

Provincial Statutes of Canada, passed in the year 1845. Montreal: Stewart Derbishire & George Desbarats, 1845.

8 Victoria – Chapter 90

An Act to authorize John Yule the Younger to build a Toll-Bridge over the River Richelieu, in the Parish of Saint Joseph de Chambly, to fix the rates of Toll for passing thereon, and to provide Regulations for the same. (29th March, 1845.)

Whereas the convenience and the facility of intercourse of the inhabitants of the adjacent parishes and concessions, and of the public in general, would be much promoted by the erection of a Toll-Bridge over the River Richelieu, in the vicinity of the village of Chambly, in the county of Chambly, at some point or place between the property now appertaining to Louis Perrault, Esquire, at the Canton of Chambly, and the premises known as Hatt's Mills, at Sainte Therese; And whereas John Yule the younger of Chambly, Esquire, hath, by his petition in this behalf, prayed for leave to build a Toll-Bridge over the said river at the aforesaid place: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, "An Act to Re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada," and it is hereby enacted by the authority of the same, That it shall be lawful for the said John Yule the younger, and he is hereby authorized and empowered at his own costs and charges to erect and build a good and substantial Toll-Bridge over the said River Richelieu, at some convenient point or place situate in the intermediate space between the premises of Louis Perrault, Esquire, at the Canton of Chambly, and Hatt's Mills aforesaid at Sainte Therese, and to erect and build one Toll-House and Turnpike with other dependencies, 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 other dependencies according to the tenor and true meaning of this Art.

II. And be it enacted, That for the purpose of erecting, building, maintaining and supporting the said Bridge, the said John Yule the younger, 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 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 John Yule the younger, 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 purpose of erecting the said Bridge and the said 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 Her Majesty's Court of Queen's Bench 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 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 John Yule the younger, his heirs, executors, curators and assigns, shall not commence the erection of the said Bridge and other works by which any person may be deprived of his land or part thereof, or may suffer damage, before the price or value of the said land and damages, estimated and settled in manner before prescribed, shall have been paid to such person, or such price or value shall have been offered to him, and that on his refusal thereof, the said John Yule the younger, shall have deposited it at the office of the Prothonotary of the Court of Queen's Bench for the said District of Montreal.

III. And be it enacted, 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 found or provided for erecting, building or maintaining and repairing the same shall be vested in the said John Yule, the younger, his heirs and assigns, for the term of fifty years, from the passing of this Act, and at the end of the said term of fifty years, the said Bridge, Toll-house, Turnpike and dependencies, and the ascents and approaches thereto, shall be vested in Her Majesty, Her Heirs and Successors and be free for Public use, and it shall then be lawful for the said John Yule the younger, his heirs, executors, curators and assigns to claim and obtain from Her Majesty, Her Heirs and Successors the full and entire value, which the same shall at the end of the said fifty years, bear and be worth exclusive of the value of any Toll or Privilege, the said value to be ascertained by three arbitrators, one of whom to be named by the Governor of the Province for the time being, another by the said John Yule the younger, his heirs, executors, curators or assigns, and the third by the said two arbitrators: Provided that at any time before the expiration of the said term of fifty years, it shall and may be lawful for Her Majesty, Her Heirs and successors to assume the possession of the said Bridge, and of the dependencies thereof, and the Tolls thereon, upon paying to the said John Yule, the younger, his heirs or assigns the full and entire value which the rights and privileges hereby granted to him and them maybe worth, for that portion of the said Term of fifty years then remaining unexpired, such value to be ascertained in case of difference of opinion in the manner provided by law, with regard to property taken by the Board of Works, for the Public Service, the said payment not to be less than the value at the lime of the Bridge and dependencies exclusive of the Toll and privilege: Provided always, that nothing herein contained shall be construed to prevent any number of inhabitants interested in the said Bridge, from assuming at any time, the possession and property of the said Bridge Toll-house, Turnpike and dependencies, and the ascents and approaches thereto, upon paying to the said John Yule, the younger, his heirs, executors, curators and assigns, the full and intrinsic value which the same shall at the time of such assumption bear or be worth, with an addition of twenty five per cent, upon such intrinsic value, and that alter such assumption of the said Bridge, it shall become a free Bridge.

IV. And be it further enacted, That in erecting the said Bridge, there shall be left one opening between the Pillars thereof, of at least one hundred feet, in width, at the deepest part of the river, so that rafts floating down the same may meet with no kind of 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 one Crib shall pass at the same time through the same opening, and all damage caused by any such rafts as may come upon or against the said Bridge, without such notice as aforesaid having been given or containing more than one Crib, shall be made good by the Proprietor of such raft, to the said John Yule, the younger, 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.

V. And be it enacted, That 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 have been certified by any two or more Justices of the Peace for the District of Montreal, after the examination thereof by three Experts, to be appointed and sworn by the said Justices, and shall have been advertized in one of the public newspapers published in Montreal in both languages, it shall be lawful for the said John Yule the younger, 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, benefit 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 description of Summer or Winter Vehicle, drawn by one Horse or other beast, the sum of Six Pence.

For every additional Horse or other beast, Four Pence.

For every Saddle Horse, Ass or Mule, with its rider, Four Pence.

For every Horse, Mare, Gelding, Ass, Mule, Bull, Ox, Cow, or head of Cattle, Three Pence.

For every Sheep, Calf, Lamb, Goat, or Hog, One Penny.

For every person on foot, One Penny.

VI. Provided always, and be it enacted, That no person, horse or carriage employed in conveying a mail or letters under the authority of Her Majesty's Post Office, nor the horses, or carriages, laden or unladen, and drivers, attending officers and soldiers of Her Majesty's Forces or of the Militia, whilst upon their March, or on duty, nor the said officers or soldiers, nor any of them, nor carriages and drivers, or guards, sent with prisoners of any description, as well going as coming, provided they are not otherwise loaded, shall be chargeable with any Toll or Kate whatsoever: Provided also, that it shall and may be lawful for the said John Yule the younger, his heirs, executors, curators or assigns, to diminish the said Toils, or any oi them, and afterwards, if he or they shall see lit again to augment the same, or any of them, so as not to exceed in any case the rates hereinbefore authorized to be taken: Provided also, that the said John Yule the younger, 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 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 enacted, That the said Tolls shall be and the same are hereby vested in the said John Yule the younger, his heirs and assigns, for the said term of fifty years, from the passing of this Act, and no longer, and subject, during tire said term, to be taken possession of by Her Majesty, Her Heirs and Successors, in the manner hereinbefore provided.

VIII. And be it enacted, That if any person shall forcibly pass through the said Toll-Gate, without paying the said Toll or any part thereof, or shall interrupt or disturb the said John Yule the younger, his heirs, executors, curators and 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, or shall at any time drive faster than a walk on the said Bridge, every person so offending in each of the cases aforesaid, shall, for every such offence, forfeit a sum not exceeding forty shillings.

IX. And be it enacted, 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 Richelieu, from the lower end of Grosse Isle, or Johnson's Island to a point situated four hundred yards below the inferior extremity of the Grande Isle de Sainte Therèse, and if any person or persons shall erect a Toll-bridge or Toll-bridges over the said river, within the said limits, be or they shall pay to the said John Yule, the younger, 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, within the limits aforesaid, such offender or offenders shall, for each carriage, or person, 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 or other water carriage without gain or hire; and provided that the said John Yule the younger shall be bound, so soon as the said Bridge shall be open for the use of the public, to indemnify any person or persons for any horse-boat now in use, and that may at that time be still in use, and also for any scow then in use for the purposes of a ferry within the limits of the said privilege; which indemnity shall be fixed by three arbitrators, one of whom shall be named by each of the parties severally, and the third by the said arbitrators: Provided also, that it shall be lawful for any Rail Road Company incorporated by law, to erect, or cause to be erected within the said limits, a Bridge for the purposes of the said Rail-Road, and to convey over the same, all persons, vehicles, cattle, goods, wares or merchandize transported along the line of the said Rail-Road, but on no other account and in no other way whatever.

X. 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 to be erected by virtue of this Act, every person so offending, and thereof legally convicted, shall be deemed guilty of felony.

XI. And be it enacted, That the said John Yule the younger, to entitle himself to (he 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 four years from the day of the passing of this Act; and if the same shall not be completed within the term last mentioned, so as to afford a convenient and safe passage over the said Bridge, he the said John Yule the younger, 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 thenceforward belong to Her Majesty: and the said John Yule the younger, shall not, by the said Tolls, or in any other manner or way, be entitled to any reimbursement of the expense 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, the said John Yule the younger, his heirs, executors, curators, or assigns shall, and they are hereby required, within two years from the time at which the said Bridge shall, by Her 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 them or any of 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 parts thereof as shall be remaining, shall be, and be taken and considered to be the property of Her Majesty, and after such default to repair or rebuild the said Bridge, the said John Yule the younger, his heirs, executors, curators and assigns shall cease to have any right, title, or claim of, in, or to the said Bridge, or the remaining parts thereof, and the Tolls hereby granted, and their and each and every of their rights in the premises shall be wholly and for ever determined: Provided that during any period in which the said Bridge shall be impassable or unsafe, it shall be competent to any person or persons to establish any Ferry within the said limits, in like manner as they might have done had this Act not been passed.

XII. And be it enacted, 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 Her Majesty the Queen, Her 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 John Yule the younger, his heirs and assigns, and except as to the rights which are hereby expressly altered and extinguished), but that Her Majesty the Queen, Her 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 a manner as if this Act had never been passed.

XIII. And be it enacted, That the penalties hereby inflicted, shall upon proof of the offence respectively before any two or more of the Justices of the Peace for the said District of Montreal, either by the confession of the offender or by the oath of one or more credible 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 of the Peace, and the overplus, after such penalties and charges of such distress and sale are deducted, shall be returned, upon demand, to the owner of such goods and chattels; and one half of such

penalties respectively, when paid and levied, shall belong to Her Majesty, and the other half to the person suing for the same.

XIV. And be it enacted, That the monies to be levied by virtue of this Act, and not hereinbefore granted to the said John Yule the younger, his heirs and assigns, and the several fines and penalties hereby inflicted shall be, and the same are hereby reserved to Her Majesty, Her Heirs and Successors, for the public uses of this Province and the support of the Government thereof, in the manner herein before set forth and contained; and the due application of such monies, fines and penalties shall be accounted for to Her Majesty, Her Heirs and Successors, through the Lords Commissioners of Her Majesty's Treasury for the time being, in such manner and form as Her Majesty, Her Heirs and Successors shall direct; and an account thereof shall be annually submitted to each Branch of the Provincial Legislature during the first fifteen days of each Session thereof.

XV. Provided always, and be it enacted, That the said Bridge hereby authorized to be built and erected over and upon the said River Richelieu, shall have an elevation under the principal arch thereof, of at least six feet above the level of the said river, at the time at which the waters thereof are usually at the highest.

XVI. And be it enacted, 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.