

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 36

An Act to authorise Louis Michel Viger, Esquire, to erect a Toll-Bridge over the River Des Prairies. (22 March, 1817.)

Whereas the erection of a safe and convenient Bridge over the River Des Prairies, which separates the Island of Montreal from Isle Jesus, in the County of Effingham, in the Parish of Saint Vincent de Paul, would be advantageous for the intercourse of the inhabitants of the neighbouring Parishes and of the public in general and most advantageous to the commerce and to the supply of the Town of Montreal; And whereas Louis Michel Viger, of the City of Montreal, Esquire, hath by his petition to that effect, prayed for leave to erect a Toll-Bridge, at his own expence, over the said River Des Prairies, from the Island of Montreal, in the Parish of La Visitation du Sault au Recolet [Sault-au-Récollet] to Isle Jesus, in the Parish of Saint Vincent de Paul, the said Bridge to be erected in the said Parish of Sault au Recolet, below the Church and near the Mills of the Seigneurs of Montreal Island, whereby there will be at all times a safe and commodious intercourse between the Island of Montreal and the Isle Jesus; 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 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 and may be lawful for the said Louis Michel Viger, and he is hereby authorised to erect and build a good and substantial Bridge, at his own costs and charges, over the said River Des Prairies, from the Island of Montreal in the said Parish of La Visitation du Sault au Recolet to Isle Jesus, in the Parish of Saint Vincent de Paul, at such place or places as the said Louis Michel Viger shall find most suitable and best adapted to this object, near the Mills of the Seigneurs of Montreal Island, below the Church of the said Parish of La Visitation du Sault au Recolet, and to erect and build one or several Toll-Houses, and one or several Turnpikes with other dependencies upon or near the said Bridge, and also, to do, perform and execute all other matters and things requisite, necessary, useful and convenient for erecting, building, maintaining and upholding the said intended Bridge, Toll-Houses, Turnpikes and dependencies, so intended to be made agreeably to the tenor and meaning of this Act; and further, in order to enable the said Louis Michel Viger to build, erect, support and maintain the said Bridge; he the said Louis Michel Viger, his heirs, executors, curators and assigns, shall have full power and authority, from time to time, to take and use the land, on either side of the said river, and also the islands situated near the said Bridge, and there to work or cause the materials and other things necessary for the erecting, building of repairing the said Bridge, to be wrought: and in consequence the said Louis Michel Viger, his heirs, executors, curators or assigns, or the persons by him or them employed, shall cause, as little damage as possible, and shall make a just and reasonable compensation to the respective proprietors or occupiers of all such lands, as may be charged, damaged or made use of, for the purpose of erecting the said Bridge; and in case of difference or dispute about

the amount of such compensation, the same shall be fixed by His Majesty's Court of King's Bench for the District of Montreal, after a previous survey and estimation of such places 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 of Experts in Civil Causes, and the said Court is hereby authorised to hear, settle and finally determine the amount of such compensation, accordingly.

II. And be it further enacted by the authority aforesaid, that while the said Louis Michel Viger, his heirs and assigns shall be occupied in establishing or fixing the scaffolding necessary for the erection of the said Bridge or for the repairing thereof, no person or persons, shall convey down or cause to be conducted or conveyed down, any rafts or cribs upon the said River, at the place where the said Bridge is to be built. Provided that the said Louis Michel Viger, his heirs and assigns have given at least six weeks previous notice in one of the Newspapers of the City of Montreal, at the time when they intend to establish or place the said scaffolding for the erection or repairing of the said Bridge. Provided also, that the said scaffolding shall not be placed before the first day of August, in the year in which the said Bridge shall be erected or repaired.

III. And be it further enacted by the authority aforesaid, that in erecting the said Bridge, there shall be left an opening between the pillars thereof of at least eighty feet in width, at the deepest part of the River, and where the rafts are ordinarily floating down, so that the said rafts floating down the same may meet with no obstruction, and it shall be the duty of the proprietors or conductors of every such raft to give two hours previous notice to the Toll Gatherer or person having charge of the said Bridge, of his or their intention to pass through the same with such raft. Provided always, that no more than two cribs shall pass at the same time, and all damage caused by any such raft as may come against the said Bridge without such notice as aforesaid having been given, or containing more than two cribs, and further, the damages caused to the said Bridge, by the fault and negligence of the conductors at the said rafts shall be made good by the proprietor or conductors of such rafts to the said Louis Michel Viger, his heirs, executors, curators or assigns, and shall be recoverable by suit at Law in any Court of Record, taking cognizance of causes to the like amount.

IV. 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 of the District of Montreal, or his Deputy, 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 him 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 all persons interested in the said 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, bye road or bye roads, and to open such other highways 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 it shall be performed, upon such parts of the King's highway or bye roads, to be so as aforesaid changed,

and upon such highway or highways, bye road or bye roads, to 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.

V. And be it further enacted by the authority aforesaid, that the said Bridge, and the said Toll-Houses, Turnpikes 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 and provided, for erecting, building, making, maintaining and repairing the same, shall be vested in the said Louis Michel Viger, 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 Louis Michel Viger, 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 created 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 Peace, for the District of Montreal, after examination thereof, by three experts, to be appointed and sworn by the said Justices, and be advertised in the Quebec and Montreal Gazettes, it shall be lawful for the said Louis Michel Viger, 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, 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, two shillings and six-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 and eight pence, currency; or by one Horse or other Beast of draught, one shilling and 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 Driver, one shilling and three pence, currency; or drawn by one Horse or other Beast of draught, one shilling, currency; for every Person on foot, four pence, currency; for every Horse, Mare, Gelding, Mule, or other Beast of draught, laden or unladen, six-pence, currency; for every Horse and his Rider, seven pence, half-penny currency; for every Bull, Ox, Cow and all other horned and neat Cattle, each three-pence, currency; for every Hog, Goat, Sheep, Calf or Lamb, two-pence, currency.

VI. 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 unladen, 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 and Soldiers, or either of them, nor Carriages and Drivers or Guards conducting 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 Louis Michel Viger, 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 Louis Michel Viger, 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.

VII. And be it further enacted by the authority aforesaid, that the said Tolls shall be, and the same are hereby vested in the said Louis Michel Viger, 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 Bridges, 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 into the place and stead of the said Louis Michel Viger, his heirs and assigns, for all and every the purposes of this Act.

VIII. 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 pass thereof, or shall interrupt or disturb the said Louis Michel Viger, 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 penalty not exceeding twenty shillings, currency.

IX. 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 Des Prairies, from the end of Isle aux Chats, situated in the said River Des Prairies, above the place commonly called l'Abord des Ploufs, in the said Island of Montreal, to the end of Isle Jesus; and if any person or persons shall erect a toll Bridge or Bridges over the said River Des Prairies within the said limits, he or they shall pay to the said Louis Michel Viger, his heirs, executors, curators or 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, or carriages across the said River Des Prairies, 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 twenty shillings, currency. Provided, nevertheless, that the inhabitants of the Parish of Saint Laurent, who possess lands in the Parish of Saint Martin, and the inhabitants of the Parish of Saint Martin who possess lands in the Parish of Saint Laurent, shall be entitled to have for their own use, and without profit or gain, a ferry-boat, or boats canoes, or other water conveyances, for crossing the said River, at that part of the crossing, called l'Abord des Ploufs.

X. 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, the Toll-House or the Toll-Houses to be erected by virtue of this Act, every person so offending and thereof lawfully convicted, shall be deemed guilty of felony.

XI. And be it further enacted by the authority aforesaid, the said Louis Michel Viger, 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 four 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 Louis Michel Viger, 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 Louis Michel Viger shall not by the said Tolls, or in any other manner or way, be intitled 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 Louis Michel Viger, his heirs, executors, curators or assigns, shall and they are hereby required, within three 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 passing 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 Louis Michel Viger, 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 to the remaining parts thereof, and the Tolls hereby granted, and his and their rights 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 Louis Michel Viger, 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, batteaux, canoes or other water-conveyances, for the passage of travellers, cattle and carriages over the said River, as near to the said Bridge as conveniently may be, and to demand, collect and receive for the passage of such travellers, cattle and carriages in the said ferry-boats, or scows, batteaux, canoes or other water-conveyances before they respectively shall be permitted to pass, the like Tolls as are hereby authorised to be taken, for passing over the said Bridge, any thing herein-before contained to the contrary notwithstanding.

XII. 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 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 owner 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.

XIII. And be it further enacted by the authority aforesaid, that this Act or anything herein contained, shall not extend or be construed to extend, to lessen, take away or assist the rights or privileges of the King's Majesty, his heirs or successors or any person or persons, bodies politic or corporate, in any of the things herein-before mentioned, except as to the powers and authority hereby given to the said Louis Michel Viger, his heirs and assigns and except to the rights which are hereby altered or

extinguished, but that His Majesty the King, his heirs and successors, and all and every person or persons, bodies 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 full and ample a manner as if this Act had never been passed.

XIV. 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 Louis Michel Viger, 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 monies, fines and penalties shall be accounted for to His Majesty, his Heirs and Successors, in such manner and form, as His Majesty, his Heirs and Successors shall direct, through the Lords Commissioners of His Majesty's Treasury, for the time being.

XV. 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.