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No. 112.

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2nd Session, 7th Parliament, 26 Victoria, 1863.

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**BILL.**

An Act to authorize Hilaire Theberge to erect a Toll Bridge over the South branch of the River Yamaska in the Village of the Parish of St. Pic. ~~1863~~

(PRIVATE BILL.)

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Received and read, first time, Friday, 6th  
March, 1863.

Second reading, Monday, 9th March, 1863]

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Mr. LAFRAMBOISE.

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QUEBEC :

PRINTED FOR THE CONTRACTORS BY HUNTER,  
ROSE & LEMIEUX, ST. URSULE STREET.

# BILL.

No. 112.]

[18 3.

An Act to authorize Hilaire Theberge to levy Tolls on a Bridge erected by him over the south branch of the River Yama-ka, in the village of the Parish of St. Pie.

**W**HEREAS, Hilaire Theberge, farmer, of the Parish of St. Pie, in the County of Bagot, has, at his own costs and charges, erected a solid and substantial Bridge over the south branch of the River Yama-ka, at the end of Bridge street in the village of St. Pie, in the Parish of St. Pie, County of Bagot, the said Bridge being one hundred and eighty feet in length by eighteen feet in breadth, and having openings fifty-six feet in width between the piers, and whereas he prays by his petition to be authorized to receive tolls on the said Bridge; Therefore Her Majesty enacts as follows:

Preamble.

10 **1.** The said Hilaire Theberge is hereby authorized to erect and construct, at his own cost and expense, a Toll House and Toll Gate near to, or upon the said Bridge; and also to do and execute all such other matters and things as shall be necessary, useful or advantageous for erecting and constructing, keeping up and maintaining the said Bridge, Toll House, Toll Gate and other dependencies, according to the true intent and meaning of this Act.

Toll house, &c., may be erected.

20 **2.** For the purpose of maintaining and supporting the said Bridge, the said Hilaire Theberge, his heirs 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, doing as little damage as possible, and making just and reasonable compensation to the owners and occupants of all lands altered or damaged or made use of, for the value of such lands, or for the damage caused by the works necessary for the construction and maintenance of the Bridge, Toll House or other dependencies.

Lands may be taken, &c.

30 **3.** In case of difference of opinion or dispute as to the amount of such compensation, the sum to be paid shall be fixed and determined by two arbitrators, one to be chosen by each party, and the said arbitrators, before proceeding to hear the parties, shall choose a third arbitrator, who shall not be interested nor related to any one of the parties within the degree prohibited in civil proceedings; and they are empowered, having given two days' notice to the parties to hear the parties and their witnesses, and to examine their other evidence, and the proceedings being terminated they shall give their decision in the case, which they shall cause to be drawn up before notaries; the decision shall be forthwith communicated by the said Hilaire Theberge or his assigns, to the party interested, and the amount fixed by the majority of the arbitrators shall at the same time be tendered to the said party, provided always that the said Hilaire Theberge shall not begin the erection of the said toll house and other works by which any person may be deprived of his lands or suffer damage until the estimated price of such lands or the amount of such damages shall have been paid to the said party, or until the said amount shall have been tendered to him.

In case of dispute as to value.

**Bridge, &c., vested in Hilaire Theberge. Proviso.** 4. The said bridge and the said toll house, toll gate, and other dependencies now or hereafter to be erected on or near to the said bridge, and also the ascents or approaches to the said bridge shall be vested in the said Hilaire Theberge, his heirs and assigns, for ever, provided always 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, toll house and dependencies, and the ascents and approaches thereto upon paying to the said Hilaire Theberge or his heirs and assigns, the value which the same shall at the time of such assumption bear and be worth. 10

**Certain tolls may be levied.** 5. And whereas it is alleged that the said bridge is properly and substantially erected: Therefore, so soon as it shall be certified by two Justices of the Peace of the District of St. Hyacinth, after examination made by three *experts* to be appointed and sworn by the said Justices of the Peace, and after such certificate shall have been published 15 in some newspaper published in the District of St. Hyacinth, it shall be lawful for the said Hilaire Theberge his heirs and assigns, from time to time, and at all times, to ask, demand, receive, take, sue for and recover to and for his own proper use, benefit and behoof, for pontage, as or in the name of toll or duty, before any passage over the said 20 bridge shall be permitted, the several sums following, that is to say:—

For a small cart . . . . .	4d	
For a single wagon . . . . .	3d	
For a double wagon . . . . .	4d	
For a man on horseback . . . . .	1½	25
For each head of horned cattle . . . . .	1d	
For each sheep . . . . .	0½	
For each foot passenger . . . . .	0½	

**Rates may be diminished.** 6. The said Hilaire Theberge his heirs and assigns, may diminish the rates aforesaid, and they shall be bound to post up in some conspicuous place, near the toll gate, a table in the English and French languages, of the rates payable for the passage of the said bridge. 30

**Certain persons, &c., exempt.** 7. 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 nor drivers or guards, sent with prisoners of any description, as well going or coming, provided they are not otherwise loaded, shall be chargeable with any toll or rate whatsoever. 40

**Tolls vested.** 8. The said tolls shall be, and the same are hereby vested in the said Hilaire Theberge his heirs and assigns, for ever; provided that if Her Majesty shall, after the expiration of fifty years, assume the possession and property of the said bridge, then the said tolls shall, from the time of such assumption, appertain and belong to Her Majesty, Her heirs 45 and successors, who shall from thence forward be substituted in the place and stead of the said Hilaire Theberge, for all and every the purposes of this Act.

**Penalty on passing without payment.** 9. If any person shall forcibly pass through the said toll gate, or over or upon the said bridge, without paying the said toll, or any part 50 thereof, or shall interrupt or disturb the said Hilaire Theberge, or his assigns, in building or repairing the said bridge and its dependencies, or any road or avenue leading thereto, every person so offending in each of the cases aforesaid, shall, for every offence, forfeit a sum not exceeding forty shillings, currency. 55

10. After the Bridge shall be open for the use of the public, no person shall erect or cause to be erected any bridge or bridges, maintain or cause to be maintained, any means of communication for the carriage of any person, cattle or carriage whatsoever, for hire, across the said branch of the River Yamaska, at the place above mentioned, anywhere within one mile above and one mile and a half below the said bridge, under penalty of a fine of forty shillings, currency, for each person, animal or carriage conveyed across the said river on any bridge or means of communication constructed and maintained for hire, provided that nothing in this Act shall be construed to deprive the public of the right of crossing the said river within the limits aforesaid, by wading, or in canoes or otherwise, without payment.

No new  
bridge, &c.,  
within a cer-  
tain distance.

11. If any person shall maliciously pull down, burn, destroy, or injure the said bridge, or any part thereof, or the toll-house, toll-gate, or other dependencies to be erected by virtue of this Act, every person so offending, and thereof legally convicted, shall be deemed guilty of felony.

Injury to  
bridge.

12. The said Hilaire Theberge shall be bound to keep and maintain the said bridge and dependencies in good repair, so as to afford a safe and convenient passage for travellers, cattle, and vehicles; and in case the said bridge shall at any time become impassable or unsafe, the said Hilaire Theberge, his heirs and assigns, shall, and they are hereby required, within one year from the time at which the said bridge shall, by the Court of Queen's Bench in the exercise of its criminal jurisdiction, in and for the said District of St. Hyacinth, be ascertained to be impassable or unsafe, and notice thereof to them by the said Court shall have been 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 be not repaired or rebuilt, 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 the said Hilaire Theberge and his assigns shall cease to have any right, title, or claim of, in, or to the said bridge.

Bridge to be  
kept in good  
repair.

13. Nothing in this Act, or in any provision thereof, shall extend to 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 Hilaire Theberge.

Her Majesty's  
rights saved.

14. 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 St. Hyacinth, either by the confession of the offender or by the oath of one or more credible witnesses, (which oath such Justices or either of them are hereby empowered 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 one-half of such penalties respectively shall belong to Her Majesty, and the other half to the person suing for the same; and the proceedings in such cases shall be conducted in conformity with the provisions of Chapter 103 of the Consolidated Statutes of Canada, "respecting the duties of Justices of the Peace out of Sessions, in relation to summary proceedings and orders."

Enforcement  
of penalties.

15. The moneys to be levied by virtue of this Act, and not hereinbefore granted to the said Hilaire Theberge, his heirs and assigns, and

Fines, &c.,  
reserved.

the severa 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:

Dimensions  
of bridge.

**16.** Provided always, that the said bridge shall be erected as follows: one hundred and eighty feet in length, eighteen feet in breadth, with an opening of fifty feet between each pier, and that the piers be not less than **5** feet in height.

Public Act.

**17.** This Act shall be deemed a Public Act.