

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

12 Victoria – Chapter 189

An Act to authorize Joseph Clovis Bélanger, Esquire, and others, to erect a Toll-Bridge over the River Etchemin, in the Parish of St. Anselme, near the Church of the said Parish, in the County of Dorchester, and to incorporate the said Joseph Clovis Bélanger, and others, under the name of the “Saint Anselme Bridge Company,” and for other purposes therein mentioned. 30th May, 1849.

Whereas the convenience and the facility of intercourse of the inhabitants of the Parish of St. Anselme, in the County of Dorchester and District of Quebec, and 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 Etchemin in the said Parish of St. Anselme, at about eight arpents below the Church of the said Parish, in the vicinity of the Ford now at the said place; And whereas Joseph Clovis Bélanger, Esquire, François Audet, SimGon Larochelle, Joseph Couture, Jean Baptiste Gosselin, Joseph Morin, François Baillargeon, François Turgeon, Simon Jobin, Raymond Roy and Nicodème Audet, all of St. Anselme, have by their petition in this behalf prayed to be incorporated by the name and style of “The St. Anselme Bridge Company,” and for leave to build a Toll-bridge over the said River Etchemin, in the said Parish of St. Anselme, at the place above mentioned: 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 the above named persons and their heirs, executors, curators and assigns, and all such other persons as have become or shall at any time hereafter become Shareholders in the said Bridge and its dependencies, shall be and are hereby ordained, constituted and declared to be a body politic and corporate in fact under the name and style of “The St. Anselme Bridge Company,” and the said persons are hereby authorized and empowered at their own cost and charges to erect and build a good and substantial Toll-bridge over the said River Etchemin, in the said Parish of St. Anselme, at the above mentioned place, and to erect and build one Toll-house and Turnpike with other dependencies and approaches 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; and under the said name of “The St. Anselme Bridge Company,” the above mentioned persons, their heirs, executors, curators and assigns, together with all such other persons as are now or shall at any time hereafter become Shareholders in the said Bridge and dependencies and in the said Bridge Company, shall have power to sue and be sued, plead and be impleaded, answer and be answered unto in all Courts of Law and Equity whatsoever having Civil Jurisdiction, or before all Justices of the Peace and other Tribunals having Jurisdiction, and to have a Common Seal, and to alter and change the same at

their will and pleasure; and Service of Process in all actions and other judicial proceedings, on the President of the said Company shall be good and sufficient.

II. And be it enacted, That the Capital of the said Company for the construction of the said Bridge and dependencies shall not exceed six hundred pounds currency, and shall be divided into ninety-six parts or shares of the value of six pounds five shillings currency each, and shall be deemed personal and moveable estate, and as such shall be transferable by sale or otherwise by the Shareholders in the said Company; and any party acquiring one or several of the said Shares shall on the production of a copy of his deed of acquirement to the Directors of the said Company,, to be deposited among the Records of the said Company, be considered as a Shareholder in the said Company, and shall enjoy all the privileges and advantages conferred upon and granted by this Act to the other Shareholders in the said Company; Provided always, that no person who shall acquire any Shares in the said Company from a Director thereof, shall be entitled to be a Director in the said Company without having been elected as such; Provided also, that no party who shall have acquired any Share shall be considered as a Shareholder until he shall have produced his deed of acquirement.

III. And be it enacted, That no Shareholder in the said Company shall be in any manner whatsoever liable for or charged with the payment of any debt or demand due by the said Corporation beyond the amount or the balance of his Shares remaining unpaid.

IV. And be it enacted, That the First General Meeting of the Shareholders in the said Company after its incorporation, shall beheld in the Public Hall of the Presbytery of the Parish of St. Anselme at any time after the expiration of one month, from the day of the passing of this Act, of which meeting notice shall be given at the door of the Church of the said Parish of St. Anselme, by the said Company or by any of the Shareholders appointed for that purpose; and the said notice shall be read and posted up at the door of the Church of the said Parish and given in writing to the Shareholders residing without the limits of the said Parish, at least eight days before such meeting, and shall state the day and hour at which such meeting shall lake place; at which meeting the Shareholders present and the absent Shareholders by their proxies, shall appoint a Chairman and a Secretary and shall choose among the said Shareholders twelve Directors to manage the affairs of the said Company, who shall only remain in office as Directors until the second Monday in the month of October thence next ensuing, and at the said first meeting the Shareholders present and the absent Shareholders by their proxies, shall make and establish such By-laws, Rules and Regulations as they shall deem expedient for the management and government of the affairs of the said Company; and the said By-laws, Rules and Regulations shall be entered in a book to be kept for that purpose by the said Company, and shall bind all parties interested in the said Company as effectually as if they formed part of this Act, and shall be and remain in force until altered, amended, extended or repealed.

V. And be it enacted, That in all cases in which the votes of the Shareholders of tire said Company shall be taken, the said votes shall be in proportion to the number of shares held by each Shareholder in the Stock of the said Company, and any Shareholder, if he shall see fit, may

vote by proxy; and all questions shall be decided by the majority of votes, and in case of an equal division, the President shall have a casting vote.

VI. And be it enacted, That the majority of the Directors elected as aforesaid, shall after each election of Directors, elect one among themselves to be President, who shall cease to be President at the next election, and also a Secretary who shall at the same time be the Treasurer, but shall not be one of the Directors; and the said Directors shall require good and sufficient security from the said Secretary-Treasurer, whom it shall be lawful for them to remove at their will and pleasure, and the said Directors so appointed, seven of whom shall form a quorum without including the President, shall exercise all the powers vested in them: Provided always, that no Director shall have more than one vote at the meetings of the said Directors, and in case of any equal division, the President shall have a casting vote; And provided also, that the said Directors shall conform to the orders and directions given to them by the Shareholders, at the General Meetings of the said Shareholders, in conformity with the Rules and Regulations of the said Company.

VII. And be it enacted, That after the first meeting to be held as aforesaid, a General Meeting of the Shareholders in the said Company shall take place on the second Monday of October, in every year, in the Public Hall of the Presbytery of St. Anselme to choose and elect other Directors in the place and stead of the Directors going out of office, and also to transact the business of the said Company and to modify, amend, alter, repeal, or extend the By-laws, Rules and Regulations of the said Company or to substitute others in lieu thereof as may appear to them advantageous; which said meeting shall be called in the same manner as the first meeting except that the said notices shall be given and signed by the Secretary-Treasurer of the said Company; and at all meetings of the said Directors, or of the Shareholders of the said Company, the President of the said Company, elected by the said Directors, and in his absence, a Chairman chosen by the majority of the persons present at such meeting shall preside; and the Secretary-Treasurer shall act as Secretary at all meetings of the said Shareholders: Provided always, that the Directors going out of office may be re-elected, and after each election of Directors, the said Directors shall proceed as above mentioned, to elect a Chairman of the said Directors for the time during which they shall be Directors.

VIII. And be it enacted, That any failure to hold the first General Meeting or any other meeting, or to elect such Directors or President, shall not dissolve the said Company, but such failure -or omission shall and may be supplied by and at any Special Meeting to be called as the Directors, in conformity with the By-laws of the said Company may see fit to appoint, and until such election of new Directors, those who may be in office for the time being, shall be and continue in office and exercise all the rights and powers thereof until such new election be made as hereinbefore provided: Provided always, that it shall be lawful at all times for any twelve of the Shareholders in the said Company, if they shall deem necessary and expedient to call a Special Meeting of all the Shareholders in the Public Hall of the Presbytery of St. Anselme, after having given notice thereof and read and posted the same at the door of the Church of the said Parish at least a fortnight before such meeting, and also after having given notice in writing of such meeting to the Shareholders residing without the limits of the said Parish, which said notice shall state the

purpose of such meeting, and the said meeting shall proceed to transact the business for which it shall have been called, in the same manner as at the Annual Meeting.

IX. And be it enacted, That at any General Meeting three Auditors may be appointed to examine all accounts of moneys received and disbursed by the Directors, and to report thereon to the Shareholders; and that it shall be lawful for the majority of the Shareholders present, their heirs, executors, curators and assigns, at any Special Meeting, to remove any of the said Directors and elect others in their stead; and it shall also be lawful for them to elect others in the room of any of the said Directors who may die, resign or become incapable of acting through sickness or any other cause whatsoever; and to repeal, modify or amend any of the By-laws of the said Company, and to enact others in lieu thereof, as they may deem most advantageous for the said Company.

X. And be it enacted, That it shall be lawful for the said Directors to meet at all times and at such meetings to direct such instalments to be paid on the shares as they shall require, in order to meet the expenses of the said Company; Provided that no such instalment shall exceed one pound five shillings, currency, for each share, and provided also that no instalments shall be made payable within less than a month from each other, and no instalment shall be demanded unless eight days notice thereof shall be given at the Door of the Church of the said Parish of Saint Anselme, on a Sunday or Holy-day, and unless eight days notice in writing shall be given to the Shareholders residing without the limits of the said Parish; and all such instalments shall be paid into the hands of the Secretary-Treasurer at such times and places as shall be ordered by the said Directors, under the restrictions above mentioned: and if any of the said instalments shall not be paid at the time required for the payment thereof, it shall be lawful for the President of the said Company, elected by the Directors as aforesaid, in the name of the said Company, to sue such Shareholders as shall not have paid the amount of their instalments before any Court of competent jurisdiction, and to institute all such legal proceedings as shall be necessary to secure the payment of all sums due to the said Company; and the shares of all such Shareholders as shall be sued and against whom judgment shall be recovered, shall be liable to seizure and sale for the satisfaction of the said judgments in the same manner as their other goods and chattels, and as in ordinary actions; Provided always, that in any action for the recovery of any instalment due, or of any balance due upon any instalment,, it shall not be necessary to set forth the special matter in the declaration, but it shall be sufficient to allege that the Defendant is the holder of one or more shares in the said Company, (stating the number of shares) and that he is indebted to the Company in the sum of money to which the instalments in arrear shall amount, (stating the number and amount of such instalments), whereby an action hath accrued to the Company by virtue of this Act: and it shall be sufficient to maintain the said action to prove by one witness that the Defendant at the time of making such call was a holder of the number of shares mentioned in the declaration, and (hat a demand was made and notice thereof given, in conformity with the above mentioned requirements, or of any other By-laws which shall have been made for that purpose by the said Company; and it shall not be necessary to prove the appointment of the said Directors, nor any other matter whatsoever in order to obtain judgment in favor of the said Company.

XI. And be it enacted, That it shall be the duty of the said Directors to appoint as many Agents, Officers, Keepers and Servants as they shall deem expedient, for the interests of the said

Company, and fix the salaries and remuneration of the said Agents, Officers, Keepers and Servants; and to make all payments and contracts for the purposes of the said Company, and all other matters necessary for the transaction of its affairs; to answer in the name of the said Company in all legal suits and actions, and plead to the same, and generally to do all things which they shall deem necessary and advantageous for the said Company; Provided they shall not be in opposition to the By-laws of the said Company nor to this Act.

XII. And be it enacted, That it shall be the duty of any person who shall cease to act as Secretary-Treasurer to the said Company, to deliver over to the President thereof, all books, papers, records, documents and other objects which he may have in his possession belonging to the said Company; and on his refusal to deliver over the same on demand to the said President, he shall be liable to the said Company in the sum of twenty-five pounds, currency, and shall deliver up every article in his possession belonging; to the said Company with costs; and it shall be lawful for the President in the name of the said Company to sue for the recovery of the said sum and the delivery of the said articles, before any Court of Justice of competent jurisdiction.

XIII. And be it enacted, That for the purpose of erecting, building, maintaining and supporting the said Bridge, the said Company 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 at the place where they shall erect and build the said Bridge, to establish make and open any Road or Roads which may be necessary to communicate between the said Bridge and the public Road or Queen's highway on both sides of -the said River; the said Company 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, 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 Quebec, 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 Company shall not commence the erection of such 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 Company shall have deposited it at the Office of the Prothonotary of the Court of Queen's Bench of the said District of Quebec, or at the Office of the Clerk of any Court of Justice having jurisdiction.

XIV. 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 Company 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 Company 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 Company the full and intrinsic value which the same shall at the time of such assumption, bear and be worth, with an addition often per cent upon such intrinsic value, and that after such assumption of the said Bridge it shall become a free Bridge.

XV. 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 Quebec, 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 the City of Quebec, in each of The English and French languages, it shall be lawful for the said Company, 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 carriage or other four wheeled vehicle, drawn by two horses or other animal, one shilling currency;

For every four wheeled vehicle, drawn by one horse or other animal, six pence currency;

For every calash or other vehicle, drawn by one horse, five pence currency;

For every extra horse or other animal harnessed to any of the above mentioned vehicles, two pence currency;

For every cart, cariole or sleigh, drawn by one horse or other animal, four pence currency;

For every four wheeled wagon, drawn by one horse or by a yoke of oxen, five pence currency;

For every extra horse or yoke of oxen, one penny half-penny currency;

For every person on horseback, two pence half-penny currency;

For every person on foot, one half-penny currency;

For every horse, ass or mule, two pence currency;

For every ox, cow or other horned animal, one penny and one half-penny currency;

For every sheep, lamb, calf, goat, pig or other animal of the same size, one half-penny currency;

XVI. 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, or 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 rate whatsoever; Provided also, that it shall and may be lawful for the said Company 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 Company shall affix, or cause to be affixed, in some conspicuous place, at or near the said 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.

XVII. And be it enacted, That the said Tolls shall be, and the same are hereby vested in the said Company 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 thence forward be substituted in the place and stead of the said Company for all and every the purposes of this Act.

XVIII. 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 Company, or any person or persons employed by 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.

XIX. 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 person, cattle or carriage whatsoever, for hire across the said River within the distance of one league above and one league below the said Bridge, measuring along the banks of the said River and following its windings; and if any person or persons shall erect a toll-bridge or toll-bridges, or any bridge or bridges of any kind whatsoever, over the said River, within the said limits, he or they shall pay to the said Company 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 carriages without gain or hire.

XX. 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.

XXI. And be it enacted, That the said Company, 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 Company shall cease to have any right, title or claim of, in or to the Tolls hereby imposed, which shall from thence forward belong to Her Majesty: and the said Company 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 Company 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 Quebec, be ascertained to be impassable or unsafe, and notice thereof to them by the said Court be given, to cause the same to be made safe and commodious for the passage of travellers, cattle and carriages; and if within the time last mentioned, the said Bridge 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 Company shall cease to have any right, title or claim of, in or to the said Bridge, or to 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.

XXII. 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 Brings therein mentioned, except as to the power and authority given to the said Company, and except as to the rights which are hereby especially 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.

XXIII. And be it enacted, That the penalties hereby inflicted, shall upon proof of the offence, respectively, before anyone or more of the Justices of the Peace for the said District of Quebec,

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; save and except the penalty imposed on the Secretary-Treasurer for the causes above mentioned, which said penalty shall wholly belong to the said Company.

XXIV. And be it enacted, That the moneys to be levied by virtue of this Act, and not hereinbefore granted to the said Company and the several fines and penalties hereby imposed, 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.

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

XXVI. 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.