

Laws of Her Majesty's Province of Upper Canada, passed in the year 1849. Montreal: Stewart Derbshire & George Desbarats, 1849.

12 Victoria – Chapter 186

An Act to authorize Marc Antoine Primeau and Antoine A. Trottier to erect a Toll-Bridge over the River Chateauguay in the Parish of Sainte Marline, and to make a Plank Road from the River Saint Lawrence to the River Chateauguay in the said Parish, and to fix the Tolls to be taken upon the said Bridge and Road, and to make further provisions in that behalf. 30th May, 1849.

Whereas the erection of a Bridge over the River Chateauguay, in the Parish of Sainte Martine, in the County of Beauharnois, at some point between the Village called Primeauville and the Village of Sainte Martine (both inclusive) and the construction of a plank or macadamized or otherwise improved Road, from some point on the River Saint Lawrence at or near the Village of Beauharnois, to the main front Road on the north-west side of the said River Chateauguay, in the Parish aforesaid, and ending somewhere near the places aforesaid, would greatly promote the welfare of the inhabitants of that portion of the said County and their facilities of communication; and whereas Marc Antoine Primeau and Antoine A. Tottier, both of the said Parish of Sainte Martine, Esquires, have by their Petition in that behalf prayed for leave to build such Toll-bridge and to construct such Road as aforesaid: 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 Marc Antoine Primeau and Antoine A. Trottier, 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 said River Chateauguay, at some convenient point or place situate in the intermediate space between the Village called Primeauville and the Village of Sainte Martine, Troth inclusive, and to erect and build a 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 Marc Antoine Primeau and Antoine A. Trottier, 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; the said Marc Antoine Primeau and Antoine A. Trottier, 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 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 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 arbitrators or experts to be named by the parties respectively, and in default of such nomination by them or either of them, then by the Court of Queen's Bench for the District of Montreal, 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 Marc Antoine Primeau and Antoine A. Trottier, 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 Iris refusal thereof the said Marc Antoine Primeau and Antoine A. Trottier 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 Marc Antoine Primeau and Antoine A. Trottier, their 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 Marc Antoine Primeau and Antoine A. Trottier, their 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 Marc Antoine Primeau and Antoine A. Trottier, their 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 and property of the said Bridge and the dependencies thereof, on paying to the said. Marc Antoine Primeau and Antoine A. Trottier, their heirs, executors, curators or assigns, the full and entire value which the rights and privileges hereby granted to them may be 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 respect to property taken by the Commissioners of Public Works for the public service, the said payment not to be less than the value at the time 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 Marc Antoine Primeau and Antoine A. Trottier, their heirs, excutors, and assigns, the full and intrinsic value which the same shall at the time of such assumption bear and 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 in the middle of the said river and at the deepest part of the river, so that rafts and other timber floating down may meet with no obstruction; that the arches of the said Bridge shall be raised at least six feet above the level of the said river when the waters thereof are at the highest level of ordinary seasons: and that in addition to the opening above mentioned there shall be another on each side thereof, of at least fifty feet between the pillars which shall be three in number, and which as well as the wharves or abutments serving to support the said arches, shall be of framed work sheeted with oak plank.

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 Marc Antoine Primeau and Antoine A. Trottier, 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 each coach or other four wheeled carriage, drawn by one horse or other beast of draught, and the driver, four pence currency;

For each two wheeled carriage, and each winter carriage, drawn by one horse or other beast of draught, and the driver, three pence currency;

For each additional horse to any of the carriages above mentioned, one penny currency;

For each person on horseback, two pence currency;

For each person on foot, one penny currency;

For each horse, mare, mule or other beast of draught, bull, ox, cow or other horned cattle, of what kind soever, one penny currency;

For each hog, goat, sheep, calf or lamb, one half-penny currency.

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, nor any persons, vehicles, horses or other animals going to or returning from divine service or funerals, provided they belong to the parish of Sainte Martine, shall be chargeable with any Toll or Rate whatsoever: Provided also, that it shall and may be lawful for the said Marc Antoine Primeau and Antoine A. Trottier, their heirs, executors, curators or 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 hereinbefore authorized to be taken: Provided also, that the said Marc Antoine Primeau and Antoine A. Trottier, 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 Marc Antoine Primeau and Antoine A. Trottier, their heirs and assigns for the said term of fifty years from the passing of this Act, and no longer, and subject during the 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 Turnpike, without paying the said Toll or any part thereof, or shall interrupt or disturb the said Marc Antoine Primeau and Antoine A. Trottier, 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 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 currency.

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 Chateauguay, within the distance of one league above or one league below the said Bridge; 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 Marc Antoine Primeau and Antoine A. Trottier, 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 in the said River, within the limits aforesaid, or in canoes or other water carriage, without gain or hire; And provided that the said Marc Antoine Primeau and Antoine A. Trottier, 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 which 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 and merchandize transported along the line of the said Rail-road, but on no other account and in no other way whatsoever; And provided also, that the space of one acre on each side of the river opposite the church of Sainte Martine shall be excepted out of the exclusive privilege granted as aforesaid, in order that a free bridge may be erected opposite the said church by the Municipal Council or by private individuals.

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 Marc Antoine Primeau and Antoine A. Trottier, 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 two 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, they the said Marc Antoine Primeau and Antoine A. Trottier, their 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 Marc Antoine Primeau and Antoine A. Trottier 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 Marc Antoine Primeau and Antoine A. Trottier, 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 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 built, as the case may require, then the said Bridge, or such part 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 Marc Antoine Primeau and Antoine A. Trottier, their heirs, executors, curators or 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 and 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 said Marc Antoine Primeau and Antoine A. Trot- tier, their heirs, executors, curators and assigns, shall by virtue of this Act, have full power to lay out, construct, make and complete a Plank or Macadamized Road at their own proper cost and charges over and

through the tract of country extending from the River St. Lawrence, at or near to the Village of St. Clement de Beauharnnis, to the main front road, on the north-west side of the River Chateauguay, in the Parish of Sainte Martine, and ending in the neighbourhood of the Village called Primeauville or the Village of Sainte Martine, the said Road to be constructed elsewhere than upon any public highway, except only for the purpose of crossing it; Provided always, that the said Road shall be commenced within two years and completed within four years from the passing of this Act.

XIII. And be it enacted, That the said Marc Antoine Primeau and Antoine A. Trottier, their heirs and legal representatives, are hereby empowered to contract, compound, compromise and agree with the owners and occupiers of any lands upon which they may determine to construct the said Plank or Macadamized Road, either by purchase of so much of the said land and privileges as they shall require for the purposes of the said Marc Antoine Primeau and Antoine A. Trottier, their heirs and legal representatives, or for the damages which he, she or they shall and may be entitled to receive of the said Marc Antoine Primeau and Antoine A. Trottier, their heirs and legal representatives, in consequence of the said intended road being made and constructed in and upon his, her, or their respective lands; and in case of any disagreement between the said Marc Antoine Primeau and Antoine A. Trottier, their heirs and legal representatives, and the owner or owners, occupier or occupiers as aforesaid, it shall and may be lawful, from time to time, for each owner and occupier disagreeing with the said Marc Antoine Primeau and Antoine A. Trottier, their heirs and legal representatives, either upon the value of the lands and tenements or private privileges proposed to be purchased, or upon the amount of damages to be paid to them as aforesaid, to nominate and appoint one or more indifferent person or persons, and for the said Marc Antoine Primeau and Antoine A. Trottier, their heirs and legal representatives, to nominate an equal number of indifferent persons, who, together with one other person to be elected by ballot by the persons so named, shall be Arbitrators, to award, determine, and adjudge, and order the respective sums of money which the said Marc Antoine Primeau and Antoine A. Trottier, their heirs or legal representatives, shall pay to the respective persons entitled to receive the same.

XIV. And be it enacted, That if after eight days notice in writing, given to the party so disagreeing as to the value aforesaid, such party shall not nominate or appoint an Arbitrator or Arbitrators as aforesaid on his part, then and in such case, any Circuit Judge for the District of Montreal, shall and may nominate and appoint one or more Arbitrator or Arbitrators on his or their behalf, with the same powers and authority as if appointed by the party or parties so refusing or neglecting to appoint an Arbitrator or Arbitrators in his or their behalf, and to meet and ballot for the additional Arbitrator or Umpire.

XV. And be it enacted, That the Arbitrators so appointed shall fix a convenient day for hearing the respective parties, and shall give eight days notice at least of the day and place, and having heard the parties, or otherwise examined into the merits of the matters so brought before them, the said Arbitrators, or a majority of them, shall make their award thereupon in writing, which award shall be final as to the value so in dispute as aforesaid.

XVI. And be it enacted, That if the party so disagreeing shall refuse to accept the value of land or damage so awarded by the Arbitrators as aforesaid, till the end of the second Term of Her

Majesty's Court of Queen's Bench for the District of Montreal, next after the making of the award and tender of the value thereby ascertained, then and in such case the said Marc Antoine Primeau and Antoine A. Trottier, their heirs and legal representatives, shall be at liberty and shall have full power to occupy the piece of land so valued by the said Arbitrators, in the same manner as other portions of the said Road.

XVII. And be it enacted, That in any action, real or personal, or mixed, for and on account of such occupation, by the said Marc Antoine Primeau and Antoine A. Trottier, their heirs and legal representatives, their agents or servants, or other person or persons using the said Road, the said award shall and may be pleaded in bar of any such action, at any time after the said two Terms in the said Court of Queen's Bench, notwithstanding any defect in form or substance in the said award; Provided always, that it shall and may be lawful to and for the party or parties interested in the land mentioned in the award, or their agent by Counsel, at any time within the two terms as aforesaid, after the same hath been made and the amount of the value awarded tendered, to move the said Court of Queen's Bench to set aside such award for corruption or any other matter or thing for which awards are now subject to be impugned by law: Provided also, that if the first award be so set aside by the Court of Queen's Bench, the matter in difference may again be submitted to other Arbitrators, and so on till a satisfactory award be made between the parties.

XVIII. And be it enacted, That the said Marc Antoine Primeau and Antoine A. Trottier, their heirs and legal representatives, shall have full power and authority to explore the country lying between the River St. Lawrence and the River Chateauguay, in the Parishes of St. Clément and Ste. Martine, and to set out and ascertain, and, subject to the limitations prescribed by this Act, to take, occupy, hold and possess the requisite lands along the line and within the limits of the said Plank or Macadamized Road of which the construction is hereby authorized; and for the purpose aforesaid the said Marc Antoine Primeau and Antoine A. Trottier, their heirs and legal representatives, and their agents, servants and workmen, are hereby authorized and empowered to enter into and upon the lands and grounds, of or belonging to the Queen's Majesty, Her Heirs or Successors, or to any other person or persons, bodies politic or corporate, and to survey and take levels of the same or any part thereof, and to set out and ascertain such parts thereof as they shall deem necessary and proper for making the said Road, and all such matters and conveniences as they shall think proper and necessary for the making, effecting, preserving, completing and using of the said intended Road; and also to make, build, erect and set up, in and upon the said route of the Road aforesaid, or upon the land adjoining or near the same, all such works, ways, roads and conveniences as the said Company shall think convenient and necessary for the purposes of the said Road, and also from time to time to alter, repair, amend, widen or enlarge the same or any other of the conveniences above mentioned, as well for carrying or conveying goods, commodities, timber and other things, to and from the said Road, as for the carrying and conveying all manner of materials necessary for making, erecting, finishing, altering, repairing, amending, widening or enlarging the works of or belonging to the said Road, and also to place, lay, work and manufacture the said materials on the ground near to the place or places where the said works or any of them are or shall be intended to be made, erected and repaired or done, and to build and construct the several works and erections belonging thereto, and also to make, maintain, repair or alter any fences or passages through the said Road, or which shall

communicate therewith, and to construct, erect, and keep in repair any piers, arches, or other works, in and upon any creeks or brooks, for making, using, maintaining and repairing the said Road, and also to construct, make, and do all other matters and things which they shall think necessary and convenient for the making, effecting, preserving, improving, completing and using the said Road, in pursuance, and within the true meaning of this Act, doing as little damage as may be in the execution of the several powers to them hereby granted, and making satisfaction in manner herein mentioned, for all damages to be sustained by the owners or occupiers of such lands, tenements or hereditaments.

XIX. And be it enacted, That it shall and may be lawful for the said Marc Antoine Primeau and Antoine Trottier, their heirs and legal representatives, when and so soon as the said Road shall be completed in a proper manner, and a certificate thereof shall have been given and published in the manner hereinbefore prescribed with regard to the Toll Bridge hereinbefore mentioned, to receive Tolls and charges from all persons passing and repassing over the said Road hereby authorized to be constructed, erected, built, made and used, or any part thereof, not exceeding the following rates: That is to say:

For each coach or other four wheel carriage, drawn by one horse or other beast of draught, and the driver, eight pence currency;

For each two wheel carriage, and each winter carriage, drawn by one horse or other beast of draught, and the driver, six pence currency;

For each additional horse or other beast of draught to any of the carriages aforesaid, two pence currency;

For each person on horseback, four pence currency;

For each person on foot, one penny currency;

For each horse, mare, mule or other beast of draught, hull, cow, ox or other horned cattle, of what kind so ever, two pence currency;

For each hog, goat, sheep, calf, or lamb, one penny currency;

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, nor any persons vehicles, horses or other animals going to or returning from divine service or funerals, provided they belong to the Parish of Sainte Martine, shall be chargeable with any Toll or Rate whatsoever; Provided also, that it shall and may be lawful for the said Marc Antoine Primeau and Antoine A. Trottier their heirs, executors, curators or

assigns, to diminish the said Tolls, or any of 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 Marc Antoine Primeau and Antoine A. Trottier, 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; and provided, also, that a Table of the said Tolls shall be posted up, at each end of the said road and at each intermediate Toll-gate, and that the said Table shall be renewed whenever any change shall be made in the said Tolls.

XX. And be it enacted, That the said road and all materials which shall be from time to time got or provided for constructing, building, maintaining or repairing the same, and the said Tolls as hereinbefore mentioned, shall be and the same are hereby vested in the said Marc Antoine Primeau and Antoine A. Trottier and their heirs and legal representatives for ever.

XXI. And be it enacted, That the said Marc Antoine Primeau and Antoine A. Trottier and their heirs and legal representatives, shall have full power to erect such number of Toll-gates upon and across the said road, and to construct and maintain such Toll-houses and other buildings as shall to, them appear necessary and convenient for the proper management of their business.

XXII. And be it enacted, That if any person or persons shall cut, break down or destroy in any way any of the Toll-gates or Toll-houses to be erected by virtue of this Act, every such person so offending, and being lawfully convicted, shall be deemed guilty of a misdemeanor, and be punished by fine and imprisonment; and if any person or persons shall remove any earth, stone or timber on the said road, to the damage of the same, or shall forcibly pass or attempt to pass by force any of the gates, without having first paid the legal Toll at such gate, such person or persons, shall pay all damages by them committed, and shall forfeit and pay a fine not exceeding twenty pounds, nor less than live pounds, currency, to be recovered before any Justice of the Peace for the District of Montreal.

XXIII. And be it enacted, That the said Marc Antoine Primeau and Antoine A. Trottier, their heirs and legal representatives may, if they think proper, commute the Tolls with any person or persons, by taking of him, her or them a certain sum, either monthly or annually, in lieu of such Tolls.

XXIV. And be it enacted, That if any person or persons shall, after proceeding on the said road with any carriage or animal liable to pay Toll, turn out of the said road into any other road, and shall enter the said road beyond any of the said gate or gates without paying Toll, whereby such payment shall be evaded, such person or persons shall for every such offence forfeit and pay I he sum of twenty-five shillings, which said sum shall belong to the Proprietors of the said road; and any one Justice of the Peace for the District of Montreal, shall, on conviction of such offender before him, fine such person in the said penalty, and from his judgment there shall be no appeal.

XXV. And be it enacted, That if any person or persons occupying or possessing any enclosed lands near any Toll-house or Toll-gate which shall be erected in pursuance of this Act, shall knowingly

permit or suffer any person or persons to pass through such lands, or through any gate, passage or way thereon, with any carriage, horse, mare, gelding or other animal liable to the payment of Toll, whereby such payment shall be avoided, every person or persons so offending, and also the person riding or driving the animal or animals or carriage whereon such payment is avoided, being thereof convicted, shall for every such offence, severally forfeit and pay any sum not exceeding twenty-five shillings, which shall belong to the proprietors of the said road, and may be recovered in the manner hereinbefore provided.

XXVI. And be it enacted, That the said Marc Antoine Primeau and Antoine A. Trottier, their heirs and legal representatives, at any time after the passing of this Act and under and by virtue of its provisions, shall and may construct, erect and build a road as aforesaid, and also that the said road contemplated by this Act, shall not in any degree interfere with or encroach upon any fee simple, right or private easement or privilege of any individual now holding and enjoying the same or entitled thereto, without permission first had and obtained by the consent of the owner thereof, or by virtue of reference to arbitration authorized by this Act.

XXVII. And be it enacted, That whenever the said Tolls shall in the annual receipts exceed in amount a sum sufficient to defray the expenses of maintaing and repairing the said road, and to afford an annual income to the said Proprietors of ten per cent, profit on the capital actually expended in the construction of the said road from the commencement of its being travelled upon as aforesaid, then and in such ease the increasing surplus revenue of the said Tolls shall be charged against the said Proprietors, as so much received by them in the nature of a sinking fund, by means whereof the entire estate, use and property of the said road may be purchased to and for the use of the public, in such manner and form as is hereinafter provided, or as the Legislature of this Province may by Legislative enactment hereafter provide, and the said Proprietors shall for this purpose lay yearly before the three branches of the Legislature, during the first fifteen days of each Session thereof, a general account of the receipts and expenditure upon the said road, attested on oath by one or more of the said Proprietors, before some Justice of the Peace, and if the said Proprietors or any of them, should be accused of having sworn falsely with regard to the said statement, he or they may be tried therefor, and if found guilty shall be liable to be punished in the same manner as if he or they had been charged with and convicted of the crime of wilful and corrupt perjury.

XXVIII. And be it enacted, That the Legislature of this Province may, at any time whatever, purchase the entire estate, property and use of the said road from the said Marc Antoine Primeau and Antoine A. Trottier, their heirs or legal representatives. paying to the said Proprietors the capital so as aforesaid actually expended,, together with fifteen per cent, advance thereupon, to the credit of which payment all revenue exceeding ten per cent, upon the bond, fide expenditure, and over and above the expense of maintaining and repairing the said road shall be charged and taken; And it is also hereby provided and declared, that if any deficiencies of the said ten per cent, annual profit should occur at any time, such deficiencies shall also be chargeable against the increasing revenue of the subsequent years, so that the proprietors may fairly and actually receive ten per cent, profit on their said *bonâ fide* expenditure for the whole time they shall enjoy the

estate, rights and privileges acquired under the authority of this Act; any thing herein contained to the contrary thereof in any wise notwithstanding.

XXIX. And be it enacted, That notwithstanding the privileges that may be conferred by this Act, the Legislature may at any time hereafter, in their discretion, make such additions to this Act or such alteration of any of its provisions, as they may think proper, for affording just protection to the public or to any person or persons, body politic or corporate, in respect to their estate, property or rights or any interests therein, or any advantage, privilege or convenience connected therewith, or in respect to any way or right of way, public or private, that may be affected by any of the powers given to the said Marc Antoine Primeau and Antoine A. Trottier, their heirs and legal representatives.

XXX. And be it enacted, That if any action or suit shall be brought against any person or persons for any matter or thing done in contravention of this Act, such action or suit shall be brought within six calendar months next after the fact committed, and not afterwards, and the defendant or defendants in such action or suit may plead the general issue only, and give this Act and the special matter in evidence on the trial.

XXXI. 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 Marc Antoine Primeau and Antoine A. Trottier, their heirs and legal representatives, 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.

XXXII. And be it enacted, That the penalties hereby imposed, 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 the 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, in every case where they are not hereinbefore given to the proprietors of the Bridge and Road aforesaid.

XXXIII. And be it enacted, That the moneys to be levied by virtue of this Act, and not hereinbefore granted to the said Marc Antoine Primeau and Antoine A. Trottier, their heirs and legal representatives, and the several fines and penalties hereby imposed and not otherwise

appropriated, 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 moneys, 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.

XXXIV. 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.