

part of its real estate to an amount not exceeding two-thirds of its actual value, and may sell or mortgage all its personal estate, chattels and effects, and may issue debentures pledging all the real and personal estate of the said company, for payment of principal and interest accruing due on the same ; provided always, that said debentures are for amounts not less than one hundred dollars, and that a certificate of the number and amount of such debentures as they are issued under the seal of the company, and signature of the president or secretary, shall be filed in the office for the registration of titles to land in the county of Temiscouata, which certificate shall be open to inspection of any person on the payment of twenty-five cents for each inspection. Proviso,

9. The several provisions of "The Joint Stock Companies General Clauses Act," shall apply to the present act in so far as applicable thereto. Provisions of general act to apply,

C A P. L X X X.

An Act to authorize Jacques Fournier, farmer, of l'Ange Gardien, district of St. Hyacinthe, to exact tolls on a bridge he has built across the river Yamaska.

[Assented to 24th December, 1872.]

WHEREAS, in order to communicate between the two banks of the river Yamaska, in the parish of L'Ange Gardien, in the upper part of the range called Saint Charles, opposite the hotel known as "des Bons Vivants," kept by Louis Dexteras ; the above named Jacques Fournier has erected, at the place aforesaid, on his own property, a solid bridge throughout its entire length, being one hundred feet long, by twelve feet wide and fifteen feet elevation, above low water level, without piers between the abutments, which leaves a free passage under the said bridge of eighty-six feet ; and whereas the said Jacques Fournier has prayed, by his petition, to be authorized to lay toll on the said bridge ; and whereas the said bridge will be of great convenience to travellers, and that it is just to make it a toll-bridge ; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

Preamble.

1. It shall be lawful for the said Jacques Fournier, or his assigns, and he is hereby permitted to erect and construct a toll-house and bar, on or near the said bridge, and to do J. Fournier may exact tolls on a certain bridge, &c.

all things necessary, useful or convenient to, and do and execute all necessary and convenient for erecting, constructing or repairing the said bridge, toll-house, toll-gate and other dependencies according to the said intent and meaning of this act.

He may take and use certain lands near the bridge on payment of compensation.

2. The said Jacques Fournier or his assigns shall, from time to time, for the purpose of erecting, building, maintaining and supporting the said bridge, have full power and authority to take and use the land on either side of the said river, and there cause to be worked up the materials and other things necessary for repairing the said bridge, doing as little damage as possible, and giving just and reasonable compensation to the owners and occupants of any land used or damaged for the value of such land or the damage caused by reason of works necessary for the building or maintenance of the said bridge or of the toll-house or other dependencies.

How compensation shall be ascertained.

3. In the event of any contestation or difference as to the amount of compensation, the amount to be paid shall be established in a summary manner and without appeal by the circuit court of the district or county, or by the court of the district or county magistrate in whose jurisdiction it may be, on a petition to that end, presented, served and adjudged according to the rules of proceeding of the circuit court in non-appealable cases.

Effect of judgment fixing compensation.

4. The judgment on such petition shall have the effect of a title conveying real estate, but before taking possession of the said property the said Jacques Fournier shall pay, to the person entitled to receive the same, the compensation awarded.

Property to be vested in J. F.

Proviso.

5. The said bridge, the said toll-house and other dependencies to be erected thereon or near thereto, and also the ascents and approaches to the said bridge, shall be vested in the said Jacques Fournier or his representatives; provided that, at the expiration of fifty years, from the passing of this act, it shall or may be lawful to 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 Jacques Fournier or his assigns, the value which the same shall, at the time of such assumption, bear and be worth.

Certain conditions previous to exacting tolls.

6. And so soon as it shall be certified by two of the justices of the peace appointed in and for the district of Saint Hyacinthe, that the said bridge is made fit and proper for use, and after previous examination by competent sur-

veyors sworn before the said two justices of the peace, and that the said certificate of the said two justices of the peace shall have been published in a newspaper of the district of St. Hyacinthe, for at least one week, it shall be lawful for the said Jacques Fournier or his assigns, to ask, demand, receive and take for their own proper use and benefit, for pontage as or in the name of toll, before any passage over the said bridge shall be permitted, the several sums following, that is to say :

For every person on foot.....	\$ 01
For every two-wheeled vehicle drawn by one horse.....	04
For every four-wheeled vehicle drawn by one horse or one ox.....	04
For every four-wheeled vehicle drawn by two horses or two oxen.....	08
For every additional horse or ox	03
For every horse and rider.....	03
For every horse, mule, cow or head of horned cattle.....	02
For every sheep, calf or pig.....	01

7. It shall be lawful for the said Jacques Fournier to diminish the said tolls, and afterwards, from time to time, and according to circumstances, to restore them; provided, however, that such tolls shall or may not be demanded, unless posted up, in an easily visible place, near the said toll-gate on a tablet, and in the French and English languages.

J. F. may diminish or restore such rates of toll upon giving notice.

8. Provided always, that no person, horse or vehicle carrying a mail or letters, under the authority of Her Majesty's Post Office Department, nor the horses or vehicles, loaded or unloaded, together with their drivers, accompanying officers or soldiers of Her Majesty's regular troops, or of the militia, on their march or on service, nor the said officers or soldiers, or any of them, nor the vehicles or their drivers or guards in charge of prisoners of any kind whatever, as well going as returning, provided always that such vehicles are not otherwise loaded, shall not be liable to pay any of the tolls aforesaid; and provided also, that any person going to a funeral, to divine service, on Sundays or legal holy-days and returning shall be exempt, as well themselves, their horses and vehicles, from the payment of the said tolls.

Exemptions from toll.

Proviso.

9. If any person shall forcibly pass over the said bridge, without paying the said toll, or shall interrupt or disturb the said Jacques Fournier or his assigns, or persons employed by him for repairing the said bridge, or other works

Penalties for offences in connection with said bridge.

on the said bridge or dependencies, or on any part of the approaches leading thereto, or shall at any time drive any animal harnessed to any vehicle or unharnessed, faster than a walk on the said bridge, every person so offending in each of the cases aforesaid, shall, for every such offence, incur a penalty not exceeding eight dollars, currency, which shall be recovered by the said Jacques Fournier by suit before any justice of the peace, within the said district, and half of such penalty shall belong to Her Majesty and half to the complainant, and in default of payment of such penalty and of the costs within the delay of fifteen days from the date of the conviction or judgment, the defendant or offender shall be imprisoned for a period not exceeding ten days in the common gaol of the district of St. Hyacinthe, unless the penalty and costs be sooner paid. And in every such suit the testimony of one credible witness shall be sufficient.

No other
bridges to be
erected within
a certain
distance,

10. As soon as the said bridge shall be open for the use of the public, no person shall erect or cause to be erected any bridge, or use or cause to be used any means of passage for the conveyance of any person or vehicle, or any animals or vehicle across the said river, within the distance of two miles south, and fourteen arpents north of the said bridge, and any person, who shall contravene this provision, shall become liable towards the said Jacques Fournier, to judgment for three times the sum to which he would have been entitled for the passage of such person, vehicle or animal, had they crossed on the said bridge, and the said Jacques Fournier may sue for the recovery of such penalty and costs in his own name, before the circuit court of the district of St. Hyacinthe: provided that nothing in this section shall deprive the public from crossing the said river within the limits aforesaid by a ford, in a canoe, or otherwise without infringing on the right and privileges hereby conferred on the said Jacques Fournier.

Proviso.

J. F. to keep
bridge in re-
pair.

11. The said Jacques Fournier, or his assigns, shall be obliged to keep and maintain the said bridge and dependencies in good order and repair, so as to afford a convenient and safe passage for travellers, and if at any time, after it shall have been erected, completed and opened for public use, the said bridge or its dependencies shall become impassable or unsafe for travelling, cattle or carriages, which may be ascertained by any judge of the superior court in vacation, or the district magistrate on complaint thereof; the said Jacques Fournier shall, immediately on the service of the order of the said court, which shall render such judgment notifying him to close the said bridge, close such bridge and prevent public access thereto, under a penalty of two hundred dollars

Penalty.

12. The said Jacques Fournier or his assigns, shall, with-
 in two years from the service of the said order, repair or
 re-build the said bridge, and before permitting access there-
 to to the public, or receiving any tolls, he shall obtain and
 publish the certificate mentioned and described in the sixth
 section of this act; and in default, the said Jacques
 Fournier or his assigns, of re-building or repairing the said
 bridge within the delay aforesaid, then, and in that case 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, or her successors, with all the rights and privileges
 of the said Jacques Fournier.

Forfeiture of
 bridge, &c., for
 non-fulfilment
 of order to
 repair.

13. The penalty imposed by the eleventh section of this
 act, shall upon proof of the offence before any justice of the
 peace for the district of St. Hyacinthe, or before the dis-
 trict magistrate either by the confession of the offender, or
 on oath of one or more credible witness or witnesses, be
 levied by distress and sale of the goods and chattels of such
 offender, and the one-half of such penalties when paid,
 levied, shall belong to Her Majesty, and the other half to
 the person suing for the same.

Recovery and
 application
 of penalties.

14. The said bridge shall be open for public use, within
 one year from the passing of this act.

Bridge to be
 open within
 one year.

C A P. L X X X I .

An Act to authorize Antoine Mayrand, Charles Mc-
 Caffray and Francis McCaffray, of Nicolet, to erect
 Piers and Booms in the River Nicolet.

[Assented to 24th December, 1872.]

WHEREAS, it is of importance for the advantages of
 lumbering on the river Nicolet and its tributaries, that
 safe and secure booms should be erected on the river
 Nicolet, from the forks of said river, or north end of *Isle à
 la Fourche*, as far down the said river, as to the southern line
 of the property of the Honorable J. B. G. Proulx, a distance of
 about two and a-half miles; and whereas Antoine Mayrand,
 Charles McCaffray and Francis McCaffray of Nicolet, have,
 by petition, prayed for a privilege to that effect; and where-
 as, it is expedient to grant the prayer of the said petition;
 Therefore, Her Majesty, by and with the advice and con-
 sent of the Legislature of Quebec, enacts as follows:

Preamble.

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