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No. 170.

4th Session, 8th Parliament, 29th Vic., 1865.

BILL.

**An Act to Authorize William John Bickell
to construct a Bridge over the River St.
Charles.**

Received and read, first time, Thursday, 24th
August, 1865.

Second Reading, Friday, 25th Aug., 1865.

Mr. HUOT.

QUEBEC:

**PRINTED BY HUNTER, ROSE & CO.,
ST. URSULE STREET.**

An Act to authorize William John Bickell to construct a Bridge
over the River St. Charles.

WHEREAS the construction of a Toll-bridge over the River St. Charles, in the Parish of St. Rochs of Quebec, opposite Hare Point, will greatly tend to promote the welfare and intercourse of the inhabitants of the said Parish, and of the adjacent Parishes, and the convenience of the public generally, and whereas William John Bickell, of the City of Quebec, has by a petition presented by him for that object, prayed to be authorized to construct a Toll-bridge, over the said River St. Charles, at the place above mentioned: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:—

- 1.** The said William John Bickell, is hereby authorized to erect, and construct, at his own cost and expense, a solid and sufficient Toll-bridge over the said River St. Charles, at the place aforesaid, and to erect and construct a Toll-house, and Toll-gate, with other dependencies, and approaches 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 intended Bridge, Toll-house, Toll-gate, and other dependencies, according to the true intent and meaning of this Act.
- 2.** For the purpose of erecting, building, maintaining, and supporting the said Bridge, the said William John Bickell, or his representatives, shall from time to time have full power and authority to take, and use the land on either side of the said River St. Charles, and there to work up, or cause to be worked up, the material, and other things necessary for erecting constructing or repairing the said Bridge accordingly, doing as little damage as possible, and making just and reasonable compensation for the damage so caused, and the value of the land so taken or occupied as aforesaid.
- 3.** The said Bridge, and the said Toll-house, Toll-gate, and dependencies to be erected thereon or near thereto, and also the ascents or approaches to the said Bridge, and all materials which shall from time to time be found or provided for erecting, building, or maintaining and repairing the same shall be vested in the said William John Bickell or his representatives 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, Toll-house, Toll-gate, and dependencies, and the ascents and approaches thereto, upon paying to the said William John Bickell, the entire and full 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 whatsoever of the inhabitants interested in the said Bridge, at any time from acquiring (as

Preamble.

W. J. Bickell authorized to erect a toll-bridge over the River St. Charles.

May acquire the necessary land.

Bridges and dependencies vested in W. J. Bickell.

Proviso.

Proviso.

herby it is expressly provided they may do) the said Bridge, Toll-house, Toll-gate, and dependencies, and the ascents and approaches thereto, upon paying to the said William John Bickell, or his representatives, 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. 5 upon such intrinsic value; and that after such assumption of the said Bridge, it shall become a free Bridge, and shall for ever thereafter be vested in, and maintained by the purchasers or their representatives, as such free Bridge.

Tolls may be levied and when. 4. When and so soon as the said Bridge shall be erected and built, 10 and made fit and proper for the passage of travellers, cattle, horses, and carriages, and the same shall have been published in each of the English and French languages, at the doors of the Church of the Parish of St. Roch of Quebec, it shall be lawful for the said William John Bickell, or his representatives, from time to time, and at all times to ask, 15 demand, receive, take, sue for, 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 Bridge shall be permitted; the several sums following, that is to say:

		s. d.	20
Schedule of Tolls.	For every four-wheeled carriage or other vehicle drawn by one horse or other animal.....	0 4½	
	For each other horse.....	0 1½	
	For every carriage or omnibus carrying six persons, and not more than sixteen, all wing eighteen inches for each passenger.....	1 3	25
	For every carriage or omnibus carrying over sixteen passengers	1 8	
	For every gig, caleche, cab, or two-wheeled omnibus, carrying less than six passengers drawn by one horse or other animal.....	0 4	30
	For each additional horse or beast.....	0 1½	
	For every spring-cart, cart, or other two-wheeled vehicle other than above, drawn by one horse or other animal	0 3	
	For each other horse.....	0 1½	35
	For every sleigh, traine, berline, or other winter vehicle drawn by one horse or other animal.	0 3	
	For each other horse.....	0 1½	
	For every horse, mare, gelding, ass or mule with rider..	0 2	
	For every horse, mare, gelding, ass, mule, cow, or other neat cattle.....	0 1	40
	For every score (20) of sheep, lambs, hogs or swine.....	0 5	

Exemption. But every person going to or returning from Divine Service on Sundays, or Fêtes d'Obligation, or going to or returning from a funeral, and all children on their way to attend their college classes, or their schools, 45 and generally all persons owning building lots, and living on the property of which the said William John Bickell is one of the proprietors, shall be exempted from the payment of the above tolls.

Proprietor may diminish tolls. 5. Provided always that it shall be lawful for the said William John Bickell or his representatives, to diminish or abolish the said tolls, or 50 any of them, and then afterwards if he sees fit again to augment the same or any of them, so as not to exceed in any case the rates by this Act authorized to be taken; provided also that the said William John Bickell or his representatives, shall affix or cause to be affixed in some Rates of toll to be posted up. conspicuous place at or near the said Toll-gate, or upon the said Bridge, 55 a table of the rates payable for passing over the said Bridge, and so

often as such rates may be diminished or augmented, he shall cause such alteration to be affixed in manner aforesaid.

6. The said tolls shall be, and the same are hereby vested in the said William John Bickell or his representatives for ever, provided that if 5 Her Majesty shall in the manner hereinbefore mentioned, after the expiration of fifty years from the passing of this Act, assume the possession of the said Bridge, Toll-house, Toll-gate, 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 10 Successors, who shall from thenceforward be substituted in the place and stead of the said William John Bickell for all and every the purposes of this Act.

Tolls vested in proprietor.
Proviso:

7. If any person shall forcibly pass through the said Toll-gate, or 15 over, or upon the said Bridge, without paying the said toll, or any part thereof, or shall interrupt or disturb the said William John Bickell, his representatives, or any person or persons employed by him 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 20 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, or be imprisoned for a period not exceeding ten days in the common gaol of the District.

Person forcibly passing without paying toll &c.

Penalty.

8. As soon as the Bridge shall be, and for so long as it shall continue to be passable and open for the use of the public, no person shall erect, 25 or cause to be erected, any bridge or bridges, on the said river, from the said Bridge to Scott's bridge, on the west, and to the limits accorded to the Turnpike Trust of Quebec for building a bridge to the east; and if any person or persons shall erect a Toll-bridge, or any free 30 bridge, or bridges of any kind within the said limits, he shall pay to the said William John Bickell, or his representatives, treble the tolls hereby imposed for all cattle, horses, and carriages, which shall pass over any such bridge.

No other bridge to be erected within certain limits.

9. If any person shall maliciously pull down, burn, destroy, or injure the said Bridge, or any part thereof, or the Toll-gate, or Toll-house, 35 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.

Pulling down bridge &c., to be felony.

10. The said William John Bickell, to entitle himself to the benefits and advantages to him by this Act granted, shall and he is hereby re- 40 quired to erect and complete the said Bridge, Toll-house, Toll-gate, and dependencies, within six 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 William John Bickell shall cease to have any right, title, or claim 45 of, in, or to the tolls hereby imposed, which shall from thenceforward belong to Her Majesty, and the said William John Bickell shall not by the said Toll, or in any other manner or way be entitled to any reimbursement of the expense he may have incurred in and about the building of the said Bridge, and in case the said Bridge, after it shall have been 50 erected and completed, shall at any time become impassable or unsafe for travellers, cattle or carriages; the said William John Bickell shall, and he is 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 District of Quebec, be ascertained to be

Bridge to be completed in six years otherwise to be forfeited.

If bridge becomes impassable or unsafe

impassable or unsafe, and notice thereof to him by the said Court shall have been given, 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 after such default to repair, or rebuild the said Bridge, the said William John Bickell 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 his, and each, and every of his right in the premises, shall be wholly and for ever terminated.

Penalties how levied.

11. The penalties hereby inflicted shall, upon proof of the offence, respectively, before any one or more Justices of the Peace for the 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 on 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.

Elevation above high water and distance between piers

12. The said Bridge to be built over the River St. Charles, shall have under its arches an elevation of at least five feet above high water, and a distance of at least seventy-five feet between the several piers thereof.

To be a swing bridge.

13. The said Bridge shall be a swing Bridge.

Public Act.

14. This Act shall be deemed a Public Act.