

The Provincial Statutes of Lower-Canada, Being the third session of the ninth Provincial Parliament of Lower-Canada. Quebec: P. E. Desbarats, Printer to the King's Most Excellent Majesty, 1819.

59 George III – Chapter 28

An Act to authorize Anthony Anderson and others, Proprietors of Dorchester Bridge, to remove the same. (24th April, 1819.)

Whereas Anthony Anderson, Charles Smith, John Goudie and others, Proprietors of Dorchester Bridge, over the River Saint Charles, in the County of Quebec, have by their Petition in this behalf, presented to the Legislature, prayed for leave to remove the said Bridge from the place where it now is, and to build another upon the same terms and with like tolls as are now taken and received by them for travellers, cattle, and carriages passing upon the said Bridge, nearer to the mouth of the said river, from the Suburbs of Saint Roch, on the prolongation of Craig Street to the land belonging to or in possession of the above named Anthony Anderson, on the opposite side of the said River Saint Charles, for which purpose he, the said Anthony Anderson, hath by the aforesaid petition voluntarily offered a sufficient space or portion of ground as well as for roads of communication from the said bridge which they intend to build with the main roads leading to the parishes of Beauport and Charlesbourg, and whereas the erection of a Draw-Bridge at the place last above-mentioned, would materially contribute to the improvement of the City of Quebec, and essentially facilitate the communication of the inhabitants of the parishes north of the said River Saint Charles with the said City, and thereby be of much public utility;—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 and may be lawful from and after the passing of this Act, for the proprietors of the said Dorchester Bridge, or any number of them representing at least two-thirds of the shares in the said Bridge, voting according to the shares which they may respectively hold in the said bridge, one vote for each share, to build and erect a Draw-Bridge at the place above-mentioned, over the aforesaid River Saint Charles, the Draw-gate of which said Bridge, for the passage of the vessels, boats or rafts shall at least be fifty feet in the clear between the pillars; and when finished and completed, to ask, demand, recover and receive, before any passage over the said bridge shall be permitted, the same toll as by law they, the Proprietors aforesaid, now are entitled to have for passage over Dorchester Bridge aforesaid; which said Draw-Bridge when erected, shall be, and the same is hereby vested in the present proprietors of the aforesaid Dorchester Bridge, their heirs and assigns for ever, in the same proportions as they the Proprietors, at the time of the passing of this Act, are Possessed of the shares and tolls in and of Dorchester Bridge, unless it shall hereafter be otherwise mutually agreed upon by the said Proprietors. Provided always, that if His Majesty shall, after the expiration of fifty years from the date of the Letters Patent in virtue of which Dorchester Bridge aforesaid hath been constructed, assume the possession and property of the said Draw-Bridge, with the Toll-House, Turnpike and the dependencies which may

thereunto appertain and belong, and the ascent and approaches thereto, the Proprietors of the said Draw-Bridge, their heirs, executors, curators and assigns shall be entitled to recover and have from His Majesty, his heirs and successors, the full and entire value which the same shall bear and be worth at the time of such assumption, 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 Head of the said Proprietors of the said Draw-Bridge for all and every the purposes of this Act.

II. Provided always, and be it further enacted by the authority aforesaid, that such of the Proprietors of Dorchester Bridge aforesaid as may be unwilling to incur the expence of contributing towards the building of the intended Draw-Bridge herein-before mentioned, shall not be bound in any manner to contribute towards the building and erection of the same, and in order that such Proprietors as may be unwilling to incur their proportion of the expence for the erection of the Paid intended Draw-Bridge, may be indemnified for the loss of their respective shares of the tolls on Dorchester Bridge aforesaid, three experts or arbitrators shall be mutually named and appointed by the Proprietors willing to erect the said intended Draw-Bridge, and by those who are unwilling so to do, which said experts shall estimate the loss sustained and compensation to be made by the Proprietors willing to erect the said Draw-Bridge to those unwilling so to do, and in case of difference of opinion, the said experts shall agree upon and name a seventh expert, whose award or umpirage shall be final and conclusive upon all parties, and the Proprietors of Dorchester Bridge, who shall cause the said intended Draw-Bridge to be erected, shall, pursuant to such award or umpirage be liable for and pay the amount of the same, according to the proportions which, at the time of the passing of this Act, they may respectively hold and possess in Dorchester Bridge aforesaid.

III. And be it further enacted by the authority aforesaid, that the Proprietors of the said Draw-Bridge, their agent, toll-gatherer or other representative, having charge of the said Draw-Bridge, shall at all times, upon verbal notice or request to that intent, be bound to raise within a reasonable time not exceeding one hour, the gate of the said Draw-Bridge without any toll, fee or recompence whatsoever, in order to afford and give free passage to all and every vessel, craft or decked boat having a mast or masts, navigating in or upon the said River Saint Charles, under the Penalty not less than twenty shillings and not more than twenty pounds, current money of this Province, for each and every default, to be recovered against them the said Proprietors or any one of them, 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 may have been caused by the neglect or delay in raising the gate of the said Draw-Bridge, and for which the said Proprietors of the said Draw-Bridge so as aforesaid intended to be built, shall be jointly and severally responsible. Provided always, that the Proprietors of the said intended Draw-Bridge shall not be bound nor obliged to cause the said Draw-gate to be raised for any vessel, craft, boat, or batteau, the mast or masts whereof are moveable or such as can be unshipped or lowered so as to pass underneath the said Draw-Gate.

IV. And be it further enacted by the Authority aforesaid, that the Proprietors of the said intended Draw-Bridge shall cause to be affixed in some conspicuous place at or near the Toll-gate of the said Draw-Bridge, a Table of the rates payable for passing over the said Draw-Bridge.

V. And be it further enacted by the authority aforesaid, that in case the said intended draw bridge shall at any time become impassable or unsafe for travellers, cattle or carriages, the Proprietors of the said Draw-Bridge so as aforesaid intended to be built, shall, and they are hereby required within four months from the time at which the said Draw-Bridge shall by His Majesty's Court of Quarter Sessions of the Peace, in and for the District of Quebec, be ascertained to be impassable or unsafe, and notice thereof to any of them, the Proprietors of the said Draw-Bridge, or to their agent or Toll-gatherer given, to cause the same to be repaired and made safe and commodious for the passage of travellers, cattle and carriages, and if within the time last mentioned, the said Draw-Bridge be not so repaired 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 the said Draw-Bridge, the proprietors of the same, their heirs, executors, curators or assigns shall cease to have any right, title or claim of, in or to the said Draw-Bridge or the remaining parts thereof, and the tolls hereby granted, and their and every of their right or 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 of the said intended Draw-Bridge, it shall and may be lawful for the Proprietors of the same, their heirs, executors, curators and assigns, and they are hereby authorized and required to provide proper and convenient ferry-boats, scows or canoes for the passage of travellers, cattle and carriages over the said River, as near the said intended Draw-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, scows or canoes, before they respectively, shall be permitted to pass the like tolls as are hereby authorized to be taken for passing over the said intended bridge, any thing herein-contained to the contrary in any wise notwithstanding. Provided always, that in the event of the said bridge being carried away or accidentally destroyed, the said Proprietors shall be allowed and held to rebuild the same within eighteen months from the time of such accident.

VI. And be it further enacted by the authority aforesaid, that if any person shall maliciously pull down, burn or destroy the said Draw-Bridge or any part thereof, or the Toll-House which may be erected on or adjacent thereto, every person so offending and thereof lawfully convicted, shall be deemed guilty of felony.

VII. And be it further enacted by the authority aforesaid, that any person either on horseback or in a carriage, calash or cart, who shall trot or gallop over or upon, the said intended Draw-Bridge, or who shall thereupon drive any horses, oxen or cattle of any description at any other pace than a walk, or who shall fire or discharge any fowling-piece or gun, on any part of the said intended draw-bridge, or who shall use any force or violence to pass over the said draw bridge, without previously paying the tolls provided and established by this Act, on being thereof lawfully convicted as herein-after provided, shall, for every such offence incur a forfeiture and penalty not exceeding forty shillings, current money of this Province, one half of which penalty shall belong to the owners of the said intended drawbridge, or to the person informing, and prosecuting for the same, and the other half to His Majesty.

VIII. Provided always and be it further enacted by the authority aforesaid, that the Proprietors of the aforesaid intended Draw-Bridge shall, at their own proper cost and charges, open and at all times hereafter maintain the roads which it may be necessary to make from the said Draw-Bridge to the roads now leading to the Parish of Charlesbourg from Dorchester Bridge aforesaid, and the road which

it may be necessary to make from the said intended Draw-Bridge to the road leading to the Parish of Beauport, as well as the space of road which it may be necessary to make between the said intended Draw-Bridge and the road or way leading to the Parish of Beauport aforesaid, which passes along the Beach of the River Saint Lawrence. Provided that the same do not extend beyond the property belonging to and now occupied by the above named Anthony Anderson, adjacent to the place where the said intended Draw Bridge is to be erected.

IX. And whereas it is just and equitable that the north-eastern limit within which an exclusive privilege hath by an Act or Ordinance, passed in the thirtieth year of His Majesty's reign, intituled, "An Act or Ordinance for securing more effectually the toll of the Bridge over the River Saint Charles near Quebec," been granted to the proprietors of Dorchester Bridge aforesaid, be so soon as the intended Draw-Bridge shall be built, extended to a limited distance below the north eastern limit prescribed by the aforesaid Act or Ordinance which is fixed at the north west boundary of the land the property of the late Honorable William Grant; Be it therefore enacted by the authority aforesaid, that no person or persons shall erect or cause to be erected any Bridge or Bridges, or work or works, or use any ferry for the carriage of any persons, cattle or carriages whatsoever, for hire, across the said River Saint Charles above the point or place where the north-eastern boundary line of the land heretofore the property of the late Honorable William Grant, mentioned in the above-recited Act or Ordinance, interests the aforesaid River Saint Charles, the said north-eastern boundary line being on Saint Roch Street, in the Suburbs of Saint Roch, in the City of Quebec, and if any person or persons shall erect a toll-bridge or toll-bridges over the said river within the limits above described, he or they shall pay to the Proprietors of the said Draw-Bridge, so intended to be built as aforesaid, their heirs, executors, curators and assigns, treble the tolls hereby imposed for the persons, cattle or 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 Saint Charles within the limits aforesaid, every person so offending shall for each carriage, person, or animal so carried across, forfeit and pay a sum not exceeding twenty shillings, current money of this Province. 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 in canoes or boats, without gain or hire.

X. And be it further enacted by the authority aforesaid, that the Proprietors of Dorchester Bridge aforesaid, or such of them as hold a majority of shares therein, to entitle themselves to the benefit of this Act, shall cause the said Draw-Bridge which they are hereby authorized and empowered to build and erect, to be built, erected, and complete for the passage of Travellers, Cattle and Carriages, over the said River Saint Charles, within Thirty Months from and after the passing of this Act, which if the said Draw-Bridge be not built, erected and complete within the period herein-before fixed, shall, at the expiration of the said period, be null and void to all intents and purposes whatsoever.

XI. And be it further enacted by the authority aforesaid, that nothing in this Act contained, shall 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 herein-mentioned, except as to the powers and authority hereby given to the Proprietors of the said Draw-bridge so as aforesaid intended to be built, and except as 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, 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.

XII. And be it further enacted by the authority aforesaid, that the penalties hereby imposed, 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 of the Peace is hereby empowered and required to administer, be levied by distress and sale of the goods and chattles of the offender by warrant signed by such Justice or Justices of the Peace, and the surplus 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, and one half of which penalties respectively, when levied and paid, 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 the money which may be levied in virtue of this Act and not herein before granted to the Proprietors of the said Draw-Bridge so as aforesaid intended to be built and erected, shall be, and the same are hereby granted and reserved to His Majesty, his heirs and successors for the public uses of the Province and for the support of the Government thereof, 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.

XIV. 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.