first session of the ninth Provincial Parliament of Lower-Canada. Quebec: P. E. Desbarats, Printer to the King's Most Excellent Majesty, 1817.

57 George III – Chapter 34

An Act to grant to Pierre Casgrain, Esquire, a right of Toll over the Draw-Bridge erected on the River Ouelle, in the County of Cornwallis. (22 March, 1817.)

Whereas the erection of a Draw-Bridge over the River Ouelle, in the County of Cornwallis, at the place where at present there exists a Ferry, will materially improve the convenience and facility of the intercourse of the inhabitants of the neighbouring Parishes, and will not be an impediment to the navigation of the said River, and whereas Pierre Casgrain hath at his own proper cost and charges erected a Draw-Bridge over the said River Ouelle, as represented by his petition in that behalf, praying for an adequate indemnity: 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 Pierre Casgrain, his heirs, executors, curators and assigns, from time to time, and at all times after the passing of the present Act, to ask, demand, receive, recover and take toll, and for his or 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-wheeled Carriage, loaded or unloaded, with the Driver and four Persons, or less, drawn by two or more Horses, or other Beasts of draught, one shilling and eight pence, currency; for every Chariot, or other four-wheeled Carriage, loaded or unloaded, one shilling and three 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, one shilling, currency; and drawn by one Horse or other Beast of draught, eight pence, currency; for every Cart, Sled or other such Carriage, loaded or unloaded, drawn by two Horses or other Beasts of draught, six pence, currency; and drawn by one Horse or other Beast of draught, five pence, currency; for every Person on foot, one penny, currency; for every Horse, Mare, Gelding, Mule, or other Beast of draught, laden or unladen, two pence halfpenny, currency; for every Horse and his Rider, two 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.

II. 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, or 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

Pierre Casgrain, 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 Pierre Casgrain, 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.

III. And be it further enacted by the authority aforesaid, that the said Tolls, shall be, and the same are hereby vested in the said Pierre Casgrain, his heirs and assigns, for the space of fifty years from the day of the passing of this Act. Provided always, that if His Majesty shall, 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 dependencies and the ascent, and approaches thereto, the said Pierre Casgrain, his heirs, executors, curators or assigns shall be entitled to recover, have and receive of and from His Majesty, his heirs and successors the full and entire value which the same may at the time of such assumption bear and be worth, and 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 Pierre Casgrain, his heirs and assigns, for all and every the purposes of this Act.

IV. And be it further enacted by the authority aforesaid, that the said Pierre Casgrain, his heirs, executors, curators, representatives or assigns owing, holding or having charge of the said Draw-Bridge, shall at all times upon verbal notice or request to that intent, be bound forthwith to raise the gate of the said Draw-Bridge, without any toll, fee, or recompense whatsoever, in order to afford and give passage to all and every vessel, craft or decked boat, having a mast or masts, navigating in and upon the said River Ouelle, under the penalty of one pound, currency, for each and every default, to be paid with costs of suit to such person or persons as may be aggrieved by reason of each and every such default, without prejudice to the damages which the above named Pierre Casgrain, his heirs, executors, curators, representatives or assigns shall have caused by such neglect or delay in raising the gate of the said Draw-Bridge, and of which he or they shall be responsible to those who may have suffered or sustained such damages.

V. And be it further enacted by the authority aforesaid, that in case the said Bridge shall, at any time, become impassable or unsafe for Travellers, Cattle or Carriages, he the said Pierre Casgrain, 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 Pierre Casgrain, 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.

VI. And be it further enacted by the authority aforesaid, that, if any person, shall forcibly pass over the said Bridge, without paying the Toll or any part thereof; or shall interrupt or disturb the said Pierre Casgrain, 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.

VII. And be it further enacted by the authority aforesaid, that no person or persons shall erect, or cause to be erected, any Bridge or Bridges, or works, or works, or use any Ferry for the Carriage of any Persons, Cattle or Carriages whatsoever, for hire, across the said River Ouelle, and within half a league distant from and above the said Bridge, and below the said Bridge to the mouth of the River; 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 Pierre Casgrain, his heirs, executors, curators and assigns, treble, the Tolls hereby imposed, for the Persons, Cattle or Carriages, which shall pass over such Bridge or Bridges; if any Person or Persons, shall, at any time, for hire or gain, pass or convey any Person or Persons, Cattle, or Carriages across the said River Ouelle, within the limits aforesaid, such offender or offenders, shall, for each Carriage, Person or Animal so carried across, forfeit and pay a sum not exceeding forty shillings, currency. Provided that nothing in this Act contained, shall be construed to prevent the public from passing any of the Fords in the said River, within the limits aforesaid, or to cross over Canoes, without gain or hire.

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 erected or to be erected by virtue of this Act, every person so offending, and thereof lawfully convicted, shall be deemed guilty of felony.

IX. And be it further enacted by the authority aforesaid, that this Act or any of the dispositions therein contained, shall not extend or be construed to extend, to weaken, diminish or extinguish the rights and privileges of His Majesty the King, his Heirs and Successors, nor of any person or persons, body politic or corporate, in any of the things therein mentioned (except as to the powers and authority hereby given to the said Pierre Casgrain, his Heirs and assigns, and except as to the rights which are hereby expressly altered or extinguished) but that his Majesty the King, his Heirs and Successors, and all and every person or persons, body politic or corporate, their Heirs and Assigns, Executors and Administrators, shall have and exercise the same rights (with the exceptions aforesaid) as they and each of them, had before the passing of this Act, to every effect and purpose whatsoever and in as ample manner, as if this Act had never been passed.

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 the Peace for the District of Quebec, either by confession of the offenders, 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 of the Peace, 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, and 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 enabled by the authority aforesaid, that the money to be levied by virtue of this Act, and not herein-before granted to the said Pierre Casgrain, 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 of the Peace and all other persons whomsoever, without being specially pleaded.