

Laws of Her Majesty's Province of United Canada, passed in the year 1851. Quebec: Stewart Derbyshire and George Desbarts, 1852.

16 Victoria – Chapter 65

An Act to authorize François Daigle and Alexis Dufresne to demand Tolls upon a Bridge which they have constructed on the Northern Branch of the River Yamaska. 10th November, 1852.

Whereas François Daigle and Alexis Dufresne, of the Parish of St. Damase, yeomen, have, at their own cost and charges, erected and constructed a bridge over the Northern branch of the Yamaska River, in the Parish of St. Damase, in the County of St. Hyacinthe, opposite the by-road leading direct from the river to the Church of the said Parish; And whereas they have prayed by their petition, to be authorized to levy Tolls on the said bridge: 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 reunite the Provinces of Upper and Power 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 François Daigle and Alexis Dufresne, and they are hereby authorized to erect and build a toll-house on or near the said bridge, and also to do all things necessary, useful or convenient, for maintaining and supporting the said bridge, and erecting the toll-house and other dependencies, according to the tenor of this Act.

II. That the said François Daigle and Alexis Dufresne, their heirs and assigns, shall have power, for the purpose of maintaining and supporting the said bridge, from time to time to take and use the land on either side of the river, and there to work the materials and other things necessary for repairing the said bridge, doing as little damage as possible, and making a reasonable compensation to the proprietors and occupants of lands so altered, damaged, or made use of, for the value of such land, or damages caused by the works necessary for constructing and maintaining the bridge, or the toll-house or other dependencies.

III. That in case of any difference of opinion or dispute concerning the amount of such compensation, the sum to be paid shall be settled and determined by two arbitrators, one of whom shall be chosen by each party; which arbitrators, before proceeding to hear the parties, shall appoint a third arbitrator who shall neither be a party interested nor a relative of the parties in the degree by law prohibited in civil matters, and shall be authorized, after summoning the parties two days before their meeting for arbitration, to hear the parties and their witnesses and other evidence, and shall, after so hearing the parties, render their award, which shall be drawn up before notaries; and the award shall be communicated without delay by the said François Daigle and Alexis Dufresne, or their representatives, to the party interested, with the offer of the sum adjudged by the majority of the arbitrators; Provided always, that the said François Daigle and Alexis Dufresne shall not proceed to the construction of the said toll-house and other works, by which any individual maybe deprived of his land or may suffer damage, until the price or value of the lands and damages estimated shall have been paid to such person, or offered to him.

IV. That the property of the said bridge, toll-house, and other dependencies, which are or may be erected thereon, or near thereto, and also of the ascents and approaches to the said bridge, shall be vested in the said François Daigle and Alexis Dufresne, their heirs and assigns for ever, provided that after the expiration of fifty years from the passing of this Act, it shall be lawful for Her Majesty, Her Heirs and Successors, to assume the possession and property of the said bridge and dependencies, and the ascents and approaches thereto, upon paying to the said François Daigle and Alexis Dufresne, or their representatives, the value which the said bridge and dependencies, at the time of such assumption, shall bear and be worth.

V. And whereas it is alleged that the said bridge is now built in a proper manner; Be it enacted, That so soon as it shall be certified by two Justices of the Peace for the District of Montreal, that the said bridge is built in a proper manner, and that the opening and draw-bridge necessary for the passage of vessels and boats, are of the dimensions required, and that the necessary conditions have been fulfilled after examination thereof by three experts, to be appointed and sworn by the said Justices of the Peace, and such certificate shall have been published in one of the newspapers of the District of Montreal, it shall be lawful for the said François Daigle and Alexis Dufresne, their heirs and assigns, to demand, receive, recover, and take to and for their own use and profit, for pontage, in the name of a toll or duty, before the passage over the said bridge shall be permitted, the following sums:

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For a vehicle drawn by one horse	2
For a vehicle drawn by two horses	4
For each person on horseback	1 ½
For each ox and head of cattle	1
For each sheep	½
For each person on foot	½

VI. That it shall be lawful for the said François Daigle and Alexis Dufresne, and their assigns, to diminish the aforesaid tolls, and they shall affix, in some conspicuous place, near the toll-gate, a table, in the English and French languages, of the rates payable for passing over the said bridge.

VII. Provided always, 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 nor 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 rate whatsoever.

VIII. That the said tolls shall be, and the same are hereby vested in the said François Daigle and Alexis Dufresne, their heirs and assigns, for ever: Provided, that if Her Majesty shall assume the possession of the said bridge, in the manner aforesaid, after the expiration of fifty years, then the

said tolls shall belong to Her Majesty, Her Heirs and Successors, who shall be substituted in the place and stead of the said François Daigle and Alexis Dufresne, for the purposes of this Act.

IX. That if any person shall forcibly pass over the said bridge, without paying the toll, or shall disturb the said François Daigle and Alexis Dufresne, or their representatives, in the works and repairs which they may execute on the said bridge, or on the roads and avenues leading thereto, every person so offending shall in each case, for every such offence, forfeit a sum not exceeding forty shillings, currency.

X. That the said François Daigle and Alexis Dufresne, and their representatives, shall keep, give and maintain an opening and passage commodious and sufficient between the piers in the middle of the river, of at least thirty feet in width, and shall erect a draw bridge over the deepest water, of at least forty feet in width, to allow a free and uninterrupted passage at all times to steamers and other vessels.

XI. That so soon as the said bridge shall be opened for the use of the public no person shall erect, or cause to be erected, any bridge, or establish any other means of passage for the transport of any persons, cattle or vehicles, for gain or hire, across the said branch of the River Yamaska at that place, or within the distance of three quarters of a league either above or below the same, under a penalty of forty shillings, currency, for each person, animal or vehicle so taken across the said river: Provided, that nothing in this Act contained shall be construed to prevent the public from crossing any of the fords of the said river, or from crossing the said river within the aforesaid limits, in canoes, or otherwise, without gain or hire.

XII. That if any person shall maliciously pull down, burn or destroy the said bridge, or any part thereof, every person so offending, and being thereof legally convicted, shall be deemed guilty of felony.

XIII. That the said François Daigle and Alexis Dufresne shall keep and maintain the said bridge in good order for the safe passage of travellers, cattle and vehicles; and in case the said bridge shall at any time become impassable or unsafe, the said François Daigle and Alexis Dufresne and their representatives are hereby required, within two years from the time at which the said bridge shall be ascertained and declared to be impassable or unsafe, by the Court of General Quarter Sessions, in and for the District of Montreal, and after notice thereof shall have been given to them, or any of them by the said Court, to repair, construct, and re-build the said bridge, and make the same safe and commodious for the passage of travellers, cattle and vehicles; and if within the said time the said bridge be not repaired, or rebuilt, as the case may be, then the said bridge, or such parts thereof as shall be remaining, shall be and be taken as the property of Her Majesty, and the said François Daigle and Alexis Dufresne and their representatives shall cease to have any right or title in or claim upon the said bridge.

XIV. That this Act, or any of the provisions therein contained shall not extend to weaken, or extinguish the rights and privileges of Her Majesty, Her Heirs and Successors, nor of any person,

body politic or corporate, in any of the things therein mentioned, except as to the powers hereby given to the said François Daigle and Alexis Dufresne.

XV. That the penalties hereby imposed shall be levied upon proof before a Justice of the Peace for the District of Montreal, either by the confession of the offender, or by the oath of two credible witnesses, which oath such Justice of the Peace is hereby empowered to administer, by seizure and sale of the goods and chattels of the offender, by a warrant signed by such Justice of the Peace; one half of which penalties shall belong to Her Majesty, and one half to the person suing for the same.

XVI. That the moneys to be levied by virtue of this Act, and not hereinbefore granted to the said François Daigle and Alexis Dufresne, and the several fines hereby imposed, shall be, and the same are hereby reserved to Her Majesty, Her Heirs and successors, for the public uses of the Province, and the support of the Government thereof; and the due application of such moneys, fines and penalties shall be accounted for to Her Majesty, through the Lords Commissioners of Her Majesty's Treasury for the time being, in such manner as shall be directed.

XVII. Provided always, That the said bridge shall be constructed as follows, that is to say: two hundred and forty feet in length, fifteen feet in width, with abutments eighteen feet high, and with one arch in the middle of the river, thirty-six feet in height above the level of the stream.

XVIII. That this Act shall be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices of the Peace and other persons whomsoever, without being specially pleaded.