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2nd Session, 3rd Parliament, 12 Victoria, 1849.

B I L L .

An Act to authorize Antoine Amable Archambault and others to erect a Toll Bridge over the River L'Assomption, and for other purposes therein mentioned.

Received and Read a first time, Tuesday, 13th
February, 1849.

Second Reading, Monday, 19th February, 1849.

MR. DUMAS.

PRINTED BY LOVELL AND GIBSON.

B I L L .

An Act to authorize Amable Archambault and others to erect a Toll Bridge over the River L'Assomption, and for other purposes therein mentioned.

WHEREAS the convenience and the facility of intercourse of the inhabitants 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 L'Assomption, at the Village of L'Assomption, in the County of Leinster and District of Montreal: And whereas Pierre Urgel Archambault, Narcisse Galarneau, Joseph Pelletier the younger, Amable Elzéar Archambault, Amable Archambault, Cyriac Chaput, Camille Archambault and Agapit Chaput, all of the said Village of L'Assomption, and Joseph Félix Larocque, of the City of Montreal, but now absent in Europe, have by their Petition in this behalf, prayed for leave to build a Toll-bridge over the said River, at the aforesaid place: Be it therefore enacted, &c.

And it is hereby enacted by the authority of the same, That it shall be lawful for the said Pierre Urgel Archambault, Narcisse Galarneau, Joseph Pelletier the younger, Amable Elzéar Archambault, Amable Archambault, Cyriac Chaput, Camille Archambault, Agapit Chaput and Joseph Félix Larocque, hereinafter called "the Petitioners aforesaid," 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 L'Assomption, at some convenient point or place situate in and opposite to the said Village of L'Assomption, and nearly opposite to the Parish Church in

Preamble.

Petitioners authorized to build a Toll-bridge over the River L'Assomption within certain limits.

the said Village, and to erect and build one 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, 5 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. 10

The petitioners authorized to use the land on either side of the river, and work up materials necessary for constructing the bridge, making a reasonable satisfaction to the respective owners and occupiers of the lands for the damages done to the same.

II. And be it enacted, That for the purpose of erecting, building, maintaining and supporting the said Bridge, the Petitioners aforesaid, their heirs, executors, curators and assigns, shall from time to time have 15 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 20 Bridge accordingly, and also to take possession of and use as their own property, certain pieces of ground on each side of the said River, at the place where they shall erect and build the said Bridge, for the purpose 25 of establishing, making and opening any road or roads which may be requisite to communicate between the said Bridge and the public road or Queen's highway, on either side of the said River; the Petitioners 30 aforesaid, their heirs, executors, curators and assigns, and the persons by him or them employed, doing as little damage as may be, and making reasonable and just satisfaction to the respective owners and occupiers 35 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 40 the purpose of erecting the said Bridge and the said Toll-house, and the opening of the communications aforesaid, 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 Majes- 45

ty's Court of Queen's Bench for the District of Montreal, after a previous visitation, examination and estimation of the premises shall have been made by *Experts* to be
 5 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
 10 to hear, settle and finally determine the amount of such compensation in consequence; Provided always, that the Petitioners aforesaid, their heirs, executors, curators and assigns, shall not commence the erection of
 15 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
 20 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 petitioners aforesaid shall have deposited it at the office of the Prothonotary
 25 of the Court of Queen's Bench for the said District of Montreal.

Proviso.

III. And be it enacted, That the said
 Bridge and the said Toll-house, Turnpike
 and dependencies to be erected thereon, or
 30 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
 35 vested in the Petitioners aforesaid, their heirs and assigns 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
 40 assume the possession and property of the said Bridge, Toll-house, Turnpike and dependencies, and the ascents and approaches thereto, upon paying to the Petitioners aforesaid, their heirs, executors, curators or assigns,
 45 the full and entire value which the same shall, at the time of such assumption, bear

Bridge, &c., vested in the said petitioners, their heirs and assigns.

At the expiration of fifty years Her Majesty may assume the possession of the said bridge, &c., paying to the said petitioners the full value thereof.

Proviso.

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, on paying to the Petitioners aforesaid, their heirs, executors, curators 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 centum upon such intrinsic value, and that after such assumption of the said Bridge it shall become a free Bridge. 5 10 15

An opening to be kept between the pillars for the passage of rafts.

IV. And be it enacted, That in erecting the said Bridge, each of the openings between the piers thereof, or between any of the piers and the abutment or wharf, (except only the opening over which the draw-bridge or swing-bridge is to be erected as hereinafter provided) shall be at least eighty feet in width, so that rafts floating down the same may meet with no kind of obstruction, and that over the channel or deepest part of the said River there shall be a Draw-bridge or Swing-bridge of at least thirty feet clear opening, which the Petitioners aforesaid, or their legal representatives, shall at all times open for the passage of any steamboat or other vessel on receiving the notice hereinafter mentioned; and it shall be the duty of the proprietors or conductors of every such steamboat, vessel or raft to give two hours previous notice to the Toll-gatherer or person having charge of the said Bridge, of his or their intention to pass through the same with such steamboat, vessel or raft: Provided always, that no more than one crib shall pass at the same time through the same opening, and all damage caused by any such steamboat, vessel or raft as may come upon or against the said Bridge, without such notice as aforesaid having been given, or by any raft containing more than one crib, shall be made good by the proprie- 20 25 30 35 40 45

Only one crib to pass at the same time.

tor of such raft to the Petitioners aforesaid, their heirs, executors, curators or assigns, and shall be recoverable by suit at law in any Court of Record taking cognizance of
 5 causes to the like amount, as shall also any damages sustained by the proprietors of any steamboat or other vessel by the non-opening of such Draw-bridge or Swing-bridge, or the non-passing of such raft, in the manner
 10 required by this Act, and after the giving of the noticeaforesaid.

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 pas-
 15 sage 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
 20 have been advertised in one of the public newspapers published in the City of Montreal in both languages, it shall be lawful for the Petitioners aforesaid, their heirs, execu-
 25 tors, 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 pas-
 30 sage over the said Bridge shall be permitted, the several sums following, that is to say :—

When the bridge is built and convenient for the passage of travellers, the petitioners entitled to certain tolls for pontage.

For each coach or other four-wheel carriage or winter carriage, drawn by two horses or other beast of draught, *six pence*
 35 currency ;

The Rates and Tolls.

For each four wheel or two wheel carriage or winter carriage, drawn by only one horse or other beast of draught, *four pence* currency ;

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

For each person on horseback, *two pence and one halfpenny* currency ;

For each person on foot, *one penny* currency ;

For each beast of draught or head of neat 5
cattle, *one penny and one halfpenny* currency ;

For each sheep, calf, lamb, goat, hog, or other animal of like size, *one halfpenny* currency ;

Provided always, that if any vehicle drawn 10
by one horse, or other beast, only, shall contain a load of more than ten hundred weight, it shall pay Toll as if drawn by two horses or other beasts, and so on ; and if any vehicle drawn by two horses or other beasts, shall 15
contain a load of more than twenty hundred weight, it shall pay Toll as if drawn by three horses, or other beasts, and so on in proportion for vehicles drawn by more than
two horses or other beasts, ten hundred 20
weight of load being allowed for each horse, and additional Toll being chargeable for each additional ten hundred weight as for one horse, and any fraction of ten hundred
weight being reckoned as ten hundred 25
weight.

Exemption in
certain cases.

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 30
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 car- 35
riages 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 : Provided also, that it shall 40
and may be lawful for the Petitioners afore-

The petition-
ers may re-
duce and af-

said, 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 Petitioners aforesaid, their heirs, executors, curators or assigns, 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, he or they shall cause such alteration to be affixed, in manner aforesaid.

terwards advance the tolls.

Table of Rates to be fixed in a conspicuous place at the Toll-gate.

VII. And be it enacted, That the said Tolls shall be and the same are hereby vested in the Petitioners aforesaid, their heirs and assigns 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 thenceforward be substituted in the place and stead of the Petitioners aforesaid, their heirs and assigns, for all and every the purposes of this Act.

Tolls vested in the petitioners, &c., unless Her Majesty, at the end of fifty years shall assume the possession of the bridge, &c., then the same shall be vested in Her Majesty.

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 Petitioners aforesaid, their heirs, executors, curators or assigns, 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,

Penalty on persons forcibly passing the turnpike without paying toll, or who shall interrupt the said Petitioners in building the said bridge, &c.

shall, for every such offence, forfeit a sum not exceeding *forty shillings* currency.

As soon as the bridge is completed, no other Bridge to be erected within certain limits.

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 within the distance of one league above the said Bridge or of one league below the same, measuring in both cases along the bank of the said River, and following the windings thereof; 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 Petitioners aforesaid, 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, or to prevent any person from keeping a Ferry for crossing foot passengers only in a canoe or skiff at the place commonly known as Marcille's Ferry.

Penalty.

Proviso.

Penalty on persons pulling down the bridge or toll-house.

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 Petitioners
 aforesaid, to entitle themselves to the benefits
 and advantages to them by this Act, granted,
 shall, and they are hereby required
 5 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
 10 a convenient and safe passage over the said
 Bridge, they the Petitioners aforesaid, 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
 15 from thenceforward belong to Her Majesty;
 and the Petitioners aforesaid 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
 20 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 Petitioners aforesaid,
 25 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 Gen-
 eral Quarter Sessions of the Peace in and for
 30 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 re-
 paired, and made safe and commodious for
 35 the passage of travellers, cattle and car-
 riages: 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 parts thereof as shall be remaining,
 40 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 Petitioners aforesaid, their heirs, execu-
 tors, curators or assign shall cease to have any
 45 right, title or claim of, in, or to the said
 Bridge, or the remaining parts thereof, and

Petitioners
 required to
 erect the
 bridge within
 four years.

Penalty if not
 completed.

the Tolls hereby granted, and their and each and every of their rights in the premises, shall be wholly and for ever determined.

Not to affect
the rights of
the Crown.

XII. And be it enacted, That the present 5
Act, or any of the dispositions therein con-
tained, 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 10
person or person, body politic or corporate,
in any of the things therein mentioned, (ex-
cept as to the power and authority hereby
given to the Petitioners aforesaid, their heirs
and assigns, and except as to the rights which 15
are hereby expressly altered and extinguish-
ed,) but that Her Majesty the Queen, Her
Heirs and Successors, and all and every per-
son or persons, body politic or corporate,
their heirs and assigns, executors, and admin- 20
istrators, 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 what-
soever, and in as ample a manner as if this 25
Act had never been passed.

Penalties how
recoverable.

XIII. And be it enacted, That 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 30
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 35
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 charges of such distress
and sale are deducted, shall be returned, 40
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. 45

How divided.

XIV. And be it enacted, that the moneys to be levied by virtue of this Act, and not hereinbefore granted to the Petitioners aforesaid, their heirs and assigns, and the several 5 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 10 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 15 Treasury for the time being, in such manner and form as Her Majesty, Her Heirs and Successors shall direct.

Moneys levied by this Act, and not granted to the petitioners, and the several fines and penalties, reserved and to be accounted for to Her Majesty.

XV. Provided always, and be it enacted, that the said Bridge hereby authorised to 20 be built and erected, over and upon the said River L'Assomption shall have an elevation under the principal Arch thereof, of at least seven feet above the level of the said River, at the time at which the waters thereof are 25 usually at the highest.

Bridge to have a certain elevation under the principal Arch.

XVI. And be it enacted, That this Act shall be deemed a Public Act, and shall be 30 judicially taken notice of as such, by all Judges, Justices of the Peace, and all other persons whomsoever, without being specially pleaded.

Public Act.