

The Provincial Statutes of Lower-Canada, Being the second session of the ninth Provincial Parliament of Lower-Canada. Quebec: P. E. Desbarats, Printer to the King's Most Excellent Majesty, 1818.

58 George III – Chapter 24

An Act to authorize Walter Davidson, Esquire, to erect a Toll-Bridge over the River Chaudière, below the Great Fall of the said River. (1st April, 1818.)

Whereas the erection of a Bridge over the River Chaudière dividing the Parishes of Point-Levi and Saint-Nicholas in the County of Dorchester between the Great fall of the Chaudière and the Saint-Lawrence would materially augment the Convenience and facility of the intercourse of the Inhabitants of the adjacent Parishes and concessions, and of the public at large: And whereas Walter Davidson of the city of Quebec, by his petition in that behalf, hath prayed leave to erect a Toll-bridge over the said river Chaudière, at the place above-mentioned. May 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 to and for the said Walter Davidson, and he is hereby authorized and empowered at his own costs and charges to erect and build a good and substantial Bridge over the said river Chaudière, and to erect and build one Toll-House and Turnpike, with 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 other dependencies, according to the tenor and true meaning of this Act, and further that for the purpose of erecting, building, maintaining and supporting the said bridge, the said Walter Davidson, his heirs, executors, curators and assigns, shall have full power and authority to take, from time to time, and use the land on either side of the said river Chaudière, 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 Walter Davidson, 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 land as well as for that of the alteration or of the damages which they may cause to the proprietors, by means of or for the purposes of erecting the said bridge, and the said toll house as above designated; 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 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 prescribed by Law; and the said Court is hereby authorized and empowered to hear, settle and finally determine the amount of such compensation, in consequence. Provided always, that the said Walter Davidson, his heirs or successors, shall not commence the erection of the said bridge and other works by which any person may be

deprived of his land or of any part thereof, or may suffer damage before the price or value of the said land and damages estimated and settled in the manner before prescribed, shall have been paid to such person, or after such price or value shall have been offered to him, or that on his refusal, the said Walter Davidson, shall have deposited it, at the office of the Prothonotaries 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 dependencies 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 furnished or provided, for erecting, building, or making, maintaining and repairing the same, shall be vested in the said Walter Davidson, 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 dependencies, and the ascents and the approaches thereto, upon paying to the said Walter Davidson, his heirs, executors, curators, and 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 of the Peace, and be advertised in the Quebec Gazette, it shall be lawful for the said Walter Davidson, his heirs, executors, curators and assigns, from time to time and at all times, to ask, demand, recover, receive and take toll, and for his own proper use and behoof, for Pontage, or in the name of a toll or duty, before any passage upon or 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 four pence, currency; for every waggon or other four wheeled carriage loaded or unloaded, one shilling 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, ten pence, currency; and drawn by one horse or other beast of draught seven pence, currency; for every cart, sled, or other such carriage, loaded or unloaded, drawn by two horses, oxen or beasts of draught, with the drivers, five-pence, currency; and drawn by one horse, or other beast of draught, four-pence, currency; for every person on foot, one half-penny, currency; for every horse, mare, mule, or other beast of draught, laden or unladen, two-pence, currency; for every person on horseback, two-pence, 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-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, 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 duty, nor the said officers, 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 Walter Davidson, his heirs, executors, curators and 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 authorized to be taken. Provided also, that the said Walter Davidson, 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 paid 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 Walter Davidson, 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 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 Walter Davidson, his heirs and assigns, for all and every the purpose 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 of any part thereof, or shall interrupt or disturb the said Walter Davidson, his heirs, executors, curators or assigns, or any person or persons employed by him or them, for building or repairing the said bridge, or 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 works, or use any ferry for the carriage of any persons, cattle or carriages whatsoever, for hire, across the said river Chaudière, within half a league above the said Bridge, and below the said Bridge, between the same and the St. Lawrence; 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 for the said Walter Davidson, 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 or carriages, across the said River Chaudière, within the said limits aforesaid, such offender or offenders, shall for each person, carriage 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 in canoes, without gain or hire.

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, on being thereof lawfully convicted, shall be deemed guilty of felony.

VII. And be it further enacted by the authority aforesaid, the said Walter Davidson, 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 dependencies within three 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 Walter Davidson, his heirs,

executioners, curators, and assigns, shall cease to have any rights, title or claim of, in, or to the tolls hereby imposed, which shall from thence-forward belong to His Majesty; and the said Walter Davidson, shall not, by the said tolls, or to any other manner or way, be entitled to any reimbursement of the expenses he may have incurred in and about the building of 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 Walter Davidson, his heirs, executors, curators, and assigns, shall, and they are hereby, required within two 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 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 be considered as the property of His Majesty; and after such default to repair or rebuild the said bridge, the said Walter Davidson, 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 rights in the premises, shall be wholly and for ever determined.

IX. And be it further enacted by the authority aforesaid, that the present 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 power and authority hereby given to the said Walter Davidson, 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 as they and each of them had before the passing of this Act, (with the exceptions aforesaid) 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 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 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 monies to be levied by virtue of this Act, and not herein-before granted to the said Walter Davidson, 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 support of 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, through the

Lords Commissioners of His Majesty's Treasury for the time being in such manner and form, as His Majesty, his heirs and successors shall direct.

XII. Provided always and be it further enacted by the authority aforesaid, that the said bridge hereby authorized to be built and erected over and upon the said River Chaudière, be made sufficiently high, and that sufficient room be left between the pillars and quays of the said bridge, to afford a free and navigable passage for rafts of forty feet square.

XIII. Provided always and be it further enacted by the authority aforesaid, that the said Walter Davidson, to entitle himself to the benefit of this Act, shall, and he is hereby required within two months from and after the passing of this act, to give public notice three weeks in the Quebec Gazette, and in writing to be affixed at the Church Doors of each of the parishes of Saint Nicholas and Saint Joseph de la Pointe Levi, that he is hereby authorized to build and construct a bridge and toll-house over the said river Chaudière at the place above mentioned; and that the Inhabitants of the said parishes are entitled to apply to the Grand Voyer, or to his Deputy, within three months after such notification for the purpose of themselves, building the said bridge; which said notices shall be before a Justice of the Peace certified upon the oaths of any two officers of militia residing in the County of Dorchester to have been duly made and given, and which certificate upon oath, with a copy of the aforesaid notices shall be deposited with any Notary public residing in the District of Quebec.

XIV. Provided always, and be it further enacted by the authority aforesaid, that if the inhabitants of the said parishes of Saint Nicholas and Saint Joseph de la Point Levi, shall, within three months after such notification as aforesaid, apply by Petition to the Grand Voyer of the District of Quebec, or to his Deputy, to obtain a Procès Verbal, and shall cause the same to be ratified according to law, before the twenty-first day of January one thousand eight hundred and nineteen, for the purpose of causing the said bridge to be erected to the laws now in force, and shall thereafter in virtue of the said Procès Verbal erect the said bridge within one year to be computed from the date of the homologation of the said Procès Verbal, then, and in such case, the said Walter Davidson, shall not avail himself of this Act for the purpose of erecting the said bridge, and levying the said rates of toll. Provided always, that if such Petition as above-mentioned, be not made to the Grand Voyer, or to his Deputy, as aforesaid, within three months, and a copy thereof served upon it shall forthwith, after the expiration of the said three months, be lawful for the said Walter Davidson, to avail himself of this Act, and to proceed immediately thereafter to the erection and construction of the said bridge and toll-house.

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 of the Peace, and all other persons whomsoever, without being specially pleaded.