

No. 167.

1st Session, 7th Parliament, 25 Victoria, 1862.

BILL.

An Act to authorize Paul Girard to construct
a Toll-bridge over the River Etchemin.

PRIVATE BILL.

Received and read, first time, Wednesday,
7th May, 1862.

Second Reading, Thursday, 8th May, 1862.

Mr. BLANCHET.

QUEBEC :

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

An Act to authorise Paul Girard to construct a Toll-Bridge over the River Etchemin.

WHEREAS the construction of a Toll-Bridge over the River Etche- Preamble.
 min, in the Parish of St. Henri, in the County of Lewis, in the
 District of Quebec, on the Road of the Concession, known as Pointe aux
 Bois Clairs Sud, would greatly tend to promote the welfare and inter-
 5 course of the inhabitants of the said Parish and of the neighbouring
 Parishes and Townships, and of the public generally; and whereas Paul
 Girard, of the Parish of St. Gervaise, has, by a petition presented by
 him for that object, prayed to be authorised to construct a Toll-Bridge
 on the said River Etchemin, at the place above mentioned: Therefore,
 10 Her Majesty, by and with the advice and consent of the Legislative
 Council and Assembly of Canada, enacts as follows:

1. The said Paul Girard is hereby authorised to erect and construct, Paul Girard
 empowered to
 erect a toll
 bridge across
 Etchemin
 river.
 at his own cost and expense, a solid and sufficient Toll-Bridge over the
 said River Etchemin, in the said Parish of St. Henri, at the place afore-
 15 said, and to erect and construct a Toll-House and Toll-Gate, with other
 dependencies and approaches to and 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
 20 dependencies, according to the true intent and meaning of this Act.

2. For the purpose of erecting, building, maintaining and supporting Power to take
 land.
 the said Bridge, the said Paul Girard shall, from time to time, have full
 power and authority to take and use the land on either side of the said
 River Etchemin, and there to work up, or cause to be worked up, the
 25 materials and other things necessary for erecting, constructing or re-
 pairing 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 depen- Bridge and
 dependencies
 to vest in
 Paul Girard.
 30 cies 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 buildings, or maintaining and
 repairing the same, shall be vested in the said Paul Girard for ever;

Proviso: Her
 Majesty may
 assume the
 bridge, pay-
 ing the value.
 35 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 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 Paul Girard the full and entire value
 40 which the same shall, at the time of such assumption, bear and be
 worth; Provided always, that nothing herein contained shall be con-
 strued to prevent the Municipality of the Parish of St. Henri, or any
 number of inhabitants interested in the said Bridge, from acquiring, at Or any num-
 ber of inhab-

itants interested.
Indemnity to Paul Girard.

any time (as hereby it is expressly provided that they may do), the said Bridge, Toll-house, Toll-gate and dependencies, and the ascents and approaches thereto, upon paying to the said Paul Girard 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 such intrinsic value, 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 said Municipality, as such free Bridge. 5

Paul Girard may take tolls when the bridge is completed.

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 10 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. Henri, it shall be lawful for the said Paul Girard, 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 15 name of toll or duty, before any passage over the said Bridge shall be permitted, the several sums following, that is to say:

	Cents.
For every two wheeled vehicle - - - - -	.03
For every four wheeled vehicle - - - - -	.05 20
For every vehicle drawn by one horse - - - - -	.03
For every vehicle drawn by two horses - - - - -	.05
For every horse with its rider - - - - -	.02
For every person on foot - - - - -	.01
Animals and horses, each - - - - -	.01 25

Exemptions from toll.

But every person going to or returning from Divine Service, on Sunday 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; Provided, that in all cases such person and such children shall so pass free only on 30 foot.

Power to diminish or increase the same.

5. Provided always that it shall be lawful for the said Paul Girard to diminish the said tolls, or any of them, and afterwards, if he see fit, again to augment the same, or any of them, so as not to exceed in any case the rates by this Act authorised to be taken: Provided also that 35

Table of tolls to be posted up.

the said Paul Girard 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. 40

Tolls vested in Paul Girard and his heirs, &c.

6. The said tolls shall be, and the same are hereby, vested in the said Paul Girard 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, Toll-gate, and dependencies, and the ascents and 45 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 Paul Girard, for all and every the purposes of this Act.

Proviso.

Penalty for refusing to pay toll.

7. If any person shall forcibly pass through the said Toll-gate, or 50 over or upon the said Bridge, without paying the said toll, or any part

thereof, or shall interrupt or disturb the said Paul Girard, 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.

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, or cause to be erected, any bridge or bridges; nor use or cause to be used, by way of ferry, any vessel or vessels of any kind, for the carriage of any person, cattle or carriages whatsoever, for hire or otherwise, across the said river, within the distance of two miles above and two miles below the said bridge, measuring along the banks of the said river, and following its windings; and if any person or persons shall erect a toll-bridge or toll-bridges, or any free bridge or bridges of any kind, or establish any ferries of any kind, over or upon the said river, within the said limits, he shall pay to the said Paul Girard treble the tolls hereby imposed, for all persons, cattle, horses and carriages which shall pass over any such bridge or ferry.

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, 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.

10. The said Paul Girard, 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 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 a convenient and safe passage over the said Bridge, the said Paul Girard shall cease to have any right, title or claim of, in or to the tolls hereby imposed, which shall from thence forward belong to Her Majesty, and the said Paul Girard shall not, by the said tolls, or in any other manner or way, be entitled to any re-imbusement 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 Paul Girard 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 said 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 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 Paul Girard 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 forever terminated.

How penalties
shall be
levied.

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

Height of
arches above
high water.

12. Provided always that the said bridge that is to be built on the River Etchemin shall have under its arches an elevation of at least seven feet above high water, and a distance of at least seventy-five feet between the several piers thereof.

Public Act.

13. This Act shall be deemed a Public Act.