

Laws of Her Majesty's Province of United Canada, passed in the year 1847. Montreal:
Stewart Derbishire & George Desbarats, 1847.

10 & 11 Victoria – Chapter 99

An Act to authorize Edouard Martial Leprohon and Joséph Amable Berthelot, junior, of the City of Montreal, Esquires, to build a Toll Bridge over the River Jesus, at the Village of St. Eustache, between the Parishes of St. Eustache and St. Rose. 28th July, 1847.

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 Jesus, at the Village of St. Eustache, in the vicinity of the ferry at the said Village of St. Eustache, between the Parishes of St. Eustache and of St. Rose, in the District of Montreal: And whereas Edouard Martial Leprohon and Joseph Amable Berthelot, junior, of the City of Montreal, Esquires, have, by their petition in that 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, 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 Edouard Martial Leprohon and Joseph Amable Berthelot, and they are hereby authorized and empowered at their own costs and charges, to erect and build a good and substantial Toll Bridge, over the River Jesus, at some convenient point or place situate at the village of St. Eustache aforesaid, in the vicinity of the ferry of the said village, between the Parishes of St. Eustache and St. Rose aforesaid, 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 Act.

II. And be it enacted, That for the purpose of erecting, building, maintaining and supporting the said Bridge, the said Edouard Martial Leprohon and Joseph Amable Berthelot, their 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; and also to take possession, for their use and as their property, of certain pieces of ground on each side of the said River Jesus, at the place where they will erect and build the said Bridge, to establish, make and open a road to communicate between the said Bridge and the public road or Queen's highway; the said Edouard Martial Leprohon and Joseph Amabic Borthelot, their heirs, executors, curators and assigns, and the persons by them employed, doing as little damage as may be, and making reasonable and just satisfaction to the respective owners of all such lands and grounds as shall be altered, taken, 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 Toll House, and the opening of the said road or roads 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 examination 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 Edouard Martial Leprohon and Joseph Amable Berthelot, their 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 Edouard Martial Leprohon and Joseph Amable Berthelot, 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 Edouard Martial Leprohon and Joseph Amable Berthelot, their heirs and assigns for ever; Provided that after the expiration of fifty years from the passing of this Act, it shall and may be lawful for Her Majesty, Her Heirs and Successors, to assume the possession and property of the said Bridge, Toll House, Turnpike and dependencies, and the ascents and approaches thereto, upon paying to the said Edouard Martial Leprohon and Joseph Amable Berthelot, their heirs, executors, curators or assigns, the full and entire value which the same shall at the time of such assumption bear and be worth: 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 Edouard Martial Leprohon and Joseph Amable Berthelot, their 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 after such assumption of the said Bridge it shall become a free Bridge.

IV. And be it enacted, That in erecting the said Bridge, there shall be left one opening between the pillars thereof, of at least sixty 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 proprietor 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 raft 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 proprietors of such raft to the said Edouard Martial Leprohon and Joseph

Amable Berthelot, their 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 advertised in one of the public newspapers published in Montreal in both languages, it shall be lawful for the said Edouard Martial Leprohon and Joseph Amable Berthelot, their 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 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 six pence currency;

For every wagon or other four wheeled carriage, loaded, and drawn by two horses, one shilling and three pence currency;

For every wagon, unloaded, with the driver and two persons, drawn by two horses, one shilling currency, and drawn by one single horse, ten pence currency;

For every chaise, caleche, chair with two wheels, or carriole or other such vehicle, loaded or unloaded, with the driver and two persons, drawn by two horses or other beasts of draught, ten pence currency, and drawn by one horse or other beast of draught, seven pence half penny currency;

For every cart or such other vehicle, loaded or unloaded, drawn by two horses, oxen or other beasts of draught, with the driver, six pence currency, and drawn by one horse or other beast of draught, five pence currency;

For every person on foot, one penny halfpenny currency;

For every horse, mare, or other beast of draught, loaded or unloaded, three pence half penny currency;

For every person on horseback, four 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, a half penny currency.

Provided always, that if any vehicle drawn by one horse or other beast only, shall contain a load of more than ten hundred weight, it shall pay Toll as if drawn by two horses or other beasts, and so on, and if any vehicle drawn by two horses or other beasts shall contain a load of more than twenty hundred weight, it shall pay Toll as if drawn by three horses or other beasts, and so in proportion for vehicles drawn by more than two horses or other beasts, ten hundred weight of load being allowed for each horse, and additional Toll being chargeable for each additional ten hundred weight as for one horse, and any fraction of ten hundred weight being reckoned as ten hundred weight.

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 inarch, or on duty, nor the said officers or soldiers, nor any of them, nor carriages, and drivers of 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 rate whatsoever: Provided also, that it shall and may be lawful for the said Edouard Martial Leprohon and Joseph Amable Berthelot, their 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 authorized to be taken: Provided also, that the said Edouard Martial Leprohon and Joseph Amable Berthelot, their 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, 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 Edouard Martial Leprohon and Joseph Amable Berthelot, their heirs and assigns for ever: Provided that if Her Majesty shall, in the manner hereinbefore 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 dependencies, and the ascents and approaches thereto, then the said Tolls shall, from the time of such assumption, appertain and belong to Her Majesty, Her Heirs and successors, who shall from thenceforward be substituted in the place and stead of the said Edouard Martial Leprohon and Joseph Amable Berthelot, their heirs and assigns, for all and every the purposes of this Act.

VIII. And be it enacted, That if any person shall forcibly pass through the said Turnpike, without paying the said Toll or any part thereof, or shall interrupt or disturb the said Edouard Martial Leprohon and Joseph Amable Berthelot, their 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, or shall at anytime 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 currency.

IX. And be it enacted, That so 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 person, cattle or carriage whatsoever, for hire, across the said River Jesus, at a distance of one league above the said Bridge and below the same, to the limits of the privilege granted to James Porteous, to erect a Bridge over the said River Jesus, opposite the Village of St. Rose, 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 Edouard Martial Leprohon and Joseph Amable Berthelot, their 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 on the said River, within the limits aforesaid, or in canoes or other water carriages, without gain or hire.

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 Edouard Martial Leprohon and Joseph Amable Berthelot, to entitle themselves to the benefits and advantages to them by this Act granted, shall and they are 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, the said Edouard Martial Leprohon and Joseph Amable Berthelot, their heirs, executors, curators and assigns, shall cease to have any right, title or claim of, in or the tolls hereby imposed, which shall from thenceforward belong to Her Majesty; and the said Edouard Martial Leprohon and Joseph Amable Berthelot, shall not by the said Tolls or in any other manner or way, be entitled to any reimbursement of the expense they 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 Edouard Martial Leprohon et Joseph Amable Berthelot, their 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 re-built or repaired, and made safe and commodious for the passage of travellers, cattle and carriages; and if within the lime 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 re-build the said Bridge, the said Edouard Martial Leprohon and Joseph Amable Berthelot, their 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.

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 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 Edouard Martial Leprohon and Joseph Amable Berthelot, their 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 one 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 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 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 owners 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 Edouard Martial Leprohon and Joseph Amable Berthelot, their 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 hereinbefore 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.

XV. Provided always, and be it enacted, That the said Bridge hereby authorized to be built and erected over and upon the said River Jésus, shall have an elevation under the principal arch thereof, of at least four 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 whatsoever, without being specially pleaded.