

Acts of the General Assembly of His Majesty's Province of New-Brunswick passed in the year 1835. Fredericton, NB: John Simpson, Printer to the King's Most Excellent Majesty, 1835.

5 William IV – Chapter 8 (Session 2)

An Act to authorise the erection of a Toll Bridge over the River Kennebecasis [Kenebecasis] in King's County. Passed 24th June 1835.

Whereas the erection of a Toll Bridge over the Kennebecaasis River at or near Ward's Point so called, in the Parish of Norton in King's County would be of great public benefit: And Whereas Justus S. Wetmore and James Whitney have by their Petition in that behalf prayed for authority to erect such Bridge;

I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, That it shall and may be lawful for the said Justus S. Wetmore and James Whitney, and they are hereby authorised and empowered at their own costs and charges to erect and build a good and substantial Bridge over the said River Kennebecasis at the place aforesaid, and to erect and build a Toll Hough and Gate or Gates on or near the said Bridge: Provided always, that the said Bridge be sufficiently high and that such space be left under the same as to afford a free and navigable passage for Rafts, Boats, Logs and Timber at any season of the year.

II. And be it enacted, That the said Justus S. Wetmore James Whitney, their heirs or assigns, shall lay out and make sufficient Roads of not less than four Rods in width to lead from, either end of the said Bridge to connect the same with the Public Highways on each side of the said River, which Roads when so laid out shall be in all respects Public Highways: Provided always, that if the said Bridge and road shall not be erected and completed for the purposes aforesaid within two years from the passing of this Act, then this Act and every thing therein contained shall be null and void.

III. And be it enacted, That the said Bridge and Toll House and all material which shall be from time to time procured or had for erecting, building or making, maintaining and repairing the same, shall be vastest in the said Justus S. Wetmore and James Whitney, their heirs and assigns for ever: Provided always, that at any time after the expiration of Thirty years from and after the passing of this Act, it shall sad may be lawful for His Majesty, his Heirs and Successors to assume the possession and property of the said Bridge, Toll House and Gate or Gates, and all improvements thereon, together with all Tolls hereby granted to the said Justus S. Wetmore and James Whitney, upon payment onto the said Justus S. Wetmore and James Whitney, their hairs or assigns the full and entire value thereof at the time of such assumption; and when and so soon as the said Bridge shall be erected and built and the said Roads completed and made fit and proper for the passage of Cattle, Travellers and Carriages, and that the same shall be certified by any two Justices of the Peace in and for said County, on their personal examination of the same, it shall and may be lawful for the said Justus S. Wetmore and James Whitney, their heirs and assigns, from time to time and at all times to ask, demand, receive, recover and take Toll, and for their own proper use and behoof, for pontage as 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 each person on foot, twopence; for

each sleigh, sled, cart or waggon drawn by one beast, one shilling and threepence and for each additional beast, fourpence; for each horse and rider, fourpence; for each chase, gig or sulky drawn by one horse, one shilling and threepence; and for each, additional horse, fourpence; for each coach, phaeton, waggon, curricule or other vehicle drawn by two horses, one shilling and eight pence; and for cash additional horse, fourpence; for droves of neat Cattle, twopence per head; for sheep or swine, one penny half penny per head; And no additional Toll shall be charged for persons actually travelling in said vehicles, but this exemption shall not extend to person's taken in for the purpose of evading Toll, and that the said Justus S. Wetmore and James Whitney, their heirs or assigns, may commute these Tolls by agreement with any person or persons, taking therefor a specified sum for a given time.

IV. Provided always, and be it enacted, 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 driven attending officers and soldiers of His Majesty's Forces or of the Militia whilst upon their march or on Duty, nor the officers, soldiers, Militia or any of them while on Duty, shall be chargeable with any Toll or rate whatsoever: Provided also that it shall and may be lawful for the said Justus S. Wetmore and James Whitney, their heirs or assigns to diminish the said Tolls or any of them, and afterwards if they shall see fit 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 Justus S. Wetmore and James Whitney, their heirs or assigns shall affix or cause to be affixed in some conspicuous place at or near such Toll Gate or Gates a table of the Rates payable for passing over the said Bridge.

V. And be it enacted, That the said Tolls shall be and the same are hereby vested in the said Justus S. Wetmore and James Whitney, their heirs and assigns for ever: Provided, that if His Majesty, his Heirs or Successors; shall in the manner hereinbefore mentioned after the expiration of thirty years from the passing of this Act assume the possession and property of the said Bridge; Toll House and Gates then the said Toll shall from the time of such assumption appertain and belong to His Majesty, His Heirs and Successors, who shall from thenceforward be substituted in the place and stead of the said Justus S. Wetmore and James Whitney, their heirs and assigns, for all the purposes of this Act.

VI. And be it enacted, That if any person shall forcibly pass over the said Bridge without paying the Toll, or shall interrupt or disturb the said Justus S. Wetmore and James Whitney, their, heirs or assigns, or any person or persons employed by them for building or repairing the said Bridge, or making or repairing the, way over the same, every person so offending in each of the cases aforesaid shall for every such offence forfeit a sum not exceeding forty shillings, the same to be recovered before any one of His Majesty's Justices of the Peace in and for said County either by confession of the offender, or on the oath of one or more credible witness or witnesses, and levied by distress and sale of the goods and chattels of such offender by warrant signed by such Justice, rendering the overplus, if any, after deducting such Penalty and the costs of levying the same to the owner of such goods and chattels, which penalty when recovered to be paid into the hands of the Commissioners of roads in and for the said Parish of Norton, to be by them applied towards the repair of the Roads leading, to and from such Bridge.

And be it enacted, That if any person shall maliciously pull down, burn or destroy the said Bridge or any part thereof or the Toll House, Gate or Gates to be erected by virtue of this Act, every person so offending and being thereof legally convicted shall be deemed guilty of Felony.