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PETITION OF RIGHT.

In the Exchequer Court of Canada.

TO THE QUEEN'S MOST EXCELLENT MAJESTY :

PROVINCE OF QUEBEC,
DISTRICT OF QUEBEC,
CITY OF QUEBEC,
TO WIT :

The humble petition of the Honorable Sir NARCISSE FORTUNAT BELLEAU, of the said city of Quebec, Knight, the Reverend ADOLPHE-IGNACE-IRÉNÉE LEGARÉ and the Reverend JEAN-BAPTISTE-ZACHARIE BOLDUC, both of the said city of Quebec, Priests in Holy Orders, and ANDREW-CHARLES STUART, of the parish of Quebec, in the said district of Quebec, Esquire, Advocate, by their attorney, HENRI-THOMAS TASCHEREAU, of the city of Quebec, Barrister.

SHEWETH :—

1. That by an act of the late Province of Lower Canada, passed in the thirty-sixth year of the Reign of His late Majesty, King George the third, intituled : " An act for making, repairing and altering the highways and bridges in " this Province, and for other purposes," it was enacted that all occupiers of lands, whether proprietors or farmers, adjoining to the king's highways, should make and keep in good repair the said highways upon the breadth of their said 20 lands respectively.

2. That Your Majesty's highways were made and kept in good repair under the provisions of the said statute, from the passing thereof up to the passing of the ordinance hereinafter mentioned, and long after, and were not made or kept in repair by the authority or control of the Government of the said Province of Lower Canada, or at its cost or expense.

3. That in the year eighteen hundred and forty-one, in the fourth year of Your Majesty's Reign, certain roads in the neighbourhood of, and leading to, the city of Quebec, were in such a state as to render their improvement an object of immediate and urgent necessity, and the Government of the said province of Lower Canada, felt that special legislation in reference to these highways was absolutely required, by which : Firstly, the said highways would be made, opened, improved and kept in repair under the control and management of certain Trustees appointed by the said Government, and secondly, a special fund created for defraying the expenses necessary therefore.

4. That in order to accomplish this object, His Excellency, the then Governor of the said Province of Lower Canada, by and with the advice of the Special Council for the affairs of that Province, said Governor and Special Council having all legislative powers for the time being, passed and enacted, in the said fourth year of Your Majesty's reign, a certain Ordinance intituled : " An Ordinance to provide for the improvement of certain roads in the neighbourhood " of and leading to the city of Quebec, and to raise a fund for that purpose."

The preamble of the said Ordinance is in the following words, which fully indicate the scope and intention thereof : Whereas " the state of " the roads hereinafter mentioned, in the neighbourhood of and leading to the " city of Quebec, were in such a state as to render their improvement an object of immediate " and urgent necessity, and it is, therefore, expedient to provide means for " effecting such improvement and to create a fund for defraying the expense " thereof, and the expenses necessary for keeping the said roads in permanent " repair."



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