

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 38

An Act to authorise Joseph Roi, Esquire, to build a Bridge over the River Jesus, opposite the Village of Terrebonne, in the County of Effingham, to fix the Rates of Toll for passing thereon, and to provide regulations for the said Bridge. (22 March, 1817.)

Whereas the Village of Terrebonne, in the County of Effingham, would be greatly improved and the convenience and facility of intercourse of the inhabitants of the Parish of Terrebonne and to the adjacent Parishes and concessions, and the public in general would be much promoted by the erection of a Bridge over the River Jesus, from the said Village of Terrebonne to the Isle Jesus, in the said County; and whereas Joseph Roi, of the Town and County of Montreal, Esquire, hath by his petition in this behalf, prayed leave to build a Toll-Bridge over the said River Jesus, from the said Village of Terrebonne to the said Isle of Jesus, in the lower part of the said Village of Terrebonne, below the Church of the said Parish of Terrebonne: 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 be lawful for the said Joseph Roi, 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 Jesus, from the said Village of Terrebonne to the said Isle Jesus, in the lower part of the said Village of Terrebonne, below the Church of the said Village of Terrebonne, and erect and build one Toll-House 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 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 Joseph Roi, 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 the Islands lying in 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 Joseph Roi, 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 or for the purpose of erecting the said Bridge; and in case of difference of opinion 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 such 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.

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 or 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 Joseph Roi, 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 conveniences, and the ascents and approaches thereto, upon paying to the said Joseph Roi, 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 as 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 of the Peace, and to be advertised in the Quebec Gazette and one of the Montreal Newspapers, it shall be lawful for the said Joseph Roi, his heirs, executors, curators and assigns, from time to time and at all times, to ask, demand, receive, recover and take to and for his 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, two shillings 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 and three-pence, currency; and if drawn by one Horse or other Beast, of draught, one shilling, 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, ten-pence, currency; and if drawn by one Horse, or other Beast of draught, nine-pence currency; for every Person on foot, two-pence half-penny, currency; for every Horse, Mare, Gelding, Mule, or other Beast of draught, laden or unladen, seven-pence half penny, currency; for a Horse and his Rider, seven-pence half-penny, currency; for every-Bull, Ox, Cow, and all other horned and neat Cattle, each four-pence, currency; for every Hog, Goat, Sheep, Calf and Lamb, two-pence, 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, while upon their march or on duty, or of the Militia, whilst upon their march or on duty, nor Carriages and Drivers on the 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 Joseph Roi, his heirs, executors, curators or assigns to diminish the said Tolls or any of them, and afterwards, if they shall see fit again to augment the same, or any of them, so as not to exceed in any case the rates hereinbefore authorised to be taken. Provided also, that the said Joseph Roi, his heirs, executors, curators or assigns shall affix or cause to be affixed, in some conspicuous place, at or near the 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 the 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 Joseph Roi, 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 Joseph Roi, 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 Joseph Roi, his heirs, executors, curators or assigns or any person or persons employed by him or by 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 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 works or use any ferry, for the carriage of any persons, cattle or carriage whatsoever, for hire, across the said River Jesus, within a league from the said Bridge, above or below the said Bridge; 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 Joseph Roi, 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 a penalty not exceeding twenty shillings, currency. Provided that nothing contained in this Act shall be construed in any manner or way to prevent the public from passing the said River by fording 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 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 Joseph Roi, 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 five 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 Joseph Roi, 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 Joseph Roi shall not by the said

Tolls, or in any other manner or way be entitled to any reimbursement of the expences, he may have occurred 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 and unsafe for travellers, cattle or carriages, he the said Joseph Roi, 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 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 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 Joseph Roi, 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 premisses, 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 Joseph Roi, 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 or other 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 or other 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 hereinbefore contained to the contrary, notwithstanding.

IX. 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 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 persons suing for the same.

X. 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 or affect 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 Joseph Roi, 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 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.

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 Joseph Roi, 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 His Majesty, his heirs and successors 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.