

No. 52.

5th Session, 8th Parliament, 29 Victoria, 1866.

BILL.

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

Received and read, first time, Tuesday, 19th
June, 1866.

Second reading, Wednesday, 20th June,
1866.

Mr. HUOT.

OTTAWA:

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**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. Roch 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:—

Preamble.

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.

Authority to
build bridge:

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: Provided always, that if the said William John Bickell cannot agree with the owners of said lands as to the compensation therefor, the value thereof shall be determined by arbitration, which arbitration shall be conducted in manner following:—The said William John Bickell shall appoint one arbitrator, the owner of the land another, and the said two arbitrators shall appoint a third, and in case of disagreement the said third arbitrator shall be appointed by a Judge of any Court of Record, on the application of either of the parties; and such arbitrator shall have all necessary powers to summon witnesses, and to hear, swear, and examine them, and the award of the said arbitrators, or a majority of them, shall be final.

And take
land, &c.

Proviso.

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

Bridge, &c.,
vested in
Bickell.

repairing the same, shall be vested in the said William John Bickell and his representatives for ever; provided that, after the expiration of twenty-five 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 then actual value of such Bridge and other dependencies; 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 hereby 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. upon the actual value thereof; and that after such assumption of the said Bridge it shall become a Free Bridge, and shall forever thereafter be vested in and maintained by the purchasers or their representatives as such Free Bridge.

Tariff of tolls. 4. When and so soon as the said Bridge shall be erected and built, and made fit and proper for the passage of travellers, cattle, horses and carriages, and the same shall have been published in 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, 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.	
For every four-wheeled carriage or other vehicle, drawn by one horse or other animal.....	0 4½	30
For each other horse	0 1½	
For every carriage or omnibus carrying six persons, and no more than sixteen, allowing eighteen inches for each passenger.....	1 3	35
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	40
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	
For every sleigh, train, berline or other winter vehicle, drawn by one horse or other animal.....	0 3	45
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	50
For every score (20) of sheep, lambs, hogs or swine....	0 5	

Proviso. Provided always that the tolls or duties collected on the said Bridge shall never be less than those collected at the same period on Dorchester Bridge. 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, shall be exempted from the payment of the above 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 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 conspicuous place at or near the said Toll-gate, or upon the said Bridge, 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.

Tolls may be diminished &c.

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 Her Majesty shall in the manner hereinbefore mentioned, after the expiration of twenty-five years after 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 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.

7. 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 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 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 eight dollars, or be imprisoned for a period not exceeding ten days, in the common gaol of the district.

Penalty for passing without paying tolls &c.

8. 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, 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.

Penalty for destroying bridge.

9. The said William John Bickell, to entitle himself to the benefits and advantages to him by this Act granted, shall, and he is hereby required 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 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 tolls, 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 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 one year 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 impassable or unsafe, and notice thereof to him by the said Court shall have been given, cause the same to be made safe

Period for completing bridge.

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 re- 5
build the said Bridge, the said William John Bickell shall cease to have any right, title, or claim 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 rights in the premises, shall be wholly and for ever terminated. 10

Enforcement
of penalties.

10. 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 15
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 be- 20
long to Her Majesty, and the other half to the person suing for the same.

Height of
bridge.

11. 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. 25

To be a swing
bridge.

12. The said Bridge shall be a swing Bridge, and shall be so constructed as to admit of the free navigation, at all times, of the said River St. Charles, by vessels of every description capable of navigating the said river.

Indemnifica-
tion of Que-
bec Turnpike
Trust.

13. And with the view of preventing all differences between the 30
Quebec North Shore Turnpike Road Trust and the said John Bickell, it is enacted,—That in case the revenues derived from the Dorchester Bridge should be diminished in consequence of the construction of the new bridge, the said John Bickell shall be bound to indemnify the said Quebec North Shore Turnpike Road Trust in the manner following: 35

1. The said John Bickell shall every week deposit in one of the Incorporated Banks of this Province, all the tolls and revenues arising directly from the said new Bridge, which said tolls and revenues he shall not at any time withdraw, excepting upon his compliance with the conditions following: 40

2. To enable them to ascertain whether any actual diminution has taken place in the revenue of the Dorchester Bridge, the Turnpike Road Trustees shall prepare a Return at the end of every six months to be attested by them under oath shewing in detail all the revenues arising from tolls on the said Dorchester Bridge. 45

3. If it is ascertained by means of such return that the revenues derived from the Dorchester Bridge have actually diminished, the said Wm. John Bickell shall then indemnify the said Turnpike Trust out of the funds which he shall have deposited in one of the Incorporated Banks 50
of this Province, as hereinbefore prescribed, and after so doing he shall be at liberty to withdraw from the said Bank the moneys he shall have

so deposited during the preceding six months, the amount of the compensation payable in virtue of the said return being first deducted; and in the event of the said William John Bickell failing in his obligation to deposit in the Bank the Revenues of the new Bridge, in the manner hereinbefore prescribed, he shall forfeit his Charter.

4. The revenues of the said Dorchester Bridge received by the said Turnpike Trust, during the course of one year to be computed from the first day of January one thousand eight hundred and sixty-six up to the first day of January, one thousand eight hundred and sixty-seven, and in addition, the average amount of the annual increase of the revenue derived from the said Bridge as ascertained by a comparison of the revenue of each year, with that of the preceding year, for the ten years last past, as set forth in Schedule A annexed to this Act, containing a statement of the revenues of the said Bridge for the ten years last past, including the year one thousand eight hundred and sixty-six (the amount of the revenue for which year are not stated as it can only be ascertained in January next), shall be the basis upon which the revenues of future years shall be calculated; Provided always, that in the event of any accident happening, or repairs requiring to be made to the said Dorchester Bridge, by means of which the traffic on the said Bridge is suspended, the said Turnpike Road Trust shall not be entitled to any indemnification for the whole period of time the traffic shall continue interrupted.

14. It shall and may be lawful for the Quebec North Shore Turnpike Road Trustees, at any time within one year after the completion of the said Bridge by the said William John Bickell or his representatives, to acquire the said Bridge and the works necessary and appurtenant thereto, by purchase, from the said William John Bickell, at the actual cost of the said works, with eight per centum on such cost added; and in case of dispute as to such cost, the same shall be determined by arbitrators in the same manner as the value of land taken under section two of this Act, and upon payment of the amount of costs so determined, with eight per centum added, the said William John Bickell or his legal representatives shall transfer the Bridge, works and tolls, and all other privileges by this Act conferred on him, to the said Quebec North Shore Turnpike Road Trust.

Turnpike Trust may acquire bridge; &c.

15. In the event of the said Quebec North Shore Turnpike Road Trust becoming the purchasers of the said Bridge, tolls, and privileges, they shall hold and enjoy the same, subject to the terms, rights, duties and obligations imposed by this Act, in the same manner as the said William John Bickell would hold the same.

And hold it on terms of this Act.

16. This Act shall be deemed a Public Act.

SCHEDULE A.

Referred to in sub-section four of section thirteen of this Act.

Statement of the amount of Revenue of Dorchester Bridge from the year one thousand eight hundred and fifty-six to the year one thousand eight hundred and sixty-six.

Year.	Revenue.	Increase.	Reduction.	—
	£ s. d.	£	£	
1856.....	3,223 1 1	.....	.....
1857.....	3,233 4 7	10	.....
1858.....	3,452 1 8	219	.....
1859.....	3,665 16 10	213	.....
1860.....	3,654 11 3	.....	11	
1861.....	3,590 2 3	.....	64	
1862.....	3,999 4 3	409	.....
1863.....	4,137 19 11	138	.....
1864.....	4,482 8 4	345	.....
1865.....	4,694 11 3	211	.....
1866.....	.....	.....	.....
	Total.....	£1,545 75	£75	
		£1,470		