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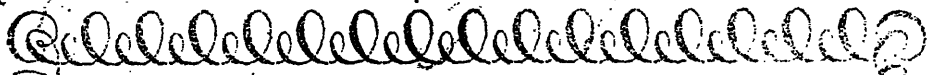
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ACTS

RELATING TO THE

TURNPIKE ROADS AND BRIDGES

IN AND NEAR

QUEBEC.

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*20 Vict. c. 125. durning
1857.*

QUEBEC:

PRINTED BY STEWART DERBISHIRE & GEORGE DESBARATS,
Law Printer to the Queen's Most Excellent Majesty.

1853.



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Law Printer to the Queen's Most Excellent Majesty.

1853.



ANNO QUADRAGESIMO OCTAVO

GEORGII. III.

CAP. X.

An Act for extending the duration of the Patent granted for erecting the Bridge over the river Saint Charles, now called Dorchester Bridge.

[14th April, 1808.]

WHEREAS His Majesty's Letters Patent were granted on the twenty-second day of April in the year of our Lord, one thousand seven hundred and eighty-nine, by His Excellency the Right Honorable Guy Lord Dorchester, then Governor in Chief of this Province, unto Nathaniel Taylor, John Coffin, William Lindsay, David Lynd, Peter Stuart, Charles Stewart, and James Johnston, Esquires, and Ralph Gray and John Purss, Gentlemen, their heirs and assigns, for constructing a Bridge over the River Saint Charles, whereby they were authorized for, and during the term of fifty years, from the date of said Letters Patent, to collect and receive certain Tolls for passing the said Bridge, and conditioned that the same (now called Dorchester Bridge,) should be delivered up to His Majesty in good and sufficient condition, at the end of the said term, free of any cost or expense. And Whereas an Act was passed in the thirtieth year of His Majesty's reign, intituled : *An Act or Ordinance for securing more effectually the Toll of the Bridge over the River Saint Charles, near Quebec,* whereby the said Tolls were confirmed, and whereas the said Bridge having been erected at a heavy expense, with a very doubtful prospect of advantage to the Proprietors, and being of great public utility and convenience, as also the first Toll Bridge erected within this Province, the Proprietors thereof merit the like favorable terms, as have been granted to any succeeding Bridge Proprietor. And Whereas a Toll Bridge has been since erected, under the authority of an Act of the Legislature, at the expense of an individual, in whom, his heirs and assigns, the same is vested for ever, with a power of assumption by His Majesty, after the expiration of fifty years, upon paying to the Proprietor the full value of the same, at the time of such assumption. May it therefore

Preamble.

Act or Ordinance 30 Geo. III. Cap. 3. recited.

Dorchester Bridge over the River St. Charles, vested in the Proprietors for ever.

His Majesty after the period of fifty years, may assume the possession and property of the said Bridge, paying the value of the same.

Letters Patent and the Act or Ordinance. 30. Geo. III. cap. 3. in force until the Bridge be assumed by His Majesty.

therefore please Your Majesty, that it may be enacted, and be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Lower Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, intituled, "*An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,*" and to make further provision for the Government of the said Province;" and it is hereby enacted by the authority of the same, that the said Bridge, over the River Saint Charles, near Quebec, called Dorchester Bridge, shall be, and is hereby vested in the present Proprietors thereof, their heirs and assigns, as Tenants in common, for ever, any thing in the said Letters Patent to the contrary thereof in any wise notwithstanding.

II. Provided always, and it is further enacted by the authority aforesaid, that after the expiration of fifty years, from the date of the said Letters Patent, but not sooner, it shall be lawful for His Majesty, his heirs and successors, to assume the possession and property of the said Bridge, upon paying to the said Proprietors thereof, their heirs, executors, curators or assigns, the value which the same may at the time of such assumption bear and be worth.

III. And be it further enacted by the authority aforesaid, that the said Letters Patent, and the above said Act or Ordinance, shall, in all and every respect, not hereby altered, be considered and taken to be of force and effect, until the said Bridge shall be assumed by His Majesty, His heirs and successors, in virtue of the Proviso contained in this Act, and no longer.

C A P . X V I I .

An Act to authorize *François Huot and Joseph Jacob*, to erect a Bridge over the Montmorency, above the Falls.

[19th May, 1812.]

Preamble.

WHEREAS the convenience and the facility of intercourse of the inhabitants of the Côte Beaupré on the North shore of the River Saint Lawrence, and of the public in general, would be much promoted by the erection of a Bridge over the River Montmorency at a convenient place above the Falls thereof. And whereas *François Huot and Joseph Jacob*, have by their Petition in this behalf prayed leave to build a Toll Bridge over the said River at the aforesaid place; therefore, may it please your Majesty that it may be enacted, and be it enacted by the King's Most Excellent Majesty, by and with the advice

advice and consent of the Legislative Council and Assembly of the Province of Lower-Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, "*An Act for making more effectual provision for the Government of the Province of Quebec in North America,*" and to make further provision for the Government of the said Province ;" And it is hereby enacted by the authority of the same, that it shall be lawful for the said *François Huot and Joseph Jacob*, and they are hereby authorized and empowered at their own costs and charges to erect and build a good and substantial Bridge, which may be passed over at all times of the year over the said River Montmorency and to erect and build one Toll House and Turnpike, which they shall be held to open or cause to be opened to Travellers, at all hours, night and day, with other conveniences on or near the said Bridge ; and also to do, perform and execute all other matters and things requisite and necessary, useful or convenient for erecting and building, maintaining and supporting the said intended Bridge, Toll House, Turnpike and conveniencies, according to the tenor and true meaning of this Act, and further that for the purpose of erecting, building, maintaining or supporting the said Bridge, the said *François Huot and Joseph Jacob*, their heirs, curators, executors and assigns shall from time to time have 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 Bridge accordingly, and the said *François Huot and Joseph Jacob*, their heirs, executors or assigns, and the persons by them employed doing as little damage as may be and making reasonable and just satisfaction to the respective owners and occupiers of all such lands and grounds as shall be altered, damaged or made use of by means of or for the purpose of erecting the said Bridge, and in case of difference and dispute about the quantum of such satisfaction, the same shall be settled by His Majesty's Court of King's Bench of and for the District of Quebec, after a previous visitation, examination and estimation of the premises shall have been made by experts to be 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 for the nomination and appointment of experts in civil suits at law, and the said Court is hereby authorized and empowered to hear, settle, and finally determine the same accordingly.

François Huot and Joseph Jacob authorized to build a toll Bridge over the river Montmorency.

II. And be it further enacted by the authority aforesaid, that the said *François Huot and Joseph Jacob* shall build or erect or cause to be built or erected the said Bridge over the said River above the Falls at the spot or place fixed by the Procès-Verbal of the Grand Voyer of the District of Quebec, dated the twenty-first

The Bridge to be built at the place fixed by the Grand Voyer.

first day of October, in the year of our Lord, one thousand seven hundred and ninety-nine, and that the road from the Ange-Gardien Church, shall to the said Bridge be opened and kept up in conformity to the said Procès-Verbal.

The Bridge &c. vested in François Huot and Joseph Jacob, his heirs and assigns for ever.

After the expiration of 50 years His Majesty may assume the possession of the Bridge on paying to *Frs. Huot and Joseph Jacob* the full value thereof.

When the Bridge is built and fit for the passage of travellers, &c. *François Huot and Joseph Jacob* authorized to take for pontage, certain Tolls. The Tolls.

III. And be it further enacted by the authority aforesaid, that the said Bridge and the said Toll House, Turnpike, and conveniencies, to be erected thereon, or near thereto, and also the ascents or approaches to the said Bridge, and all materials which shall be from time to time, gotten or provided, for erecting, building, making, maintaining and repairing the same, shall be vested in the said *François Huot* and *Joseph Jacob*, their heirs and assigns for ever. Provided that after the expiration of fifty years, to be accounted from the passing of this Act, it shall and may be lawful for His Majesty, his Heirs and Successors, to assume the possession and property of the said Bridge, Toll House, Turnpike and conveniencies, and the ascents and approaches thereto, upon paying to the said *François Huot* and *Joseph Jacob*, their heirs, executors, curators or assigns, the full and entire value which the same may at the time of such assumption bear and be worth, and when and so soon as the said Bridge shall be erected and built, and made fit and proper for the passage of Travellers, Cattle and Carriages, and that the same shall be certified by any two or more Justices of the Peace, for the District of Quebec, after examination thereof by three Experts, to be appointed and sworn by the said Justices, and be advertised in the Quebec Gazette, it shall be lawful for the said *François Huot* and *Joseph Jacob*, their heirs, executors, curators and assigns, from time to time and at all times to ask, demand, receive, recover and take toll and for their own proper use and behoof, for pontage, as or in the name of a toll or duty, before any passage over the said Bridge shall be permitted, the several sums following, that is to say : for every Coach or other four wheel Carriage, loaded or unloaded, with the Driver and four Persons, or less, drawn by two or more Horses, or other Beasts of draught, one shilling and three pence, currency ; for every Chaise, Calash, Chair, with two wheels or Cariole, or other such Carriage, loaded or unloaded, with the Driver and two Persons, or less, drawn by two Horses or other Beasts of draught, four pence, currency ; and if drawn by one Horse or other Beast of draught, three pence, currency ; for every Cart, Sled or other such Carriage, loaded or unloaded, drawn by two Horses, Oxen or other Beasts of draught, with the Drivers, four pence, currency ; and if drawn by one Horse, or other Beast of draught, three pence, currency ; for every Person on foot, one half penny, currency ; for every Horse, Mare, Gelding, Mule, or other Beast of draught, laden or unladen, two pence half penny, currency ; for a Horse and his Rider, two pence, currency ; for every Bull, Ox, Cow and all other horned and neat Cattle, each, one penny half penny, currency ; for every Hog, Goat, Sheep, Calf or Lamb, one penny currency.

IV. Provided always and be it further enacted by the authority aforesaid, that no person, Horse or Carriage employed in conveying a Mail or Letters under the authority of His Majesty's Post Office, nor for the Horses, Carriages, laden or not laden, and Drivers attending Officers and Soldiers of His Majesty's Forces, or of the Militia, whilst upon their march or on duty, nor the said Officers or Soldiers, or any of them, nor Carriages and Drivers or Guards sent with prisoners of any description, shall be chargeable with any tolls or rates whatsoever. Provided also, that it shall and may be lawful for the said *François Huot* and *Joseph Jacob*, their heirs, executors, curators or assigns to diminish the said Tolls, or any of them, and afterwards if 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 said *François Huot* and *Joseph Jacob*, their heirs, executors, curators or assigns shall affix or cause to be affixed, in some conspicuous place, at or near such 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.

Exemption in certain cases.

François Huot and *Joseph Jacob* may reduce and afterwards advance the Tolls.

Table of rates to be fixed in some conspicuous place at each Toll Gate.

V. And be it further enacted by the authority aforesaid, that the said Tolls shall be, and the same are hereby vested in the said *François Huot* and *Joseph Jacob*, their heirs and assigns for ever. Provided, that if His 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 conveniences, and the ascents and approaches thereto, then the said Tolls shall, from the time of such assumption, appertain and belong to His Majesty, his heirs and successors, who shall from thenceforward be substituted in the place and stead of the said *François Huot* and *Joseph Jacob*, their heirs and assigns, for all and every the purposes of this Act.

Tolls vested in *François Huot* & *Joseph Jacob*.

Unless His Majesty, at the end of 50 years shall assume the possession of the Bridge, &c. then the same shall be vested in His Majesty.

VI. And be it further enacted by the authority aforesaid, that if any person shall forcibly pass through the said Turnpike without paying the Toll or any part thereof, or shall interrupt or disturb the said *François Huot* and *Joseph Jacob*, their heirs, executors, curators or assigns, or any person or persons employed for them, for building or repairing the said Bridge, or for making or repairing the way over the same, or any road or avenue leading thereto, every person so offending, in each of the cases aforesaid, shall for every such offence, forfeit a sum not exceeding forty shillings, currency.

Penalty on persons forcibly passing the Turnpike without paying Tolls, or who shall obstruct the said *François Huot* & *Joseph Jacob*, in building the Bridge, &c.

VII. And be it further enacted by the authority aforesaid, 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 Carriages whatsoever,

As soon as the Bridge is completed, no other bridge to be erected within half a league on each side.

whatsoever, for hire across the said River Montmorency within half a league from the said Bridge, above the Falls, and if any person or persons shall erect a Toll Bridge or Toll Bridges within the said limits, he or they shall pay to the said *François Huot* and *Joseph Jacob*, 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, Carriage or Carriages, across the said River, within the limits aforesaid, such Offender or Offenders, shall for each Carriage, Person or Animal so carried across, forfeit and pay the sum of forty Shillings, currency. Provided that nothing in this Act contained shall be construed to deprive the public from passing any of the Fords, in the said River, within the limits aforesaid.

Penalty.

Proviso.

Penalty on
Persons pul-
ling down the
Bridge or Toll
Houses.

VIII. And be it further enacted by the authority aforesaid, that if any person shall maliciously pull down, burn or destroy the said Bridge, or the Toll House to be erected by virtue of this Act, every person so offending, and being thereof lawfully convicted, shall be deemed guilty of Felony.

François Huot
& *Joseph Jacob*
required to
erect the
Bridge within
three years.

IX. And be it further enacted by the authority aforesaid, that the said *François Huot* and *Joseph Jacob*, to entitle themselves to the benefits and advantages to them, by this Act granted, shall and they are hereby required to erect and complete the said Bridge, Toll House, Turnpike and conveniencies within three years from the day of the passing of this Act; and if the same shall not be completed within the time last mentioned, so as to afford a convenient and safe passage, over the said Bridge, they the said *François Huot* and *Joseph Jacob*, their heirs, executors, curators and assigns, shall cease to have any right, title or claim of, in or to the said Tolls hereby imposed, which shall from thenceforward belong to His Majesty; and the said *François Huot* and *Joseph Jacob* 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 the buildings 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, they the said *François Huot* and *Joseph Jacob*, their heirs, executors, curators or assigns, shall and they are hereby required, within eighteen months from the time at which the said Bridge shall by his 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 them by the said Court given to cause the same to be rebuilt or repaired, and made safe and commodious for the passage of Travellers, Cattle and Carriages; and if within the time last mentioned, the said Bridge be not so repaired or rebuilt, as the case may require, then the said Bridge, or such part or parts thereof as shall be remaining, shall be and be taken and considered

Penalty if not
completed.

considered to be the property of His Majesty; and after such default to repair or rebuild the said Bridge, the said *François Huot* and *Joseph Jacob*, their heirs, executors, curators or assigns, shall cease to have any right, title or claim of, in, to or out of the said Bridge or the remaining parts thereof, and the Tolls hereby granted, their right in the premises, shall be wholly and for ever determined.

X. And be it further enacted by the authority aforesaid, that the road under the high lands of the parishes of Beauport and l'Ange Gardien leading below the Falls of the River Montmorency, and such as the same heretofore existed and does still exist, shall continue to be opened free and public, and shall not be shut up or obstructed, any law and custom to the contrary notwithstanding.

Road between the parishes of Beauport and l'Ange Gardien to be continued to be kept up.

XI. And be it further enacted by the authority aforesaid, that the penalties hereby inflicted, shall, upon proof of the offences respectively before any one or more of the Justices of the Peace for the district of Quebec, either by 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, and the overplus, after such penalties and the charges of such distress and sale are deducted, shall be returned upon demand to the owner of such goods and chattels, one half of which penalties, respectively, when paid and levied, shall belong to His Majesty, and the other half to the person suing for the same.

Penalties how recoverable.

XII. And be it further enacted by the authority aforesaid, that the money to be levied by virtue of this Act, and not herein before granted to the said *François Huot* and *Joseph Jacob*, their heirs and assigns, and the several Fines and Penalties hereby inflicted, shall be, and the same are hereby granted and reserved to His Majesty, his Heirs and Successors, for the public uses of this Province, and the Government thereof, in manner herein-before set forth and contained; and the due application of such money, fines and penalties shall be accounted for to His Majesty, his Heirs and Successors, in such manner and form as he or they shall direct, through the Lords Commissioners of His Majesty's Treasury for the time being.

Money levied by this Act and not granted to *François Huot* & *Joseph Jacob*, and the several fines and penalties, granted to His Majesty to be accounted for to His Majesty.

XIII. And be it further enacted by the authority aforesaid, that this Act or any thing herein contained, shall not extend or be construed to extend to lessen, take away or affect the right or privileges of the King's Majesty, his Heirs or Successors, or any person or persons, bodies politic or corporate in or to the principles (except the powers and authorities hereby given to the said *François Huot* and *Joseph Jacob*, and their Heirs and Successors or Assigns, and except such as are expressly altered

This Act not to affect the King's right, &c.

or extinguished by this Act) but that the King's Majesty, his Heirs and Successors, and all and every person or persons, bodies politic or corporate, their successors, heirs, executors and administrators shall have, hold, exercise and enjoy all such rights, (except as before excepted) as they, every or any of them had before the passing of this Act, in as full and ample a manner to all intents and purposes, as if this Act had never been made.

Public Act.

XIV. And be it further enacted by the authority aforesaid, that this Act shall be deemed a public Act, and shall be judicially taken notice of as such by all Judges, Justices and all other persons whomsoever, without being specially pleaded.

CAP. XXVIII.

An Act to authorize *Anthony Anderson* and others, Proprietors of *Dorchester Bridge*, to remove the same.

[24th April, 1819.]

Preamble.

WHEREAS *Anthony Anderson, Charles Smith, John Goudie* and others, Proprietors of *Dorchester Bridge*, over the River *Saint Charles*, in the County of *Quebec*, have, by their Petition in this behalf presented to the Legislature, prayed for leave to remove the said Bridge from the place where it now is, and to build another upon the same terms and with like tolls as are now taken and received by them for travellers, cattle and carriages passing upon the said Bridge, nearer to the mouth of the said river, from the Suburbs of *Saint Roch*, on the prolongation of *Craig Street* to the land belonging to or in possession of the above named *Anthony Anderson*, on the opposite side of the said River *Saint Charles*, for which purpose he, the said *Anthony Anderson*, hath by the aforesaid petition voluntarily offered a sufficient space or portion of ground as well as for roads of communication from the said bridge which they intend to build with the main roads leading to the parishes of *Beauport* and *Charlesbourg*; and whereas the erection of a Draw-Bridge at the place last above-mentioned, would materially contribute to the improvement of the City of *Quebec*, and essentially facilitate the communication of the inhabitants of the parishes north of the said River *Saint Charles* with the said City, and thereby be of much public utility;—May it therefore please Your Majesty that it may be enacted, and be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Lower-Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great-Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, "*An Act for making more effectual*
"provision

“provision for the Government of the Province of Quebec, in “North America,” and to make further provision for the Government of the said Province ;” And it is hereby enacted by the authority of the same, that it shall and may be lawful, from and after the passing of this Act, for the proprietors of the said Dorchester Bridge, or any number of them representing at least two thirds of the shares in the said Bridge, voting according to the shares which they may respectively hold in the said bridge, one vote for each share, to build and erect a Draw-Bridge at the place above-mentioned, over the aforesaid River Saint Charles, the Draw-gate of which said Bridge, for the passage of the vessels, boats or rafts shall at least be fifty feet in the clear between the pillars ; and when finished and completed, to ask, demand, recover and receive, before any passage over the said bridge shall be permitted, the same toll as by law they, the Proprietors aforesaid, now are entitled to have for passage over Dorchester Bridge aforesaid ; which said Draw-Bridge when erected, shall be, and the same is hereby vested in the present proprietors of the aforesaid Dorchester Bridge, their heirs and assigns for ever, in the same proportions as they the Proprietors, at the time of the passing of this Act, are possessed of the shares and tolls in and of Dorchester Bridge, unless it shall hereafter be otherwise mutually agreed upon by the said Proprietors. Provided always, that if His Majesty shall, after the expiration of fifty years from the date of the Letters Patent in virtue of which Dorchester Bridge aforesaid hath been constructed, assume the possession and property of the said Draw-Bridge, with the Toll-House, Turnpike and the dependencies which may thereunto appertain and belong, and the ascent and approaches thereto, the Proprietors of the said Draw-Bridge, their heirs, executors, curators and assigns shall be entitled to recover and have from His Majesty, his heirs and successors, the full and entire value which the same shall bear and be worth at the time of such assumption, and the said tolls shall from the time of such assumption appertain and belong to His Majesty, his heirs and successors, who shall from thenceforward be substituted in the stead of the said Proprietors of the said Draw-Bridge for all and every the purposes of this Act.

After the passing of this Act, the Proprietors of Dorchester Bridge may build a Draw Bridge over the river St. Charles, at the place fixed for the new Bridge.

If His Majesty after 50 years from the date of the Letters Patent, in virtue of which Dorchester Bridge has been granted, shall assume the property of the said draw Bridge, then the Toll shall belong to His Majesty.

II. Provided always, and be it further enacted by the authority aforesaid, that such of the Proprietors of Dorchester Bridge aforesaid as may be unwilling to incur the expence of contributing towards the building of the intended Draw-Bridge herein-before mentioned, shall not be bound in any manner to contribute towards the building and erection of the same, and in order that such Proprietors as may be unwilling to incur their proportion of the expence for the erection of the said intended Draw-Bridge, may be indemnified for the loss of their respective shares of the tolls on Dorchester Bridge aforesaid, three *experts* or arbitrators shall be mutually named and appointed by the Proprietors willing to erect the said intended

Such proprietors of Dorchester bridge, as may be unwilling to incur the expence of building the draw bridge, to be indemnified for the loss of their respective shares of the toll on Dorchester bridge.

Draw-Bridge,

Draw-Bridge, and by those who are unwilling so to do, which said *experts* shall estimate the loss sustained and compensation to be made by the Proprietors willing to erect the said Draw-Bridge to those unwilling so to do, and in case of difference of opinion, the said *experts* shall agree upon and name a seventh *expert*, whose award or umpirage shall be final and conclusive upon all parties, and the Proprietors of Dorchester Bridge, who shall cause the said intended Draw-Bridge to be erected, shall pursuant to such award or umpirage be liable for and pay the amount of the same, according to the proportions which, at the time of the passing of this Act, they may respectively hold and possess in Dorchester Bridge aforesaid.

Proprietors of the draw-bridge bound to raise the gate of the draw-bridge, for the passage of vessels having masts without paying any tolls :

III. And be it further enacted by the authority aforesaid, that the Proprietors of the said Draw-Bridge, their agent, toll-gatherer or other representative, having charge of the said Draw-Bridge, shall at all times, upon verbal notice or request to that intent, be bound to raise within a reasonable time not exceeding one hour, the gate of the said Draw-Bridge without any toll, fee or recompense whatsoever, in order to afford and give free passage to all and every vessel, craft or decked boat having a mast or masts, navigating in or upon the said River Saint Charles, under the Penalty not less than twenty shillings and not more than twenty pounds, current money of this Province, for each and every default, to be recovered against them the said Proprietors or any one of them, with costs of suit to such person or persons as may be aggrieved by reason of each and every such default, without prejudice to the damages which may have been caused by the neglect or delay in raising the gate of the said Draw-Bridge, and for which the said Proprietors of the said Draw-Bridge so as aforesaid intended to be built, shall be jointly and severally responsible. Provided always, that the Proprietors of the said intended Draw-Bridge shall not be bound nor obliged to cause the said Draw-gate to be raised for any vessel, craft, boat or bateau, the mast or masts whereof are moveable, or such as can be unshipped or lowered so as to pass underneath the said Draw-Gate.

But not bound to raise the same for such vessels, whose masts are moveable and can be unshipped, so as to pass underneath the said draw gate.

Proprietors to affix a table of the rates of the tolls.

IV. And be it further enacted by the authority aforesaid, that the Proprietors of the said intended Draw-Bridge shall cause to be affixed in some conspicuous place at or near the Toll-gate of the said Draw-Bridge, a Table of the rates payable for passing over the said Draw-Bridge.

In case the intended Bridge becomes impassable, proprietors to repair the same, for the passage of Travellers, cattle and carriages.

V. And be it further enacted by the authority aforesaid, that in case the said intended draw bridge shall at any time become impassable or unsafe for travellers, cattle or carriages, the Proprietors of the said Draw-Bridge so as aforesaid intended to be built, shall, and they are hereby required within four months from the time at which the said Draw-Bridge shall by His Majesty's Court of Quarter Sessions of the Peace, in and for the District of Quebec, be ascertained to be impassable or unsafe,

unsafe, and notice thereof to any of them, the Proprietors of the said Draw-Bridge, or to their agent or Toll-gatherer given, to cause the same to be repaired and made safe and commodious for the passage of travellers, cattle and carriages, and if within the time last mentioned the said Draw-Bridge be not so repaired as the case may require, then the said Bridge or such part or parts thereof as shall be remaining, shall be and be taken and considered to be the property of His Majesty, and after such default to repair the said Draw-Bridge, the proprietors of the same, their heirs, executors, curators or assigns shall cease to have any right, title or claim of, in or to the said Draw-Bridge or the remaining parts thereof, and the tolls hereby granted, and their and every of their right or rights in the premises shall be wholly and for ever determined. Provided always, that before the said default is incurred and during the interval hereby allowed for the repairing of the said intended Draw-Bridge, it shall and may be lawful for the Proprietors of the same, their heirs, executors, curators and assigns, and they are hereby authorized and required to provide proper and convenient ferry-boats, scows or canoes for the passage of travellers, cattle and carriages over the said River, as near the said intended Draw-Bridge as conveniently may be, and to demand, collect and receive for the passage of such travellers, cattle and carriages in the said ferry-boats, scows or canoes, before they respectively shall be permitted to pass, the like tolls as are hereby authorized to be taken for passing over the said intended bridge, any thing herein contained to the contrary in any wise notwithstanding. Provided always, that in the event of the said bridge being carried away or accidentally destroyed, the said Proprietors shall be allowed and held to rebuild the same within eighteen months from the time of such accident.

During the time the Bridge is building, convenient ferry boats to be provided for the passage of Travellers, &c.

In the event of the Bridge being carried away, the proprietors to rebuild the same within 18 months.

VI. And be it further enacted by the authority aforesaid, that if any person shall maliciously pull down, burn or destroy the said Draw-Bridge or any part thereof, or the Toll-House which may be erected on or adjacent thereto, every person so offending and thereof lawfully convicted, shall be deemed guilty of felony.

Penalty on persons destroying the Bridge.

VII. And be it further enacted by the authority aforesaid, that any person either on horseback or in carriage, calash or cart, who shall trot or gallop over or upon the said intended Draw-Bridge, or who shall thereupon drive any horses, oxen or cattle of any description at any other pace than a walk, or who shall fire or discharge any fowling-piece or gun, on any part of the said intended Draw-Bridge, or who shall use any force or violence to pass over the said Draw-Bridge, without previously paying the tolls provided and established by this Act, on being thereof lawfully convicted as hereinafter provided, shall, for every such offence, incur a forfeiture and penalty not exceeding forty shillings current money of this Province, one half of which penalty shall belong to the owners of the said intended

Penalty on persons driving or galloping over the Bridge.

intended Draw-Bridge, or to the person informing and prosecuting for the same, and the other half to His Majesty.

Proprietors to keep up certain roads leading to and from the said Bridge.

VIII. Provided always and be it further enacted by the authority aforesaid, that the Proprietors of the aforesaid intended Draw-Bridge shall, at their own proper cost and charges, open and at all times hereafter maintain the roads which it may be necessary to make from the said Draw-Bridge to the roads now leading to the Parish of Charlesbourg from Dorchester Bridge aforesaid, and the road which it may be necessary to make from the said intended Draw-Bridge to the road leading to the Parish of Beauport, as well as the space of road which it may be necessary to make between the said intended Draw-Bridge and the road or way leading to the Parish of Beauport aforesaid, which passes along the Beach of the River Saint Lawrence. Provided that the same do not extend beyond the property belonging to and now occupied by the above named *Anthony Anderson*, adjacent to the place where the said intended Draw-Bridge is to be erected.

No Bridge to be built or Ferry established within a certain distance of the intended Bridge.

IX. And whereas it is just and equitable that the north-eastern limit within which an exclusive privilege hath by an Act or Ordinance passed in the thirtieth year of His Majesty's reign, intituled, "An Act or Ordinance for securing more effectually the toll of the Bridge over the River Saint Charles near Quebec," been granted to the proprietors of Dorchester Bridge aforesaid, be, so soon as the intended Draw-Bridge shall be built, extended to a limited distance below the north-eastern limit prescribed by the aforesaid Act or Ordinance which is fixed at the north-west boundary of the land the property of the late Honorable *William Grant*; Be it therefore enacted by the authority aforesaid, that no person or persons shall erect or cause to be erected any Bridge or Bridges, or work or works, or use any ferry for the carriage of any persons, cattle or carriages whatsoever, for hire, across the said River Saint Charles above the point or place where the north-eastern boundary line of the land heretofore the property of the late Honorable *William Grant*, mentioned in the above recited Act or Ordinance, intersects the aforesaid River Saint Charles, the said north-eastern boundary line being on St. Roch Street, in the suburb of Saint Roch, in the City of Quebec, and if any person or persons shall erect a toll-bridge or toll-bridges over the said river within the limits above described, he or they shall pay to the Proprietors of the said Draw-Bridge, so intended to be built as aforesaid, their heirs, executors, curators and assigns, treble the tolls hereby imposed for the persons, cattle or 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 Saint Charles within the limits aforesaid, every person so offending shall for each carriage, person, or animal so carried across, forfeit and pay a sum not exceeding twenty shillings,

shillings, current money of this Province. 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 to cross over in canoes or boats, without gain or hire.

Public may pass the Fords within the limits, and cross the same in canoes without gain or hire.

X. And be it further enacted by the authority aforesaid, that the Proprietors of Dorchester Bridge aforesaid, or such of them as hold a majority of shares therein, to entitle themselves to the benefit of this Act, shall cause the said Draw-Bridge which they are hereby authorized and empowered to build and erect, to be built, erected and complete for the passage of Travellers, Cattle and Carriages, over the said River Saint Charles, within Thirty Months from and after the passing of this Act, which, if the said Draw-Bridge be not built, erected and complete within the period hereinbefore fixed, shall, at the expiration of the said period, be null and void to all intents and purposes whatsoever.

Proprietors to build the Bridge within a certain time.

XI. And be it further enacted by the authority aforesaid, that nothing in this Act contained, shall extend or be construed to extend to weaken, diminish or extinguish the rights and privileges of His Majesty the King, his heirs and successors, nor of any person or persons, body politic or corporate in any of the things herein mentioned, except as to the powers and authority hereby given to the Proprietors of the said Draw-Bridge so as aforesaid intended to be built, and except as to the rights which are hereby altered or extinguished, but that His Majesty the King, his heirs and successors, and all and every person or persons, body politic or corporate, their heirs and assigns, executors and administrators, 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 whatsoever, and in as ample manner as if this Act had never been passed.

Saving of the King's Rights.

XII. And be it further enacted by the authority aforesaid, that the penalties hereby imposed, shall, upon proof of the offences respectively before any one or more of the Justices of the Peace for the District of Quebec, either by confession of the offender or by the oath of one or more credible witness or witnesses, which oath such Justice of the Peace is hereby empowered and required to administer, be levied by distress and sale of the goods and chattels of the offender by warrant signed by such Justice or Justices of the Peace, and the surplus after such penalties and the charges of such distress and sale are deducted, shall be returned upon demand to the owner of such goods and chattels, and one half of which penalties respectively, when levied and paid, shall belong to His Majesty, and the other half to the person suing for the same.

Penalties how recoverable.

Application of the money to be accounted for to His Majesty.

XIII. And be it further enacted by the authority aforesaid, that the money which may be levied in virtue of this Act and not herein-before granted to the Proprietors of the said Draw-Bridge so as aforesaid intended to be built and erected, shall be, and the same are hereby granted and reserved to His Majesty, his heirs and successors for the public uses of the Province and for the support of the Government thereof, and the due application of such money, fines and penalties shall be accounted for to His Majesty, his heirs and successors through the Lords Commissioners of His Majesty's Treasury for the time being, in such manner and form as His Majesty, his heirs and successors shall direct.

Public Act.

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

CAP. XVII.

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.

Preamble.

WHEREAS the state of the Roads hereinafter mentioned, in the neighbourhood of, and leading to the City of Quebec, is such 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 expense necessary for keeping the said Roads in permanent repair:—Be it therefore Ordained and Enacted by His Excellency the Governor of this Province of Lower-Canada, by and with the advice and consent of the Special Council for the affairs of this Province, constituted and assembled by virtue and under the authority of an Act of the Parliament of the United Kingdom of Great Britain and Ireland, passed in the first year of the Reign of His present Majesty, intituled, "*An Act to make temporary provision for the Government of Lower-Canada,*" and also by virtue and under the authority of a certain other Act of the same Parliament, passed in the Session held in the second and third years of the Reign of Her present Majesty, intituled, "*An Act to amend an Act of the last Session of Parliament, for making temporary provision for the Government of Lower-Canada;*" and also by virtue and under the authority of a certain other Act of the same Parliament, passed in the Session held in the third and fourth years of the Reign of Her present Majesty, intituled, "*An Act to Re-unite the Provinces of Upper and Lower-Canada, and for the Government of Canada;*" and it is hereby Ordained and Enacted by the authority of the said Acts of Parliament, that it shall and may be lawful for the

The Governor may appoint

Governor

Governor of the said Province, by Letters Patent under the Great Seal of the Province, at any time after the passing of this Ordinance, to appoint not less than five, nor more than nine persons to be, and who and their successors, to be appointed in the manner hereinafter provided, shall be Trustees for the purpose of opening, making and keeping in repair the Roads hereinafter specified.

Trustees for opening, making and keeping in repair certain roads leading to Quebec.

II. And be it further Ordained and Enacted, that in case of the death, absence for more than three months from the Province, misconduct, inability, or neglect to act, or resignation of any one or more of the Trustees so to be appointed, the Governor of the said Province may declare a vacancy in the said Trust, and supply and fill such vacancy by the appointment of Letters Patent, of other one or more Trustees as the case may require; and until such appointment, the remaining Trustee or Trustees, and the majority of them, shall continue to do and perform all and every the acts, matters and things necessary for and appertaining to their Trust and the purposes of this Ordinance.

In case of the death, &c. of any of the Trustees, the Governor to appoint others in their place.

III. And be it further Ordained and Enacted, that the said Trustees, for all the purposes of this Ordinance, may by the name of "The Trustees of the Quebec Turnpike Roads," sue and be sued, and answer and be answered unto in all Courts of Justice and other places, and may acquire property and estate, moveable and immoveable, which being so acquired shall be vested in Her Majesty for the public uses of the Province, subject to the management of the said Trustees, for the purposes of this Ordinance; and may in the manner which they shall deem fit, cause the said Roads and each of them and the Bridges thereupon, to be improved and widened, repaired and made anew, and may change the direction of the said Roads, or of any or either of them, and may cause to be repaired and made anew and maintained, all drains and other passages which they may deem necessary either within or without the fences on the sides of the said Roads or of any of them, or in or through any lands or premises whatsoever, and may for the purposes aforesaid, or for any of them, by themselves, their agents and servants, go into and enter upon, and take any land or real property whatsoever, or take therefrom any earth, stone or other materials which they may deem necessary for the purposes of this Ordinance; and may cause to be erected gates, toll-bars, turnpikes, turnpike-houses, and other buildings, and may from time to time appoint and employ a Surveyor, and all such officers and persons under them as they may deem necessary for the purposes of this Ordinance, and may remove such Surveyor and other officers and persons, or any of them, and appoint others in their stead, and may cause to be given by and take and receive from such officers and persons respectively, security for the due performance of their respective duties, and may pay to such Surveyor, officers and persons,

Trustees may sue and be sued, &c. and may acquire property and estate.

May improve, widen, repair, &c. the said roads, and the bridges thereon, in the manner they may deem fit.

May erect toll-bars, gates, turnpikes, &c. may employ a Surveyor and other persons, and grant them a compensation.

such reasonable compensation as the said Trustees shall deem meet, and may generally do and perform all such matters and things as may be necessary for carrying this Ordinance into effect according to the true intent, meaning and object thereof; any law, statute or usage to the contrary notwithstanding.

Trustees, before acquiring any land from proprietors, to pay them the value of such land, and compensation for damages suffered.

If the party entitled to such value, &c. be not satisfied with the sum offered, the sum to be decided by a jury.

Proviso.

The amount of compensation for land may also be estimated by appraisers.

IV. And be it further Ordained and Enacted, that the said Trustees, before acquiring any land for the purposes of the said Trust (except in the case provided in the seventh section of this Ordinance) shall pay to the proprietor or proprietors thereof, the just and reasonable value of such land, and they shall make reasonable satisfaction to each and every person, body politic or corporate, who shall have suffered damage by reason of any thing done by them in carrying this Ordinance into effect, beyond the amount of such damage as the party might have been bound to suffer without compensation, before the passing of this Ordinance, by the laws of this Province; and if the party entitled to such value or compensation shall not be satisfied with the sum offered by the said Trustees, the same shall be decided by a Jury to be empannelled and sworn for that purpose, at any sitting of the Court of Quarter Sessions for the present District of Quebec, or for the District in which the city of Quebec shall be situate, at the suit of the party sustaining such damage, and if the damages awarded by the verdict of such Jury shall exceed the compensation offered, the Trustees shall pay the costs of suit, which shall otherwise be paid by the party who shall have brought the same: Provided always, that the said Trustees shall in no case be bound to make or maintain any fence between any part of the roads they are hereby authorized to make, and the lands through which the same shall pass; but if any proprietor of any land shall, by reason of this enactment sustain any loss, or become subject to any expense which he would not have been bound by the law now in force to bear without compensation, if the said Roads had been directed to be made by any *Procès-Verbal* of the Grand Voyer duly homologated, then compensation shall be made to such proprietor by the said Trustees for such loss or expense, and the amount thereof shall be ascertained in the manner herein provided with regard to other damages sustained by any party by reason of any thing done under the authority of this Ordinance.

V. And to prevent delay in the formation and perfecting the Roads mentioned in this Ordinance, be it further Ordained and Enacted, that in case any party entitled to receive value or compensation for land required for the purposes of the said Trust, shall not be satisfied with and shall refuse to receive the sum or sums of money offered therefor by the said Trustees, it shall be lawful for the said Trustees to appoint an Appraiser or *Expert*, and to require the party dissatisfied to appoint another Appraiser or *Expert*, and to notify to the said Trustees or their Secretary in writing of such appointment; and the

two Appraisers or *Experts* so appointed, shall estimate and report to the said Trustees the value or compensation to be paid to the said dissatisfied party; and in case of disagreement between the said Appraisers or *Experts*, or in case the party dissatisfied shall refuse or neglect to appoint an Appraiser or *Expert* within twenty-four hours after written notice from the said Trustees or their Secretary, shall have been left at the domicile or at the usual place of business of the said dissatisfied party, or in case the Appraiser or *Expert* of the said dissatisfied party shall refuse or neglect to act within three days after such appointment shall have been notified to him, any one of the Justices of any one of Her Majesty's Court of Law, having superior jurisdiction in the said District of Quebec, or in the District in which the City of Quebec shall be situate shall, upon summary petition of the Trustees, and proof upon the oath of one credible witness, of either of the refusals or neglects aforesaid, forthwith appoint an Appraiser or *Expert* to act on behalf of the said dissatisfied party; and the Appraisers or *Experts* appointed as aforesaid, shall estimate the value or compensation to be paid by the Trustees, and shall report the same to them in writing; and in case of disagreement between the Appraisers or *Experts*, they the said Appraisers or *Experts* shall appoint an Umpire, or if they cannot agree on the appointment of an Umpire, one of the Justices aforesaid shall, without loss of time, on the summary petition of the said Appraisers or *Experts* or of the Trustees, appoint an Umpire; and the report of any two of the said Appraisers or *Experts* and Umpire, shall have equal effect, as if the same had been or were made by the two Appraisers or *Experts* concurrently, and upon the amount of such estimated and reported value or compensation being duly tendered by the Trustees to the dissatisfied party, either personally or at his domicile, or at his usual place of business, it shall be lawful for the said Trustees, whether such tender be refused or accepted, immediately to enter into and upon the land required for the purposes of the said Trust, the value or compensation whereof shall have been tendered as aforesaid, without awaiting the impannelling, swearing in and decision of a jury, as is required by the fourth section of this Ordinance, any thing in this Ordinance to the contrary notwithstanding; Provided always, that nothing herein contained shall be construed to prevent any proprietor of land, required for the purposes of the said Trust, the value or compensation whereof shall have been estimated and tendered as aforesaid, or to prevent the Trustees, if they the said Trustees shall be dissatisfied with the estimated and reported value, from requiring the impannelling, swearing in, and decision of a jury, for the purposes and in the manner specified in the said fourth section of this Ordinance, saving always the right of the said Trustees to enter into and use the land from and after the time of such tender as aforesaid.

When the trustees may enter into and use the said lands.

Neither party prevented from requiring the decision of a jury as to the amount of compensation.

In case of a doubtful title, the amount to be paid to the Prothonotary at Quebec, and the Trustees to take possession of the land.

VI. And as in certain cases it may be doubtful to whom the compensation ascertained by the award of a jury empannelled for that purpose, or in any other lawful manner, to be payable by the said Trustees, for any land or real property taken or damage done to any party in the exercise of the powers vested in them by this Ordinance, shall be paid; be it therefore further ordained and enacted by the authority aforesaid, that it shall be lawful for the said Trustees in all such cases of doubtful title, to cause the amount of such compensation to be lodged in the hands of the Prothonotary of the Court having superior original civil jurisdiction in the District of Quebec, or in the Territorial Division in which the City of Quebec shall be situate, to await the distribution of the said Court to the party or among the parties lawfully entitled to such compensation or to any part thereof, and thereupon immediately to enter upon and take possession of the premises for which such compensation shall have been so awarded.

An annual rent to be paid for property acquired from persons who cannot in common course of law sell them.

VII. And be it further Ordained and Enacted, that if the said Trustees in the execution of their trust and for the purposes of this Ordinance shall, as they are hereby authorized to do, acquire and hold any lands or grounds belonging to or in possession of any body politic, community, corporation, or person or persons whomsoever, who cannot in common course of law sell or alienate any such lands or grounds, an annual rent to be fixed by agreement or by arbitration, and not a principal sum, shall be paid as an equivalent; and in case the said parties shall not agree upon the amount of such rent, or upon arbitration to fix the same, the said rent shall be settled and determined by the judgment of any Court of competent jurisdiction, to be rendered in an action or actions to be instituted for that purpose by the parties concerned against the said Trustees; Provided always, that if the amount at which the said annual rent shall be settled by such judgment, shall not exceed any sum which the said Trustees may have tendered previously to the institution of such action, the parties instituting the same shall pay all costs of suit; but if otherwise, the Trustees shall pay all costs of suit; and for the payment of the said annual rent, and every other annual rent agreed upon, or ascertained, for the purchase of any lands or grounds, the tolls to be levied and collected under this Ordinance, shall be and are hereby made liable and chargeable in preference to all other claims whatsoever.

The tolls to be levied chargeable for all annual rents.

The trustees may appoint one of their number to be manager of their trust.

VIII. And be it further Ordained and Enacted, that the said Trustees, or a majority of them may, by an instrument in writing signed by them, appoint one of their number to be manager of the said trust; and any and all acts, matters and things by him done and performed in and about the said trust, and for the purposes of this Ordinance, and any and all writings and documents whatsoever relating to or connected with the said trust and the purposes of this Ordinance, signed by him

him and countersigned by two of the other Trustees in case they be five in number, or by three of the other Trustees in case they be more than five in number, shall be held to be good and valid to all intents and purposes whatsoever: **Provided** always, that the said Trustees, or a majority of them, may, by an instrument under their hands, revoke such appointment, and appoint in like manner any other of their number, manager as aforesaid; And provided also that nothing herein contained shall prevent, or be construed to prevent the Trustees, or the majority of them, from acting collectively for all the purposes of their trust and of this Ordinance, without appointing a manager as aforesaid: **Provided** also, that any majority of the said Trustees or of such of them as shall then be within this Province, shall have all the powers hereby vested in the said Trustees; and service of any summons, process, notice or document at the usual office of the said Trustees, shall be held in law to be a sufficient service of the same.

IX. And be it further Ordained and Enacted, that the Roads to and over which the provisions of this Ordinance and the powers of the said Trustees shall extend are:—

Roads over which the powers of the trustees shall extend:

Firstly—The Cove or Beach Road between the Cliff and the River St. Lawrence, from the Boundary of the City and Town of Quebec, to the south-west extremity of Sillery Cove.

Secondly—The Road called St. Louis Road, or "*La Grande Allée*," and the continuation of the same, from the Boundary of the said City and Town to the north-eastern extremity of the Bridge over the Cap-Rouge River, and of the works appertaining to the same; and also the public cross-road now open at the place commonly called New Kilmarnock, and leading from the said St. Louis Road to the said Cove or Beach Road.

Thirdly—The Road called St. Foy Road, from the Boundary of the said City and Town to a point one hundred yards beyond the place where it is intersected by the Road next hereinafter mentioned.

Fourthly—The Road commonly called "*La Suède*," from the point where it intersects the road last mentioned, to the foot of the Hill commonly called "*La Côte de Champigny*."

Fifthly—The Road which joins the last mentioned near the said "*Côte de Champigny*," from the said point of junction to the south-western side of the land known as Hough's farm, a short distance beyond the point where the said road is intersected by the road crossing it nearly at right angles and leading downwards towards the Cap-Rouge Mill, and upwards towards the place commonly called the "*Grand Désert*."

Sixthly—

Sixthly—The main Road from the boundary of the said City and Town in the St. Vallier's Suburbs, (near the Road leading to the General Hospital) along the south bank of the River St. Charles, across the stream commonly called the little River, and to the point where the said Road is intersected by the Road leading to the Bridge over the said River St. Charles commonly called the "Red Bridge or Commissioners' Bridge."

Seventhly—The Roads from the boundary of the said City and Town near the north end of the Bridge over the River St. Charles, commonly called Dorchester Bridge, to the Bridge over the River Montmorency near the great Fall on the said River ;

Meaning of
the word
" road."

Provided always that the word " Road " in this section shall be construed to mean as well front Roads as *Routes* or *By-Roads*, and any new road or part of a road, within the said limits respectively, to be made by the said Trustees, as well as the now existing roads or portions of roads within such limits, and all bridges, or other public works upon such roads within the said limits respectively.

Trustees may
exact and
receive tolls
on each of the
said roads.

X. And be it further ordained and enacted, that the said Trustees may, and shall demand, levy, exact and receive, on each of the said roads, at the turnpike-gates and toll-houses to be thereon established, under and by virtue of this Ordinance, from all and every person and persons who shall pass upon or use the said roads, or either of them, the certain tolls and rates hereby designated and established, that is to say : upon that one of the said roads in the ninth section of this Ordinance, secondly mentioned, known as the St. Louis Road or " La Grande Allée," from the boundary of the said City and Town to the bridge over the Cap-Rouge river, the tolls and rates following, namely :—For every waggon, wain, cart, or other wheel carriage for the transportation of loads, the wheels whereof have tires or tracks of the breadth of five inches or upwards, English measure, drawn by one or two horses or other beasts, if the same be loaded, in whole or in part, the sum of six pence, currency ; and if the same be not loaded, the sum of four pence, currency ; and for every such waggon, wain or cart, with wheels, the tires or tracks whereof shall have a breadth less than five and not less than two and a quarter inches, English measure, drawn as aforesaid, if loaded in whole or in part, the sum of eight pence, currency, and if not loaded, the sum of six pence, currency ; and for every such waggon, wain or cart with wheels, the tires or tracks whereof shall have a breadth less than two and a quarter inches, drawn as aforesaid, if loaded in whole or in part, the sum of one shilling, currency ; and if not loaded, the sum of eight pence, currency ; and for every additional horse or other beast to any such waggon, wain or cart herein-before mentioned, the further sum of four pence, currency ; For every coach, stage-coach, gig,

Rates to be
exactd on the
St. Louis road.

gig, caleche, dennet, spring cart, or other wheel carriage (other than waggons, wains and carts, of the description herein-before mentioned) having wheels with tires of the breadth of two and a quarter inches or upwards English measure, drawn by one horse or other beast, the sum of eight pence, currency; and for every such coach, stage-coach, gig, caleche, dennet, spring-cart, or other wheel carriage, (other than waggons, wains and carts of the description herein-before mentioned) having wheels with tires or tracks, less than two and a quarter inches, English measure, in breadth, drawn as aforesaid, the sum of one shilling, currency; and for every additional horse to such stage-coach, gig, caleche, dennet, spring-cart or other wheel carriage, the further sum of four pence currency; For every sleigh, traine, drag, berline, cariole, or other winter vehicle whatsoever, drawn by one horse or other beast, the sum of four pence, currency; and for every additional horse, the further sum of two pence, currency; For every horse, mare or gelding, with a rider, the sum of four pence, currency; For every horse, mare, gelding, ass, mule, ox, cow, and head of other neat cattle, not drawing, the sum of two pence, currency; For sheep, hogs or swine, at the rate of five pence, currency, for every score; and upon all the several roads, in the said ninth section of this Ordinance described other than the said St. Louis road or "La Grande Allée," the tolls and rates to be so demanded, levied, exacted and received, as aforesaid, for every waggon, wain, cart, or other wheel carriage, for the transportation of loads, and for every coach, stage-coach, gig, caleche, dennet, spring-cart, or other wheel-carriage, and for every winter vehicle, and for every horse, mare and gelding, with or without a rider, and every ass, mule, ox, cow, and other head of neat cattle, and every sheep, lamb, hog or swine, passing on or using the said several Roads, other than the said St. Louis Road, shall be regulated and governed in amount, by the said tolls and rates herein-before established and authorized to be taken upon the said St. Louis road, according to the proportion which the said several roads, respectively, bear in length to the said St. Louis road, subject in all respects to the rules, classifications, scale and degrees herein-before provided for in relation to the said St. Louis road, and the tolls and rates to be thereon taken, that is to say, the tolls and rates to be demanded, levied, exacted and received by the said Trustees upon each of the said several roads other than the said St. Louis road, shall bear the same proportion in amount to the said tolls and rates herein-before specified as the length of such road bears to the length of the said St. Louis road from the said boundary of the said city and town to the said Cap-Rouge Bridge, unless in ascertaining such proportion in reference to any of the said several roads, the result shall exhibit a fractional part of a half penny, in which case such fractional part of a half penny shall be deducted, and the sum remaining after such deduction shall be the rate and toll upon such road; and the said Trustees may, and they are hereby authorized and empowered to make and establish

How the rates on the other roads are to be regulated and governed.

Trustees to make regulations for the

establish

collection of the tolls, and may alter said tolls with the consent of the Governor.

A table of the tolls to be affixed at each turnpike gate, &c.

Proviso.

Penalty on gate-keepers, &c. for certain offences.

When there is more than one turnpike-gate, &c. on the same road, the rates to be divided.

How fractions are to be reckoned in dividing the said rates.

Certain exemptions from the payment of more than

establish the regulations under which such tolls or rates shall be so levied and collected, and with the consent of the Governor, may from time to time as they shall see fit, alter and change and modify the said rates and tolls, and the said regulations, either with regard to the tolls to be taken at all the Turnpike-gates or Toll-bars, or with regard to those to be taken at any one or more Turnpike-gates or Toll-bars, and may and shall prevent the passing through any Turnpike-gate or Toll-bar by any person, vehicle, animal or thing from or on which any rate or toll shall be payable, until such rate or toll be paid; and the said Trustees shall affix in a conspicuous place at each Turnpike-gate, and Toll-bar, whereat any rate or toll is payable, a table of the tolls to be taken thereat, and the regulations under which such tolls are to be levied plainly and legibly printed. Provided always, that nothing herein contained shall entitle the said Trustees at any time to establish, demand, levy, exact, or receive any rates or tolls upon the said roads, or any of them, exceeding the rates and tolls herein-before authorized to be exacted and received: and that every gate-keeper or toll gatherer who at any toll-gate to be erected under the authority of this Ordinance, shall unwarrantably hinder or delay any traveller or passenger liable to the payment of toll, or shall demand from any person more toll than by this Ordinance he is authorized to collect, shall for every such offence forfeit a sum not exceeding twenty shillings, currency, to the person so aggrieved.

XI. Provided always, and be it further Ordained and Enacted, that the rates of toll mentioned in the tenth section shall be the rates to be taken on the said roads respectively, when there is only one Turnpike-gate or toll-bar on the roads on which they shall be levied, but if there be more than one turnpike-gate or toll-bar on such road, then the said rates shall be divided by the number of such turnpike-gates or toll-bars, and the tolls taken at any one of them shall not exceed the quotient produced by such division; and all the roads and works mentioned in the same paragraph or division of the ninth section of this Ordinance shall, for the purposes of this Ordinance, be considered to be one road.

XII. Provided also, and be it further Ordained and Enacted, that if in dividing the rates of toll in the manner prescribed in the section next preceding this section, there shall be in the quotient any fraction of a penny greater than one farthing, it shall be considered as one half penny and added to the quotient and form part of the toll to be taken, but if such fraction be less than one farthing, it shall be deducted from the toll to be taken.

XIII. Provided always, and be it further Ordained and Enacted, that no more than one full toll in any one day (to be computed from twelve of the clock at night to twelve of the clock

clock in the next succeeding night) shall be demanded or taken on any road for or in respect of the same horse or horses, or other beast or beasts, or cattle, drawing the same waggon, wain, cart, coach, gig, caleche, dennet, spring-cart or other wheel carriage or winter carriage, or for or in respect of the same horse, mule, ass, or other beast or cattle, laden or unladen or not drawing, or for or in respect of the same oxen or ox, neat cattle, calves, swine, sheep or lambs for passing and re-passing through the same Turnpike-gate or Toll-bar. Provided always, that the tolls hereby made payable for or in respect of any stage-coach, diligence, van, caravan, stage, waggon, or other stage, carriage, or any cart conveying passengers or goods for pay or reward, or conveying stones, and for and in respect of any horse or horses, beast or beasts drawing the same, shall be payable and paid every time of passing or re-passing.

one full toll in any one day.

Description of carriages, &c. to pay every time of passing.

XIV. And be it further Ordained and Enacted, that the said tolls may be levied by the said Trustees on the said roads, or on any of them, or on any part of them or of any of them, from and after the day when the said Trustees shall have assumed the control and management of such roads, or road, or part of a road, in the manner herein provided, and not before; but the time of such assumption shall be at the discretion of the said Trustees, and shall not depend upon the completion or non-completion of the improvements on the roads, road, or part of a road, of which the control and management shall be so assumed.

When the tolls may be levied by the trustees.

XV. Provided always, and be it further Ordained and Enacted, that Her Majesty's Mail and persons, animals and carriages employed in the conveyance thereof, Her Majesty's officers and soldiers travelling on Her Majesty's service, and in proper staff or regimental or military uniform, dress or undress, and their horses, (but not when passing in a hired or private vehicle) and all carriages, and horses belonging to Her Majesty or employed in her service, when conveying persons on her service or returning therefrom, and all recruits marching by route, and all persons, animals and carriages attending funerals, shall pass toll free through any Turnpike and Toll-gate to be erected under the authority of this Ordinance; and if any person or persons shall claim or take the benefit of any of the exemptions aforesaid, not being entitled to the same, every such person shall, for every such offence forfeit and pay any sum not exceeding five pounds, and in all cases the proof of exemption shall lie upon the person claiming the same.

Certain exemptions from toll.

Penalty upon persons taking the benefit of exemption not entitled to the same.

XVI. And be it further Ordained and Enacted, that the said Trustees may, if they think proper, commute the tolls on any road or portion thereof, with any person or persons, by taking a certain sum either monthly or yearly in lieu of such tolls.

Trustees may commute the tolls with any person.

XVII.

The tolls may be let by auction for one year.

XVII. Provided always, and be it further Ordained and Enacted, that the said Trustees may, from time to time, if they shall deem it advantageous to the public, let or farm the tolls to be levied on any of the said roads, by public auction to the highest and best bidder, for a time not exceeding one year in any case, taking good and sufficient security from the farmer or lessee; but no such lease of the tolls on any of the said roads shall be made until the expiration of one year from the time when the said Trustees shall have assumed the control of and begun to take toll on the road, the tolls on which are to be so leased; nor shall any Trustee, or any servant or officer of the said Trustees become a farmer or lessee of any such tolls, or become or be a party, either directly or indirectly, as principal or as surety, to any contract for making, improving or repairing, or for supplying materials for making, improving, or repairing any of the said roads, or for any work or works belonging thereto; and every such Trustee, servant or other officer so offending shall, for every such offence, forfeit and pay the sum of fifty pounds to Her Majesty for the public uses of the Province, or to any person who shall sue for the same; to be recovered with full costs of suit in any of Her Majesty's Courts of Record, having original civil jurisdiction to the amount, by information or by action on the case.

Trustees, &c. not to become lessors or principal or surety for any contract or work on said road.

Under whose exclusive management the roads are to be, and how the tolls are to be applied.

XVIII. And be it further Ordained and Enacted, that the said roads shall respectively, from and after the time hereinafter mentioned, be and remain under the exclusive management, charge and control of the said Trustees, and the tolls thereon shall be applied solely to the necessary expenses of the management, making and repairing of the said roads, and the payment of the interest on and principal of the debentures hereinafter mentioned; and all powers, authorities, jurisdiction and control over or with regard to the said roads, or any of them, heretofore vested in any Magistrates, Grand Voyer, Overseer of Roads or Road Surveyor, or other road officer, by a certain Act passed in the thirty-sixth year of the Reign of King George the Third, intituled, "An Act for making, repairing and altering the highways and bridges in this Province, and for other purposes," or by any other Act or Ordinance or Law whatever, or in any District Council, shall cease and determine from and after the time when the said Trustees shall assume the management, charge and control aforesaid, in the manner hereinafter mentioned; but all and every the powers, authorities, jurisdiction, and control over or with regard to the several roads in this Ordinance mentioned, or any or either of them, heretofore and before the passing of this Ordinance, vested in any Grand Voyer, Magistrates, Overseer of Roads, Road Surveyor, or other road officer, or in any District Council, by the said Act of the Parliament of this Province, or by any other Act or Ordinance, or Law of this Province whatever, shall be and continue to be in full force and virtue until the said Trustees shall, in writing, notify such District Council, Grand Voyer, Magistrates,

When the powers vested in the magistrates, Grand Voyers or other road officers, or in any district council over the said roads, shall cease.

Magistrates, Overseer of Roads, Road Surveyor, or other road officer, that they, the said Trustees, have assumed and taken upon themselves, or will on a certain day assume and take upon themselves, for the purposes of the trust in them vested, the control and management of the said Roads, or of any or either of them, or of any specified section or portions of the said Roads or of any of them.

XIX. And be it further Ordained and Enacted, that from and after the time when the Trustees shall have assumed the control and management of any road or any part of any road mentioned in the ninth section of this Ordinance, each and every person and persons, body or bodies politic or corporate, who may be bound by any law of this Province, or any *procès-verbal* duly homologated, (and all such laws and *procès-verbaux*, shall remain in full force, except in so far as they are hereby expressly derogated from) to repair or keep up, or to perform any service or labour, on or with regard to any portion of such road, or part of a road, shall and are hereby required to commute all such obligations with the said Trustees for such sum of money as may be agreed upon by such parties respectively, and the said Trustees; and such commutation money shall be payable annually, on the first day of May in each year; and if any such party shall neglect or refuse to pay the sum so agreed upon when due, the said Trustees may sue for and recover the same with costs in any Court having jurisdiction to the amount: Provided always that if no such agreement or commutation shall be effected in any case, the said Trustees may sue the party neglecting or refusing to make such agreement, for the sum which, in their estimation, such party ought then to pay for such commutation, in any Court having jurisdiction to the amount so sued for, and may recover the same or such less sum as the Court shall award; and the rate determined by the judgment shall be the rate to be thereafter paid for such commutation by the party defendant, or such party as may be liable to the commutation, of the same obligations; Provided also, that costs shall be awarded to any such party who shall, before the commencement of such suit, have legally tendered to the said Trustees at their office, or to the manager in person, a sum equal to that for which judgment shall in such suit be given.

XX. Provided always, and be it further Ordained and Enacted, that it shall be lawful for the Governor of this Province, at any time and whenever he shall deem it expedient, to appoint all the said Trustees to be also Commissioners for carrying into effect a certain Ordinance passed in the present year of Her Majesty's Reign, and intituled, "An Ordinance to declare and regulate the tolls to be taken on the Bridge over Cap-Rouge River, and for other purposes relative to the said Bridge," notwithstanding any thing in the said Ordinance limiting the number of such Commissioners to three; and during

Persons bound by law to perform any labour on any of the said roads must commute by the payment of an annual sum.

The trustees may be commissioners for Ord. 4. Vic. c 21. regulating the tolls on the Cap-Rouge Bridge.

during the time the said Trustees shall be such Commissioners, the said Bridge shall be held to be part of the Roads and Bridges under the control and management of the said Trustees, as if it had been mentioned in the ninth section of this Ordinance, and the tolls authorized by the said Ordinance to be levied and taken from persons using the said Bridge and collected during the said time, shall form part of the funds hereby placed at the disposal of the said Trustees, and shall and may be applied by them in the same manner as the tolls levied under the authority of this Ordinance.

Trustees may
raise £25,000
by loan.

XXI. And be it further Ordained and Enacted, that it shall be lawful for the said Trustees as soon after the passing of this Ordinance as may be expedient, to raise by way of loan, on the credit and security of the tolls hereby authorized to be imposed, and of other monies which may come into the possession and be at the disposal of the said Trustees under and by virtue of this Ordinance, and not to be paid out of or be chargeable against the general revenue of this Province, any sum or sums of money not exceeding in the whole twenty-five thousand pounds currency; and out of the monies so raised, as well as out of the monies which shall come into their hands, and which are not hereby directed to be applied solely to one special purpose, it shall be lawful for the said Trustees to defray any expenses they are hereby authorized to incur for the purposes of this Ordinance.

Debentures to
be issued for
said loan.

XXII. And be it further Ordained and Enacted, that it shall be lawful for the said Trustees to cause to be made out for such sum or sums of money, as they may raise by loan as aforesaid, debentures in the form contained in the Schedule A, to this Ordinance annexed, redeemable at such time or times (subject to the provisions herein made,) as the said Trustees shall think most safe and convenient; which said debentures shall be signed in the manner above provided for the written acts relating to the said trust, and shall be transferable by delivery.

And to bear
interest.

XXIII. And be it further Ordained and Enacted, that such debentures shall respectively bear interest at the rate therein mentioned; and such interest shall be made payable semi-annually, and may at the discretion of the Trustees, and with the express approval and sanction of the Governor of this Province, and not otherwise, exceed the rate of six per centum per annum, any law to the contrary notwithstanding, and shall be the lowest rate at which the said sum or sums to be loaned on any such debentures shall be offered or can be obtained by the said Trustees; such interest to be paid out of the tolls upon the said Roads, or out of any other monies at the disposal of the Trustees for the purposes of this Ordinance.

When the in-
terest shall
cease to ac-
crué.

XXIV. And be it further Ordained and Enacted, that if at any time after the said debentures or any of them shall have become

become due and redeemable according to the terms thereof, notice shall be inserted three several times, at intervals of not less than one month apart, in the Quebec Gazette published by authority, and in some other newspaper published in the City of Quebec, requiring all holders of such debentures to present the same for payment, at a place or places in the said notice mentioned, all interest upon any debenture then redeemable; which shall remain out more than six months from the first insertion, shall cease to accrue from the end of the said six months.

XXV. And be it further Ordained and Enacted, that nothing herein contained shall prevent the said Trustees from voluntarily redeeming any debentures, with the consent of the lawful holder thereof, at any time before such debenture shall be made redeemable, if the state of the funds of the said Trustees shall be such as to warrant such redemption, and if the said Trustees shall obtain the approval of the Governor to such redemption.

Debentures may be redeemed before the time they are made redeemable.

XXVI. And be it further Ordained and Enacted, that it shall be lawful for the Governor for the time being, if he shall deem it expedient, at any time within three years from the passing of this Ordinance, and not afterwards, to purchase for the public uses of this Province, and from the said Trustees, debentures to an amount not exceeding ten thousand pounds; currency, and by warrant under his hand to authorize the Receiver General to pay to the said Trustees, out of any unappropriated public monies in his hands, the sum secured by such debentures; the interest and principal of and on which shall be paid to the Receiver General by the said Trustees, in the same manner and under the same provisions as are provided with regard to such payments, to any lawful holder of such debentures, and being so paid, shall remain in the hands of the Receiver General, at the disposal of the Legislative authority of the Province for the time being.

The Governor may purchase for the public uses of the Province debentures to the amount of £10,000.

XXVII. And be it further Ordained and Enacted, that if at any time it shall happen that the monies then in the hands of the said Trustees shall be insufficient to enable the Trustees to make any payment required or authorized to be made by this Ordinance, all arrears of interest due on any debentures issued under the authority of this Ordinance, shall be paid by the said Trustees, before any part of the principal sum then due upon and secured by any such debenture shall be so paid; and if the deficiency be such that the funds then at the disposal of the Trustees shall not be sufficient to pay such arrears of interest, it shall be lawful for the Governor for the time being, by warrant under his hand, to authorize the Receiver General to advance to the said Trustees, out of any unappropriated monies in his hands, such sum of money as may, with the funds then at the disposal of the Trustees, be sufficient to pay such

All arrears of interest to be paid before any part of the principal sum, and the Governor may advance money to pay such arrears.

such arrears of interest as aforesaid ; and the amount so advanced shall be repaid by the said Trustees to the Receiver General out of the sums so to be commuted, levied and collected as aforesaid, and being so repaid shall remain in the hands of the Receiver General at the disposal of the Legislative authority of the Province.

The Trustees may raise further sums to pay off the principal of any loan becoming due at a certain time, under the same provisions as the previous loans.

XXVIII. And be it further Ordained and Enacted, that over and above the sums which the said Trustees are authorized by the preceding section of this Ordinance to raise by way of loan, it shall be lawful for the said Trustees, at any time and as often as occasion may require, to raise in like manner such further sum or sums as may be necessary to enable them to pay off the principal of any loan which they have bound themselves to repay at any certain time, and which the funds in their hands, or which will probably be in their hands at such time and applicable to such repayment, shall appear insufficient to enable them to repay : Provided always that any sum or sums raised under the authority of this section shall be applied solely to the purposes herein mentioned, that no such sum shall be borrowed without the approval of the Governor of this Province, and that the whole sum due by the said Trustees under the debentures then unredeemed and issued under the authority of this Ordinance, shall in no case exceed thirty-five thousand pounds currency ; and all the provisions of this Ordinance touching the terms on which any sum shall be borrowed under the authority thereof by the Trustees, the rate of interest payable thereon, the payment of such interest, the advance by the Receiver General of the sums necessary to enable the Trustees to pay such interest, and the repayment of the sums so advanced shall be extended to any sum or sums borrowed under the authority of this section.

Application of the monies to be accounted for.

XXIX. And be it further Ordained and Enacted, that due application of all public monies whereof the expenditure or receipt is authorized by the preceding sections, shall be accounted for to Her Majesty, her heirs and successors, through the Lords Commissioners of Her Majesty's Treasury for the time being, in such manner and form as Her Majesty, her heirs and successors shall be pleased to direct.

Persons counterfeiting debentures, or attempting to pass any, knowing them to be counterfeit, to be guilty of felony.

XXX. And be it further Ordained and Enacted, that if any person or persons shall forge or counterfeit any such debenture as aforesaid, or any signature, endorsement or writing thereon or therein, or tender in payment any such debenture, or any debenture with such counterfeit signature, endorsement or writing thereon or therein, or shall demand the payment of any sum of money thereby secured, or of any interest thereon, knowing such debenture, or the signature, endorsement or writing thereon or therein, to be forged or counterfeited, with intent to defraud the said Trustees or any of them, or any other person

person or persons, body or bodies politic or corporate, such person or persons so offending shall be guilty of felony.

XXXI. And be it further Ordained and Enacted, that if any person or persons shall cut, break down, destroy or wilfully injure any bridge, turnpike-gate, toll-bar, toll-house, embankment, drain or any work of any kind whatever erected or made under the authority of this Ordinance, or hereby placed under the control and management of the said Trustees, such person or persons so offending shall be guilty of a misdemeanor, and being thereof lawfully convicted before any court of competent jurisdiction, may be punished by fine and imprisonment: Provided always, that nothing in this section contained shall prevent any person committing any offence herein mentioned from being indicted and punished as a felon, if the offence committed by such person shall in law amount to felony.

Persons wilfully injuring any turnpike gate, &c. to be guilty of a misdemeanor.

XXXII. And be it further Ordained and Enacted, that no person shall leave any waggon, cart, or other carriage, nor shall lay or leave any matter or thing creating any obstruction of any kind in or upon any of the said bridges or of the said roads, or the ditches or drains thereof, or those made by or by order of the said Trustees, under a penalty not exceeding twenty shillings currency for each offence.

Penalty on any person obstructing any of said roads.

XXXIII. And be it further Ordained and Enacted, that if any person or persons shall, after proceeding upon any of the said roads (whether in the winter season or in any other season) with any carriages, animals or things, liable to toll, turn out of the same into any other road, so as to evade payment of toll at any turnpike-gate or toll-bar, such person or persons shall for each such offence, incur a penalty not exceeding ten shillings currency: and the said Trustees shall and may place turnpike-gates and toll-bars on and across the entrance of any passage or way leading into or from any of the said roads, in order to prevent such evasion of toll; and if any person shall forcibly pass or attempt to pass any such turnpike-gate or toll-bar as aforesaid, with any carriage, animal or thing on which toll shall be due, without having first paid such toll, such person or persons shall thereby incur a penalty not exceeding forty shillings currency, over and above such other punishment or penalty as might be lawfully awarded or imposed according to the nature of the offence if this Ordinance had not been passed; and shall moreover remain liable for the payment of such toll.

Penalty on persons attempting to evade payment of toll.

XXXIV. And be it further Ordained and Enacted, that if any person or persons, body politic or corporate, occupying or possessing any inclosed lands near any of the said roads shall, (whether in the winter or at any other season) knowingly permit or suffer any person or persons to pass through such lands or through any gate, passage or way thereon, with any carriage,

Penalty on persons permitting others to pass through their lands so as to evade paying toll, and also on those per-

mitted to avoid such payment carriage, animal or thing liable to the payment of toll on such road, for the purpose of avoiding and so as to avoid the payment thereof, such person or persons so offending, and the person or persons so unlawfully permitted to avoid such payment, shall each and severally incur a penalty not exceeding ten shillings currency, for each offence, and shall moreover become jointly and severally liable to the payment of the tolls whereof the payment shall have been avoided.

Penalties not exceeding 40s. how to be recovered and disposed of.

Provisoes respecting the competency of certain persons as witnesses.

XXXV. And be it further Ordained and Enacted, that all penalties imposed by this Ordinance, and not exceeding forty shillings for each offence, may be sued for and recovered with costs, on the oath of one competent witness, before any Justice of the Peace, for the District of Quebec or for the Territorial Division of Quebec, or for any minor local division within which the offence shall have been committed; and such Justice of the Peace may, on conviction, commit the offender to the Common Gaol of the District, for a period not exceeding two weeks for each offence, or until such penalty and costs be paid; and one moiety of all such penalties shall belong to the informer and the other moiety to the said Trustees, for the purposes of this Ordinance: Provided always, that any Trustee or any officer or servant of the Trustees shall be a competent witness, if he be not the informer, or if he be such informer and renounce all claim to any portion of the penalty, which shall in such case belong wholly to the said Trustees for the purposes of this Ordinance: Provided also, that no person shall be deemed incompetent to give evidence, or be disqualified from giving testimony or evidence in any action, suit, prosecution or other legal proceedings to be brought or had in any court of law, or before any Justice or Justices of the Peace under or by virtue of this Ordinance, by reason of his or her being one of the said Trustees or their creditor, or of his or her having any privileged claim on the tolls collected under the authority hereof or on any funds in the hands of the said Trustees, or a farmer, lessee or collector of such tolls, or a clerk or surveyor, or other officers of the said Trustees, nor shall such testimony or evidence for any of the reasons aforesaid, be rejected or liable to be questioned or set aside, provided such person have no other and more immediate and direct interest in the penalty sued for, or in the event of the suit, action, trial, prosecution or proceeding in which his or her evidence shall be given or offered.

Persons committing offences also to be liable for damages.

XXXVI. Provided always and be it further Ordained and Enacted, that each and every person committing any offence against the provisions of this Ordinance shall, in addition to any penalty hereby imposed for such offence, be liable to the said Trustees for all damages they may have sustained by reason of such offence.

Trustees to furnish detailed accounts of their proceed-

XXXVII. And be it further Ordained and Enacted, that the said Trustees shall lay detailed accounts of all monies by them received

received and expended under the authority of this Ordinance, supported by proper vouchers, and also detailed reports of all their doings and proceedings under the said authority before such officer, at such times, and in such manner and form, and shall publish the same in such way, at the expense of the said Trustees, as the Governor shall be pleased to direct. ings and publish the same.

XXXVIII. And be it further Ordained and Enacted, that the word "Governor," is to be understood as comprehending and meaning the Governor, Lieutenant Governor, or person administering the Government of the said Province. The word "Governor" defined.

XXXIX. And be it further Ordained and Enacted, that this Ordinance shall be a public Ordinance, and as such shall be taken notice of, held and allowed in all Courts and elsewhere, and by all Judges, Justices and persons whomsoever without being specially pleaded. This Ordinance to be a public one.

XL. And be it further Ordained and Enacted, that this Ordinance shall be a permanent Ordinance, and shall be in force until repealed or altered by competent authority. And is made permanent.

SCHEDULE A.

ROAD LOAN.

Certificate No. ;

Currency,

Int. at per cent.

18

INTEREST

On this Certificate

PAID.

Receipt No.

To Jan.	18	—
July	—	—
Jan.	18	—
July	—	—
Jan.	18	—
July	—	—
Jan.	18	—
July	—	—
Jan.	18	—

SYDENHAM.

Ordained

CERTIFICATE, No. }

Currency. }

QUEBEC,

18

We Certify, that under the authority of the Provincial Ordinance of Lower Canada, passed in the fourth year of Her Majesty's Reign, and intitled, "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," there has been borrowed and received from the sum of

bearing interest from the date hereof, at the rate of Pounds currency, payable half yearly, on the day of per cent. per annum, and on the day of which sum is reimbursable to the said or bearer hereof on the day of in the manner provided for by the Provincial Ordinance aforesaid.

REGISTERED BY _____ Trustees.

Ordained and Enacted by the authority aforesaid, and passed in Special Council, under the Great Seal of the Province, at the Government House, in the City of Montreal, the Thirtieth day of January, in the Fourth year of the Reign of Our Sovereign Lady Victoria, by the Grace of God, of Great Britain and Ireland, Queen, Defender of the Faith, and so forth, and in the year of Our Lord one thousand eight hundred and forty-one.

By His Excellency's Command,
 W. B. LINDSAY,
 Clerk Special Council.

C A P. XXI.

An Ordinance to declare and regulate the tolls to be taken on the Bridge over Cap-Rouge River, and for other purposes relative to the said Bridge.

WHEREAS by a certain Ordinance made and passed in ^{Preamble.} the second year of Her Majesty's Reign, and intituled, "An Ordinance to provide for the completion of certain public works, for the improvement of the internal communications, and for the encouragement of agriculture, and for other purposes," the sum of one thousand pounds currency was appropriated to enable Her Majesty to purchase from the Seigneur of the Seigniorie of Cap-Rouge, in the District of Quebec, the right of toll over the River Cap-Rouge, and a further sum of one thousand pounds currency, to defray the expense of building a bridge over the said River, and it was Ordained and Enacted that the said right of toll and the said Bridge, when so purchased and built, should be vested in Her Majesty for the public uses of the Province; and whereas by a certain other Ordinance made and passed in the third year of Her Majesty's Reign, a further sum of one hundred and eighty-five pounds, eight shillings currency, was appropriated to defray the expense of building the said Bridge; and whereas the said sums have been expended, and the said right of toll hath been purchased, and a Bridge built, according to the provisions of the said Ordinances, near the mouth of the said river, and it is expedient to declare and regulate the tolls which shall be taken from the persons using the said Bridge, and to provide means for keeping the said bridge in repair and renewing the same or any part thereof when necessary:—Be it therefore Ordained and Enacted by His Excellency the Governor of this Province of Lower-Canada, by and with the advice and consent of the Special Council for the affairs of the said Province, constituted and assembled by virtue and under the authority of an Act of the Parliament of the United Kingdom of Great Britain and Ireland, passed in the first year of the Reign of Her present Majesty, intituled, "*An Act to make temporary*
 3* "provision

“*provision for the Government of Lower-Canada,*” and also by virtue and under the authority of a certain other Act of the same Parliament, passed in the Session held in the second and third years of the Reign of Her present Majesty, intituled, “*An Act to amend an Act of the last Session of Parliament for making temporary provision for the Government of Lower-Canada,*” and also by virtue and under the authority of a certain other Act of the same Parliament, passed in the Session held in the third and fourth years of the Reign of Her present Majesty, intituled, “*An Act to Re-unite the Provinces of Upper and Lower-Canada, and for the Government of Canada;*” And it is hereby Ordained and Enacted by the authority of the same, and by virtue of the powers in them vested by the said Acts of Parliament, that it shall be lawful for the Governor, Lieutenant Governor, or person administering the Government of this Province, by an instrument under his hand and Seal, to appoint three Commissioners for carrying this Ordinance into effect, and from time to time to remove them or any of them, and to appoint others in their stead; provided always, that any majority of the said Commissioners for the time being, shall have all the powers hereby vested in the said Commissioners.

Commissioners to be appointed for the purposes of this Ordinance.

Rates of toll to be levied on the Cap-Rouge Bridge.

II. And be it further Ordained and Enacted, that there shall and may be levied and recovered by and paid to the said Commissioners, or such person as they shall appoint to collect and receive the same, the rates and tolls hereinafter mentioned from the persons who shall use and pass over the said Bridge, and before any passage over the same shall be permitted, that is to say: For each four wheeled carriage, drawn by three, or by four horses or other beast of draught, ten pence, currency; For each such carriage, drawn by two horses or other beasts of draught, six pence, currency; For each such carriage, drawn by one horse or other beast of draught, five pence, currency; For each two wheeled carriage, drawn by two horses or other beasts of draught, tandem, five pence, currency; For each such carriage, drawn by two horses or other beasts of draught abreast, four pence, currency; For each such carriage, drawn by one horse or other beast of draught, three pence, currency; For each winter carriage or vehicle without wheels, drawn by three or by four horses or other beasts of draught, eight pence, currency; For each such carriage or vehicle, drawn by two horses or other beasts of draught, tandem, five pence, currency; For each such carriage or vehicle, drawn by two horses or other beasts of draught abreast, four pence, currency; For each such carriage or vehicle, drawn by one horse or other beast of draught, three pence, currency; For each horse, mare, mule or ass, and any rider mounted thereon, one penny half penny currency; For each horse, mare, mule or ass, without a rider, and for each bullock, bull, cow or head of horned or neat cattle, one penny, currency; For each hog, goat, sheep, calf or lamb, one penny, currency; For each person passing over the said

said bridge on foot, and for each person over five in any carriage drawn by four horses or other beasts, or over three in any carriage drawn by a less number than four such horses or beasts, one half penny, currency; and the monies received for the said tolls shall, after deducting the expenses of collection, and the sums necessary to defray any other expenses which the Commissioners are hereby authorized to incur, be paid over by the said Commissioners, in sums of not less than fifty pounds, currency, to the Trustees to be appointed under the authority of a certain Ordinance passed during the present Session of the Legislature, and 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," and shall form part of the funds at the disposal of the said Trustees for the purposes of the said Ordinance: Provided always, that the said Trustees shall and they are hereby authorized and required to advance to the said Commissioners from time to time out of the funds aforesaid, and as occasion may require, such sum or sums of money as may be necessary to enable the said Commissioners to defray the expenses of any repairs to, or of the re-construction of the said Bridge, (if necessary,) on being required to make such advance, by a requisition from the said Commissioners, approved in writing by the Governor, Lieutenant Governor, or person administering the Government of this Province, any thing in the said Ordinance to the contrary notwithstanding.

How the monies collected are to be disposed of.

III. Provided always, and be it further Ordained and Enacted, that the said Commissioners may commute the said tolls with any party having occasion frequently to pass or to pay toll for the passing of persons in the employ of such party over the said Bridge, for such sum to be paid annually, monthly, or weekly, as may be agreed upon between such party and the Commissioners, and the sums so paid shall be in lieu of the tolls commuted for all the purposes of this Ordinance.

Tolls may be commuted with any person.

IV. Provided also, and be it further Ordained and Enacted, that Her Majesty's Mail, and persons, animals and carriages employed in the conveyance thereof, Her Majesty's officers and soldiers, being in proper staff or regimental or military uniform, dress or undress, and their horses, but not when passing in hired or private vehicles, and all carriages and animals belonging to Her Majesty, or employed in her service, when conveying persons in such service or returning therefrom, and all recruits marching by route, shall pass toll free over the said Bridge.

Certain exemptions from toll.

V. And be it further Ordained and Enacted, that it shall be lawful for the said Commissioners at all times, to pay out of the monies arising from the said tolls, such sums as may be necessary to defray the expenses of collection, and the other current and ordinary expenses connected with the management

How the expenses of collection, repairs, &c. are to be defrayed.

of the said bridge, and such sums, not exceeding fifty pounds, currency, at any one time, as may be required to defray any necessary expenses of keeping the said Bridge in repair, and may build, repair and renew any Toll-house or Toll-gate, necessary for carrying this Ordinance into effect, and may also, with the consent and approval of the Governor, Lieutenant Governor, or person administering the Government, and not otherwise, pay such sums exceeding the said sum of fifty pounds at one time, as may be required to meet the said expenses of any repairs or of re-constructing the said Bridge, or any portion thereof, or of the works connected therewith.

Any animal, &c. may be detained till the toll be paid.

VI. And be it further Ordained and Enacted, that the said Commissioners, or the person or persons by them employed to collect the said tolls, may lawfully seize and detain any animal, carriage or thing on which toll may be due and unpaid, until such toll be paid.

Penalty for certain offences.

VII. And be it further Ordained and Enacted, that no person passing over the said bridge in any carriage or on horse-back, shall ride or drive at any pace faster than a walk, under a penalty not exceeding twenty shillings, currency, for each offence; and that no more than one carriage or four persons on horse-back, or four head of neat cattle, shall be allowed to be at one time on the turning or projecting part of the Swing-bridge, under a like penalty for each offence, against any person who being duly warned by the Toll-collector, shall wilfully contravene this enactment.

A table of the tolls, &c. to be affixed on the bridge.

VIII. And be it further Ordained and Enacted, that it shall be the duty of the said Commissioners to cause a copy of the preceding section of this Ordinance, and a table of the tolls hereby established, to be fairly and legibly printed in French and English, and affixed in a conspicuous place on the said Bridge.

No person to ferry for hire within a certain distance of the bridge.

IX. And be it further Ordained and Enacted, that no person shall at any season of the year for hire or for any valuable consideration, ferry or transport any person, goods or thing, by water carriage across the said Cap-Rouge River within two miles above the said Bridge, or between the said Bridge and the mouth of the said River, or within one mile of the mouth of the said River upwards and downwards along the beach of the River Saint Lawrence; under a penalty of five shillings currency, for each person, animal, vehicle or package of goods so ferried; Provided always, that nothing herein contained shall prevent any person from carrying any person, goods, or things for hire across the said Cap-Rouge River in winter vehicles and upon the ice.

How the penalties are to be recovered and disposed of.

X. And be it further Ordained and Enacted, that the penalties imposed by the foregoing sections of this Ordinance, may be

be recovered with costs, before any one of Her Majesty's Justices of the Peace, having jurisdiction for the locality in which the offence shall be committed on the oath of one credible witness, and may be levied by distress and sale of the offender's goods and chattels, by warrant under the hand of the said Justice if not forthwith paid; and one moiety of the penalty shall belong to Her Majesty, her heirs and successors, for the public uses of the Province, and the other moiety to the prosecutor; Provided always that any one of the said Commissioners, or any person employed by them, shall be a competent witness if he be not the prosecutor.

XI. And be it further Ordained and Enacted, that if any person or persons shall wilfully cut, break down, destroy or injure the said bridge or any part thereof, or work therewith connected, the person or persons so offending shall be guilty of a misdemeanor, and being thereof convicted, shall be liable to be punished by fine or imprisonment, or both, at the discretion of the Court before whom the conviction shall take place; and shall moreover be liable to the Commissioners for all damages done to the said bridge or work by such person or persons; Provided always that if the act committed by such person or persons shall amount to any higher crime or offence than a misdemeanor, nothing herein contained shall prevent such person or persons from being indicted or punished as if this section had not been passed.

Any person wilfully injuring the bridge to be guilty of a misdemeanor.

Proviso.

XII. And be it further Ordained and Enacted, that the said Commissioners and the Trustees to be appointed under the Ordinance herein-above cited, shall account to the Governor, Lieutenant Governor, or person administering the Government of this Province, in such manner and form and at such times as he may appoint, for all the monies by them received or expended under the authority of this Ordinance.

Monies to be accounted for.

XIII. Provided always, and be it further Ordained and Enacted, that it shall be lawful for the Governor, Lieutenant Governor, or person administering the Government of this Province at any time, and whenever he shall deem it expedient, to appoint all the Trustees appointed under the said Ordinance, to be Commissioners for carrying this Ordinance into effect; any provision in this Ordinance limiting the number of such Commissioners to the contrary notwithstanding; and during the time the said Trustees shall be such Commissioners, the said Bridge shall be held to be part of the Roads and Bridges under the control and management of the said Trustees, as if it had been mentioned in the ninth section of the said Ordinance, and the tolls authorized by this Ordinance to be levied and taken from the persons using the said Bridge, and collected during the said time, shall form part of the funds placed by the said Ordinance at the disposal of the said Trustees, and shall and may be applied by them in the same manner as the tolls levied under the authority of the said Ordinance.

The Trustees under the Ord. 4. Vict. c. 17, may be the Commissioners.

XIV.

This ordinance to be a public one.

XIV. And be it further Ordained and Enacted, that this Ordinance shall be a public Act or Ordinance, and shall be noticed as such by all Judges, Justices of the Peace, and others, without being specially pleaded.

And is made permanent.

XV. And be it further Ordained and Enacted, that this Ordinance shall be a permanent Ordinance, and shall remain in force until repealed or altered by competent authority.

SYDENHAM.

Ordained and Enacted by the authority aforesaid, and passed in Special Council, under the Great Seal of the Province, at the Government House, in the City of Montreal, the Sixth day of February, in the Fourth year of the Reign of Our Sovereign Lady Victoria, by the Grace of God of Great Britain and Ireland, Queen, Defender of the Faith, and so forth, and in the year of Our Lord, one thousand eight hundred and forty-one.

By His Excellency's Command,

W. B. LINDSAY,

Clerk Special Council.

C A P. L X X I I.

An Act to extend the provisions of an Ordinance therein mentioned to a certain Road on the North side of the River St. Charles, in the District of Quebec,

[18th September, 1841.]

Preamble.

WHEREAS it is expedient to extend the provisions of the Ordinance of the Legislature of the late Province of Lower Canada, passed in the Fourth year of Her Majesty's Reign, 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*, to the Road hereinafter mentioned; Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, that the provisions of the said Ordinance and the powers of the Trustees appointed under the authority thereof, shall extend to the Road leading from that

The provisions of the Ord: 4 Vic. cap. 17. extended to the Road North of Saint Charles River.

that sixthly mentioned in the ninth Section of the said Ordinance, to Scott's Bridge, (including the said Bridge,) and to the main Road running along the North bank of the River St. Charles, from Scott's Bridge aforesaid, to the Bridge over the said River, commonly called the Red Bridge, or Commissioners' Bridge, (including the said Bridge,) as fully to all intents and purposes whatsoever, as if the said Roads and Bridges had been mentioned and described in the said ninth Section of the said Ordinance as among those to which the said provisions and powers should extend.

CAP. XIV.

An Act to exempt Vehicles conveying Manure from the Cities and Towns of this Province, from the payment of Tolls on Turnpike Roads, and for the purposes therein mentioned.

[9th December, 1843.]

WHEREAS as well for the encouragement of Agriculture Preamble. as for promoting the cleanliness and health of the several Cities and Towns in this Province by the removal of the filth and rubbish thereof, it is expedient that Vehicles carrying Manure from the said Cities and Towns to the Farms in the vicinity thereof be free from Toll at Turnpike Gates; Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, that each and every Vehicle laden solely with Manure, brought from any City in Lower Canada, or any City or incorporated Town in Upper Canada, and employed to carry the same into the Country parts for the purposes of Agriculture, and the horse or horses, or other beast or beasts of draught, drawing such Vehicle, shall, from and after the passing of this Act, pass Toll free through any Turnpike Gate or Toll-gate on any Turnpike Road within twenty miles of such City or Town, as well in going from such City or Town as in returning thereto, if then empty, whether such Turnpike Road and the Tolls thereon belonging to the Province, or to any local or Municipal authority, or Body of Trustees or Commissioners for local purposes, or to any incorporated or unincorporated Company, or to any other body, person or persons whatsoever, and any Statute, Ordinance or Law to the contrary notwithstanding.

Vehicles laden solely with Manure brought from the Cities and Towns of this Province, to be exempt from Toll at Turnpikes within twenty miles of such Cities or towns.

H. And be it enacted, that all persons going to or returning from Divine Service on any Sunday or Obligatory Holiday, in No Tolls to be collected on Sundays from or

persons going to Church.

or upon and with their own carriages, horses or other beasts of draught, shall, as shall also their families, and servants being in or upon and with such carriages, horses or other beasts of draught, pass Toll-free through any Turnpike or Toll-gate on any Turnpike Road in this Province; any thing in any Act, Ordinance or Law to the contrary notwithstanding.

No Tolls to be charged for going on a Turnpike from one part of a person's land to another within half a mile.

III. And be it enacted, that no Vehicle laden or unladen, horses or cattle belonging to the proprietor or occupier of any lands divided by such Turnpike Road as aforesaid, shall be liable to Toll on passing through any Toll-gate on such Road (at whatever distance the same may be from any City or Town) for the sole purpose of going from one part of the lands of such proprietor or occupier to another part of the same: Provided such vehicle, horses or cattle do not proceed more than half a mile along such Turnpike Road, either in going or in returning, for farming or domestic purposes only.

Act not to extend to any private Toll Bridge.

IV. Provided always, and be it enacted, that nothing in the foregoing enactments of this Act shall extend or be construed to extend to any Toll Bridge, the tolls on which are vested in any party other than the Crown.

C A P. L V.

An Act to amend a certain Ordinance therein mentioned, relative to the Turnpike Roads near Quebec.

[29th March, 1845.]

Preamble.

WHEREAS it is expedient to amend the Ordinance of the Governor and Special Council for the late Province of Lower Canada, passed in the fourth year of Her Majesty's Reign, and 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*, by authorizing the Trustees appointed under the same to raise a further sum by way of loan, for the purpose of completing the said Roads, by lowering the rates of Toll, and by fixing the rates of commutation for the said Tolls in certain cases, and by making other provision relative to the said Roads: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-write the Provinces of Upper and Lower Canada and for the Government of Canada*, and it is hereby enacted by the authority of the same, That it shall be lawful for the Trustees of the Quebec Turnpike Roads, to raise by way of loan for the purposes of the Ordinance

Loan of £8,882 authorized.

Ordinance cited in the Preamble to this Act, a further sum not exceeding eight thousand eight hundred and eighty-two pounds, currency, to which loan, and the Debentures to be issued in consequence thereof, and to the advance of monies out of the Provincial Funds to pay the interest thereon if need shall be, and to all other matters incident to the said loan, all the provisions of the said Ordinance touching the loan thereby authorized, are hereby extended and shall apply; excepting always, that the rate of interest on the loan to be raised under the authority of this Act, shall not in any case exceed the rate of six 6 per cent. per centum per annum.

II. And be it enacted, That so much of the tenth section of the said Ordinance as establishes the rates of Toll to be taken on the said Roads, and so much of the said section as empowers the said Trustees to lower the Tolls with the consent of the Governor of this Province, and again to raise the same, shall be and is hereby repealed upon, from and after the first day of May next, and thenceforth the Tolls mentioned in the Schedule annexed to this Act shall be the Tolls to be levied at each Turnpike Gate, on the several Vehicles, Animals and things therein mentioned, and one half of such Tolls shall in each case be payable for each time of passing, except in cases of exemption from the payment of more than one full Toll in a day, in which case such half Toll shall be payable only for the first time of passing and the first time of repassing on the same day: Provided always, that except where it is herein otherwise provided, all the provisions of the said Ordinance with regard to the Tolls thereby authorized, and all matters and things thereunto relating, shall apply to those levied under the authority of this Act, and to all matters and things thereunto relating.

New rates of Toll.

Proviso.

III. And be it enacted, That the said Trustees shall commute with any resident Proprietor or Lessee of any lands or tenements lying beyond any Toll Gate or Gates (reckoning from Quebec) for the Tolls payable at such Gate or Gates during any one year, for a sum equal to the Tolls which would under this Act be payable for passing and repassing the same on one hundred several days, with the carriage, horse, animal, or thing on which such commutation is effected, if the same be kept for pleasure only, or equal to the Tolls which would be payable for so passing and repassing on sixty several days, if the same be not kept for pleasure only: Provided always, that this section shall not extend to any Vehicle liable to pay more than one full Toll in a day, and that such commutation shall be payable in advance: Provided always, and be it enacted, That the said Trustees shall not erect any Toll Gates other than those already established on the said Roads.

Trustees may commute for Tolls with individuals.

Scale of commutation.

Proviso.

IV. And be it enacted, That if the Bridge commonly called "Dorchester Bridge," over the River St. Charles, should at any time hereafter be acquired by the Provincial Government and placed

Dorchester Bridge over River St. Charles and placed

Beauport Toll Gate.

placed under the control of the said Trustees, the Toll Gate now placed near the entrance of the Road leading to Beauport shall be removed to the end of the said Bridge, and the Tolls payable at such Gate for the use of the Road and Bridge shall not be greater by more than one half than the Tolls which will be then payable at any other Toll Gate, and shall be subject to commutation as aforesaid, and that then the "Charlesbourg Road," up to the Church of the Parish of Charlesbourg, shall come under the operation of the said Ordinance as hereby amended, and under the care, control and management of the said Trustees of the Quebec Turnpike Roads.

Champigny Hill Road and "Red Bridge."

V. And be it enacted, That the provisions of the said Ordinance as hereby amended, shall also, from and after the passing of this Act, extend to the Road leading from *Champigny Hill* (the said Hill included) to the Bridge commonly called the "Red Bridge" or "Commissioners' Bridge."

SCHEDULE OF TOLLS.

	s.	d.
For every Coach or other four wheel close covered private Carriage, or half covered and open, drawn by two Horses or other Beasts.....	0	8
Every additional Horse or Beast.....	0	2
For every four wheel private Carriage, not covered, drawn by two Horses or other Beasts.....	0	6
Every additional Horse or Beast.....	0	2
For every Gig, Calash, Dennet, Spring-Cart, or other private two wheel Carriage, drawn by one Horse or Beast.....	0	5
Every additional Horse or Beast.....	0	2
For every Waggon, Wain, Cart, or other Carriage, for loads, and not for hire, with four wheels, and drawn by two Horses or other Beasts.....	0	4
Every additional Horse or Beast.....	0	1
For every such Cart or other two wheel Carriage, for loads, and not for hire, drawn by one Horse or Beast, comprising all two wheel Vehicles belonging to <i>Habitans</i> or common Farmers.....	0	3
For every Sleigh, <i>Traine</i> , Drag, Berlin, or other Winter Vehicle, drawn by one Horse or other Beast.....	0	2
Every additional Horse or Beast.....	0	1
For every Horse, Mare, Gelding, Ass, Mule, Ox, Cow, and head of other neat Cattle, not drawing.....	0	1
For every Horse, Mare, Gelding, Ass or Mule, with a Rider.....	0	2
For every Score of Sheep, Lambs, Hogs, or Swine.....	0	5
For every Stage-Coach, Diligence, Van, Caravan, Stage-Waggon, or other Stage-Carriage for the conveyance of Passengers, with four wheels, and drawn by one Horse or Beast of draught.....	0	6
Every		

Every additional Horse or Beast.....	0	2
For every Gig, Calash, Dennet, Spring Cart, or other Carriage, for Passengers, with two wheels, and drawn by one Horse or other Beast of draught.....	0	5
Every additional Horse or Beast.....	0	1
For every Waggon, Wain, Cart, or other Carriage, for Passengers or Goods, and carrying for hire, or conveying Stones, with four wheels, and drawn by two Horses or other Beasts of draught.....	0	5
For every Cart or other Carriage, for Passengers or Goods, or conveying Stones, with two wheels, and drawn by one Horse or other Beast of draught.....	0	4
Every additional Horse or other Beast.....	0	1

The said Tolls to be paid one half on passing, and the other half on repassing, as provided in the foregoing Act.

CAP. LXVIII.

An Act to amend a certain Act, intituled, *An Act to amend a certain Ordinance therein mentioned relative to the Turnpike Roads near Quebec.*

[9th June, 1846.]

WHEREAS it is expedient to amend the Act hereinafter mentioned in so far as relates to the rates of Toll thereby imposed : Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the Schedule of Tolls annexed to the Act passed in the eighth year of Her Majesty's Reign, and intituled, *An Act to amend a certain Ordinance therein mentioned, relative to the Turnpike Roads near Quebec*, shall be and is hereby repealed ; and the Schedule to this Act annexed shall be substituted therefor, to all intents and purposes, as if the said Schedule hereunto annexed had been annexed to the said Act and referred to in several enactments thereof.

Preamble.
Schedule of Tolls annexed to the Act 8 Vict. c. 55, repealed, and the Schedule to this Act substituted for it

II. And be it enacted, That the Trustees of the Quebec Turnpike Roads shall remove the Toll Gate commonly called the Kilmarnock Gate, and shall not erect any other in the stead thereof.

Trustees to remove the Kilmarnock Gate.

SCHEDULE OF TOLLS.

	s.	d.
For every four wheeled carriage or vehicle, drawn by one horse or other beast.....	0	6
For each additional horse or other beast.....	0	2
		For

For every Gig, Caleche, Cab or two wheeled Omnibus, drawn by one horse or other beast.....	0 5
For each additional horse or other beast.....	0 2
For every spring-Cart, Cart, or other two wheeled vehicle other than those above mentioned, drawn by one horse or other beast.....	0 3
For each additional horse or other beast.....	0 2
For each Sleigh, <i>Traine</i> , Drag, Berlin, or other winter vehicle, drawn by one horse or other beast.....	0 2
For every additional horse or other beast.....	0 1
For every Horse, Mare, Gelding, Ass or Mule, with a rider.....	0 2
For every Horse, Mare, Gelding, Ass, Mule, Ox, Cow and head of other neat cattle.....	0 1
For every score of Sheep, Lambs, Hogs or Swine.....	0 5
The said Tolls to be paid one half on passing and the other half on repassing.	

CAP. XXV.

An Act to exempt Naval and Military Officers and others
on duty in Her Majesty's Service, from the payment
of Toll upon any Turnpike Road in this Province.

[30th May, 1849.]

Preamble.

WHEREAS it is expedient to provide that all persons in
the Naval or Military Service of Her Majesty, on actual
duty, should be exempt from Toll on all Turnpike Roads in
this Province, when passing any Turnpike Gate with their horses
and carriages: Be it therefore enacted by the Queen's Most
Excellent Majesty, by and with the advice and consent of the
Legislative Council and of the Legislative Assembly of the
Province of Canada, constituted and assembled by virtue of
and under the authority of an Act passed in the Parliament of
the United Kingdom of Great Britain and Ireland, and intituled,
*An Act to re-unite the Provinces of Upper and Lower Canada,
and for the Government of Canada*, and it is hereby enacted by
the authority of the same, That all persons in the Naval or
Military Service of Her Majesty, on actual duty, travelling on
any Road constructed or to be constructed under the authority
of an Act passed during the present Session of this present Par-
liament, intituled, *An Act to authorize the formation of Joint
Stock Companies, for the construction of Roads and other Works
in Upper Canada*, or under the authority of any other Act of the
Parliament of this Province, in discharge of such duty, with
their horses and carriages, and all horses, carts, carriages or
waggons in charge of any such persons, conveying any Naval
or Military Stores belonging to Her Majesty, in the course of
transport from one place to another for Her Majesty's Service,
shall pass the Gates set up across all such Roads, free of Toll;
any thing in the said Act or any other Act or Law in force in
this Province to the contrary notwithstanding.

All Naval or
Military
Officers, &c.
on duty, with
their horses
and waggons,
exempt from
Toll on Turn-
pike Roads.

CAP.

CAP. CXV.

An Act to authorize and enable the Trustees of the Quebec Turnpike Roads to acquire and assume the possession and property of the Bridge called Dorchester Bridge, and for other purposes.

[30th May, 1849.]

WHEREAS in and by an Act of the Parliament of the Province of Lower Canada, passed in the forty-eighth year of the Reign of His late Majesty King George the Third, intituled, *An Act for extending the duration of the Patent granted for erecting the Bridge over the River Saint Charles, now called Dorchester Bridge*, it was amongst other things in effect provided and enacted, That after the expiration of fifty years from the twenty-second day of April, in the year of Our Lord, one thousand seven hundred and eighty-nine, being the date of certain Letters Patent therein mentioned, it shall be lawful for His said late Majesty, His Heirs and Successors, to assume the possession and property of the Bridge over the River Saint Charles near Quebec, called Dorchester Bridge, therein mentioned, upon paying to Nathaniel Taylor and others, therein designated as the Proprietors of the said Bridge, their Heirs, Executors, Curators or assigns, the value which the same might at the time of such assumption bear and be worth; And whereas in and by a certain other Act of the Parliament of the said Province of Lower-Canada, passed in the fifty-ninth year of the Reign of His said late Majesty King George the Third, intituled, *An Act to authorize Anthony Anderson and others, Proprietors of Dorchester Bridge, to remove the same*, it was amongst other things in effect provided, That, if His said late Majesty should, after the expiration of fifty years from the date of the Letters Patent, in virtue of which Dorchester Bridge aforesaid had been constructed, to wit, the Letters Patent herein-before mentioned, assume the possession and property of the Draw-bridge, which the said Anthony Anderson and others, in the said last mentioned Act named and designated as the then Proprietors of Dorchester Bridge aforesaid, were thereby authorized to build and erect in lieu thereof, over the said River St. Charles, nearer to the mouth of the said River, from the Suburbs of Saint Roch on the prolongation of Craig Street to the Land belonging to or in possession of the above named Anthony Anderson on the opposite side of the said River St. Charles, (for which purpose he the said Anthony Anderson had voluntarily offered a sufficient space or portion of ground as well as for Roads of communication from the said Bridge with the main Roads leading to the Parishes of Beauport and Charlesbourg) with the Toll-House, Turnpike and the dependencies which might thereunto appertain and belong, and the ascent and approaches thereto, the Proprietors of the said Draw-bridge, their

Preamble.

Act of L. C.
48 G. 3, c. 10,
recited.

Act of L. C.
59 G. 3 c. 28
recited.

Ordinance of
L. C. 4, Vic. c.
17, recited.

their Heirs, Executors, Curators and Assigns, should be entitled to recover and have from His Majesty, His Heirs and Successors, the full and entire value which the same should bear and be worth at the time of such assumption, and the Tolls payable for passing over the same should from the time of such assumption appertain and belong to His Majesty, His Heirs and Successors, who should from thenceforward be substituted in the stead of the said Proprietors of the said Draw-bridge for all and every the purposes of the said last mentioned Act ; And whereas in and by a certain Ordinance of the Legislature of the said Province of Lower Canada, passed in the fourth year of Her Majesty's Reign, 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*, it was amongst other things ordained and enacted, That all property and estate, moveable and immoveable, acquired by the Trustees of the Quebec Turnpike Roads should be vested in Her Majesty for the public uses of the Province, and it is desirable that the said Trustees should accordingly be authorized and enabled to acquire and assume the possession and property of the said Draw-bridge, now called Dorchester Bridge, with the Toll-House, Turnpike and other dependencies, and the ascents and approaches thereto as aforesaid ; And whereas it is also expedient to extend the provisions of the said last mentioned Ordinance to the Roads hereinafter mentioned : Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That it shall be lawful for the Trustees of the Quebec Turnpike Roads to raise by way of loan for the purposes of this Act, a sum not exceeding twenty-five thousand pounds currency ; to which loan, and to the debentures to be issued in consequence thereof, and to all other matters incident to the said loan, all the provisions of the said last mentioned Ordinance touching the loan thereby authorized, are hereby extended and shall apply, excepting always, that the rate of interest on the loan to be raised under the authority of this Act shall not in any case exceed the rate of six per centum per annum, and that no money shall be advanced out of the Provincial Funds to pay such interest : and all debentures issued under this Act shall, so far as regards the interest payable thereon, take precedence and have priority of lien on the Tolls and other moneys which may come into the possession and be at the disposal of the said Trustees, over the interest payable on all debentures granted or to be granted by the said Trustees for any loan already authorized by law, as well as over all claims for repayment

Trustees of
the Quebec
Turnpike
Roads may
borrow an ad-
ditional sum of
£25,000, as
under former
Acts.
Exception.

Rank of new
loans as to
priority.

repayment of any sums of money advanced or to be advanced to the said Trustees by the Receiver General of this Province.

II. And be it enacted, That it shall be lawful for the said Trustees, and they are hereby expressly authorized and required, as soon as possible after the passing of this Act, to acquire and assume the possession and property of the said Draw-bridge, now called Dorchester Bridge, with the Toll-house, Turnpike and dependencies which may thereunto appertain and belong, and the ascents and approaches thereto as aforesaid, first paying to the proprietors thereof the full and entire value which the same shall bear and be worth at the time of such assumption, to be offered, decided or estimated and paid, or lodged and distributed, as the case may require, according to the terms and provisions of the said last mentioned Ordinance.

Trustees may purchase Dorchester Bridge.

III. And be it enacted, That if any shares in the said Bridge shall at the time of such assumption be vested in or belong to any child unborn, minor or interdicted person, or vacant estate, or the executor of the will of any person deceased, it shall be lawful for the Tutor or Curator of such child unborn, minor or interdicted person, or vacant estate, or for such executor, to sell and convey such shares to the said Trustees, and to become a party to and adopt all such steps and proceedings as may be necessary for that purpose, and that all contracts, agreements, sales, conveyances and other assurances made by any such tutor, curator or executor in pursuance of this Act, shall be valid and effectual in law to all intents and purposes whatsoever; any law, statute, usage or custom to the contrary notwithstanding.

Case of shares being vested in minors, &c. provided for.

IV. And be it enacted, That from the time of the assumption of the said Draw-bridge by the said Trustees as aforesaid, all and every the provisions of the said Act herein-before secondly cited, in so far as the same may not be inconsistent with the provisions of the said Ordinance, or of this Act, shall apply to them as the proprietors thereof, and to the Tolls to be levied for passing thereon in virtue of this Act, save and except that it shall not from thenceforward be lawful for any person to pass any of the fords in the said river with horses, cattle or carriages, or other animals or vehicles subject to Tolls under the said Ordinance or any Act amending the same, or to cross any such horses, cattle or carriages, animals or vehicles over the same in canoes or boats or otherwise, either with or without gain or hire, within the utmost limits of the exclusive privilege heretofore granted to or enjoyed by the proprietors of the said Bridge; and persons offending against this clause shall be subject to the penalty imposed by the thirty-third section of the said Ordinance.

Provisions of 59 G. 3, c. 28, continued.

Exceptions.

Certain roads near Quebec placed under the control of the Trustees.

V. And be it enacted, That the provisions of the said Ordinance, and the powers of the Trustees appointed under the authority thereof, shall extend to the roads and parts of roads hereinafter mentioned and described, as fully to all intents and purposes whatsoever, as if the said roads and parts of roads had been mentioned and described in the ninth section of the said Ordinance, as among those to which the said provisions and powers should extend, that is to say :

Firstly. The road leading from Dorchester Bridge aforesaid to the Church of the Parish of Charlesbourg ;

Secondly. The road leading from the Bridge over the River Montmorency near the great fall on the said River, as far as the boundary line between the Parishes of l'Ange Gardien and Chateau Richer, in continuation of the road seventhly described in the said Ordinance ;

Thirdly. The road leading from the said Church of the Parish of Charlesbourg to the Indian Village of Lorette ;

Fourthly. The road leading from the said Village to the road commonly called *Route de l'Eglise*, in the Parish of Saint Ambrose ;

Fifthly. The said *Route de l'Eglise* ;

Sixthly. The road commonly called *l'Ornière*, from its intersection with the last mentioned road, to its intersection with the road leading from Champigny Hill to the Bridge commonly called the "Red Bridge" or "Commissioners' Bridge."

Proviso.

Seventhly. The road commonly called Saint Foy Road, from a point one hundred yards beyond the place where it is intersected by the road commonly called *la Suède*, to the top of the hill at Cap-Rouge : Provided always, that the said Trustees shall have power, if they shall deem it expedient, to straighten the said Road from a point about thirty-four chains to the north of the bend of the road near the middle of the Cap-Rouge Hill, so as to carry the road in as nearly a direct line as may be practicable from the said point to the said bend.

Eighthly. The road leading from the Saint Foy road near the Church of the Parish of Saint Foy to the road called Saint Lewis Road or *La Grande Allée* ;

Ninthly. The Cove or Beach Road between the Cliff and the River Saint Lawrence for one mile and a half beyond the southwest extremity of Sillery Cove ;

Tenthly. The road leading from the Church of the Parish of Charlesbourg to the Village of Saint Pierre, for one mile and a half only ;

Eleventhly.

Eleventhly. The Road fifthly mentioned and described in the ninth section of the said Ordinance from the south-western side of the land known as Hough's farm, for one mile in the direction of the Church of the Parish of St. Augustin; and the said roads and parts of roads, or such of the said roads and parts of roads as the balance which may remain of the Loan raised by the said Trustees under this Act, after paying the value of the said Bridge and premises, may enable the said Trustees to make, improve and repair, shall be made, improved and repaired by the said Trustees in the order in which they are mentioned in this Act: Provided always, that it shall be lawful for His Excellency the Governor General in Council from time to time to authorize the said Trustees to deviate from the said order in any respect in which it may be deemed advisable so to do, for the purpose of more speedily raising the said Loan or otherwise furthering the objects of this Act and the interests of the public in connection therewith.

Order in which the Trustees shall improve such roads.

Governor may authorize deviations from such order.

VI. And be it enacted, That the fourth section of the Act passed in the eighth year of Her Majesty's Reign, intituled, *An Act to amend a certain Ordinance therein mentioned, relative to the Turnpike Roads near Quebec*, be and the same is hereby repealed; that as soon as the said Trustees shall have assumed the property and possession of the said Dorchester Bridge, the Toll-Gate, now placed near the entrance of the road leading to Beauport, shall be removed to the south end of the said Bridge, and the Tolls payable at such Gate for the use of the said Bridge and of either of the roads leading to Beauport or Charlesbourg, shall not be greater by more than one half than the Tolls payable at any other Gate erected by the said Trustees, and the payment and commutation thereof shall be subject to the same regulations and provisions of law in every respect.

Act 8 V. c. 55, sec. 4, repealed.

Tolls at a certain gate limited.

VII. And be it enacted, That if at any time it shall appear to the said Trustees to be advisable to change the direction of the said roads and parts of roads, or of any other roads or parts of roads subject to their management, the portions of ground acquired by them for that purpose shall become and be portions of the said roads or parts of roads respectively, in lieu and stead of the corresponding portions previously used as such, which shall vest in and belong to the several and respective owners of the adjoining lands from which the same were originally taken; and where such owners or any of them shall have been entitled to payment or compensation in respect of any portion of ground so required to be taken by the said Trustees, or of any damage suffered or to be suffered by reason of such change, the value of the ground about to revert to them as aforesaid, may and shall be estimated and taken into account in deduction or discharge of such payment or compensation; but if such old roads shall lead to any land, house or place, which cannot in the opinion of such Trustees be accommodated with a convenient way and passage from such new road, then

As to lands forming part of old roads and not required in consequence of any change in the position of such roads.

Old road to be left in certain cases.

and in such case such old road and every part thereof shall remain subject to the right of way and passage to such land, house or place respectively.

CAP. CII.

An Act to amend the Act authorizing the Quebec Turnpike Road Trustees to acquire Dorchester Bridge, and to make certain Roads.

[10th August, 1850.]

Preamble.
Act 12 V. c.
115.

WHEREAS the Act passed in the twelfth year of Her Majesty's Reign, and intituled, *An Act to authorize and enable the Trustees of the Quebec Turnpike Roads to acquire and assume the possession and property of the Bridge called Dorchester Bridge, and for other purposes*, has not attained the object the Legislature had in view, which was the immediate purchase of Dorchester Bridge and the speedy completion of the Roads mentioned in the said Act, and it is therefore necessary to amend the said Act: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That for and notwithstanding any thing to the contrary in this Act above cited, the Quebec Turnpike Road Trustees are authorized forthwith after the passing of this Act, to cause the Roads mentioned in the said Act to be made, and to expend in making the said Roads the sum of Fifteen Thousand Pounds currency, out of the Twenty-five Thousand Pounds currency which they are by the said Act empowered to borrow, the balance of Ten Thousand Pounds being to be employed either in purchasing and improving Dorchester Bridge, or in constructing one or more new Draw Bridges on the River Saint Charles, within the limits situate between Saint Roch street and Dorchester street, in the City of Quebec, on the north shore of the said River Saint Charles, and two points as nearly as possible corresponding on the south shore of the said river.

The Roads mentioned in the said Act to be made forthwith.

Balance for buying or constructing a Bridge.

If the present Bridge be not purchased, a new one to be built.

Trustees may purchase the necessary land.

II. And be it enacted, That if, at the expiration of two months, from and after the passing of this Act, the said Trustees shall not have purchased the said Dorchester Bridge, they shall immediately proceed to the construction of the above mentioned new Draw Bridge or Draw Bridges.

III. And be it enacted, That the Trustees of the Quebec Turnpike Roads are expressly authorized to acquire any land or

or portion of beach as shall be necessary for the construction of the Draw Bridge or Draw Bridges and of the Roads leading thereto, and to take possession thereof on payment to the proprietor thereof, (in case he shall not grant the same by donation) of the whole value of such land or beach, which said value shall be regulated, paid or distributed, as the case may be, according to the terms and provisions of the Ordinance of the Province of Lower Canada, passed in the fourth year of Her Majesty's Reign, and 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.*

Ordinance 4
V. c —

CAP. CXXXII.

An Act to authorize the Quebec Turnpike Road Trustees to effect a new Loan, and to extend the provisions of the Quebec Turnpike Road Ordinance to certain other Roads.

[30th August, 1851.]

WHEREAS it is expedient to extend the provisions of the Ordinance hereinafter mentioned to certain other roads than those to which it at present extends: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That from and after the passing of this Act, the provisions of the Ordinance of the Governor and Special Council of the late Province of Lower Canada, passed in the fourth year of the Reign of Her Majesty, and 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*, and the powers of the Trustees appointed under the authority thereof, shall apply, to all intents and purposes, to the roads or parts of roads hereinafter mentioned, as if the said roads and parts of roads had been mentioned and described in the ninth section of the said Ordinance as forming part of those to which the said provisions and powers were intended to apply, that is to say: firstly, the road from Charlesbourg, commencing from the place which forms the termination of the mile and a half which is to be macadamized under the Act passed in the twelfth year of the Reign of Her Majesty, intituled, *An Act to authorize and enable the Trustees of the Quebec Turnpike Roads to acquire and assume the possession and property of the Bridge called Dorchester Bridge, and for other purposes*, and mentioned in the fifth section

Preamble.

Provisions of
4 Vict. c. 17,
extended to
certain roads.

The roads
described.

12 Vict. c.
115.

section

section of the said last mentioned Act, as far as the land of François Lafrance, and thence in two different directions, that is to say, two miles in a north-easterly direction towards Lake Beauport, and four miles and a half in a north-westerly direction towards the Township of Stoneham; and secondly, the road leading past the Grist Mill belonging to the Government, in the Parish of Ancienne Lorette, to the road between the Seigniories of St. Gabriel and Gaudarville, from its junction with the public road already under the control of the said Quebec Turnpike Road Trustees for a distance of one mile and a half.

Trustees may borrow £15000 but without any guarantee on the part of the Province.

Proviso: rate of interest limited, &c.
By what priority of lien &c. such loan shall be secured.

II. And be it enacted, That in order to give effect to the provisions herein-above mentioned, and to those of the Act last above-mentioned, it shall be lawful for the Quebec Turnpike Road Trustees to raise, by way of Loan, a sum not exceeding Fifteen Thousand Pounds Currency, and such Loan and the Debentures which shall be issued in conformity with the provisions of this Act, and all other matters relating to the said Loan, shall be subject to the provisions of the Ordinance herein-before mentioned relative to the Loan authorized under the said Ordinance: Provided nevertheless, that the rate of interest to be allowed under the authority of this Act shall in no case exceed the rate of six per centum per annum; and that no money shall be advanced out of the Provincial Funds for the purpose of paying the said interest; and all Debentures issued under the authority of this Act, so far as regards the interest payable thereon, shall take precedence and have priority of lien on the tolls and other moneys which may come into the possession, and be at the disposal of the said Trustees, over the interest payable on all Debentures which shall have been issued upon the guarantee of the Province, or which shall hereafter be issued by the said Trustees upon the guarantee of the Province, as well as to all claims for re-payment of any sums of money advanced, or to be advanced to the said Trustees by the Receiver General of this Province; and the said Debentures issued under this Act shall, as regards both the payment of the interest and the principal thereof, rank after those issued under the authority of the Act last above cited passed in the twelfth year of Her Majesty's Reign.

Trustees to apply balance of money to the repairing of certain roads.

III. And be it enacted, That after the macadamizing of the roads in the above-mentioned Statutes described, and of the roads above-mentioned, it shall be lawful for the said Trustees to apply any unexpended balance of the money to be raised by the Loan provided by this Act, to the repairing and macadamizing of the following roads, to wit: the road commonly called *la Route de la Misere* or *la Route Saint Jacques*, from the road on the northern bank of the River St. Charles to the road leading to the Parish Church of St. Ambroise, and the road recently ordered to be opened by the Municipal Council of the County of Quebec, between the Parish of Charlesbourg in the rear

rear of the said Parish, and the Parish of Saint Ambroise, as described in the Ordinance and Procès-verbal of the said Council, which said roads, or either of them, the said Trustees shall have full power to take under their control and management whenever they shall deem it expedient, and as soon as the said Trustees shall have given notice, by an advertisement in the French Language in a newspaper published in the French language in the City of Quebec, and in the English language in a newspaper published in the English language in the said City, of their taking the said roads or either of them under their control, then all the provisions of the above mentioned Ordinance shall apply to the said roads, or to either of them, as the case may be.

CAP. CXXXIII.

An Act to authorize the Trustees of the Quebec Turnpike Roads, to issue Debentures to a limited amount, for the purpose of buying and rebuilding the Montmorency Bridge.

[30th August, 1851.]

WHEREAS it will be conducive to the safety and advancement of the public, that the Bridge over the River Montmorency, erected under the authority of the Act of the Legislature of the Province of Lower Canada, passed in the fifty-second year of the Reign of His Majesty King George the Third, chaptered Seventeen, and intituled, *An Act to authorize François Huot and Joseph Jacob to erect a Bridge over the Montmorency, above the Falls*, should be placed under the control of the Trustees of the Quebec Turnpike Roads: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the said Trustees are hereby authorized to purchase the said Bridge and to rebuild it, and for that purpose to borrow a sum not exceeding Five Thousand Pounds, at a rate not exceeding six per cent. per annum.

Preamble.

Act of L. C.
52 G. 3, c. 17.

Trustees may
borrow
£5000.

II. And be it enacted, That the interest of the moneys to be borrowed under this Act shall be privileged over the interest on the Debentures issued or to be issued by the said Trustees with the guarantee of the Province, and shall, as regards the interest on the Debentures last mentioned, have priority of lien on the Tolls and other moneys now being or hereafter to come into the hands of the said Trustees, but shall rank after the Debentures

How the
Debentures to
be issued
under this Act
shall rank.

Debentures

12 V. c. 115.

Debentures issued or to be issued under the Act passed in the twelfth year of Her Majesty's Reign, and intituled, *An Act to authorize and enable the Trustees of the Quebec Turnpike Roads to acquire and assume the possession and property of the Bridge called Dorchester Bridge, and for other purposes*, and neither the principal or interest of the Debentures to be issued under this Act shall be guaranteed by the Province, or payable out of any Provincial Funds.

Trustees to succeed to the rights of the proprietors if they purchase the Bridge.

III. And be it enacted, That whenever the said Trustees shall have purchased the said Bridge over the River Montmorency, they shall be invested with and have all the rights and privileges vested in the Proprietors thereof by virtue of the Act aforesaid, passed in the fifty-second year of the Reign of King George the Third, and shall, in their stead, levy the Tolls allowed by the said Act.

Revenue from the Bridge to what purpose to be applied.

IV. And be it enacted, That the Revenue arising from the said Bridge, whether from Tolls or otherwise, shall be exclusively applied to the improvement and gradual completion of the High-road of the *Côte de Beaupré*, from the Mill du *Petit Pré* towards the other extremity of the Parish of Chateau Richer, and below it; and the said Bridge and the said Road, as it shall be so improved and completed, shall be under the control of the said Trustees, and subject to the Provisions of the Ordinance of the Special Council of the Province of Lower-Canada, passed in the fourth year of Her Majesty's Reign, and 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.*

4 V. c. 17.

To what purpose the loan shall be applied if the bridge be not purchased.

V. And be it enacted, That if by reason of the refusal of the Proprietors to sell, or of their demanding too high a price for the said Bridge, the said Trustees shall not be able to purchase the same within six months from the passing of this Act, (and it shall be the duty of the said Trustees to enter into negotiations with the proprietors for the purchase thereof within the said six months), then the said Trustees shall apply the sum of Five Thousand Pounds above-mentioned to the improvement and completion of the Chateau Richer Road mentioned in the next preceding section.

CAP. CCXXXV.

An Act to authorize the Trustees of the Quebec Turnpike Roads to issue Debentures to a certain amount, and to place certain Roads under their control.

[Assented to 14th June, 1853.]

WHEREAS it is expedient to extend the provisions of the Preamble.

Ordinance hereinafter mentioned, to certain roads other than those to which they now extend, and to make further improvements in the vicinity of Quebec, through the Trustees of the Turnpike Roads established under the said Ordinance and for that purpose; And whereas, in order to the construction and completion of the works now undertaken by the said Trustees, or required by law of the said Trustees, it is expedient to provide for the raising of the necessary funds by the issue of Debentures by the said Trustees: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That from and after the passing of this Act, the provisions of the Ordinance of the Governor and Special Council of the late province of Lower Canada, passed in the fourth year of Her Majesty's Reign, 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*, and the provisions of all Acts and Statutes now in force amending the said Ordinance, and the powers of the Trustees appointed under the said Ordinance, and to be appointed under this Act, shall extend or apply to the Roads hereinafter mentioned, in the same manner as if the said Road had been mentioned and described in the said Ordinance, that is to say: the road leading from the Parish Church of St. Ambroise of *la Jeune Lorette* to the place called Valcartier, commencing at the place at which the said road begins, near the Church of St. Ambroise of *la Jeune Lorette*, and extending to the river Jacques Cartier, near the Roman Catholic Church known by the name of the Church of St. Gabriel de Valcartier.

II. And be it enacted, That it shall be the duty of the Trustees so soon as they shall have begun to macadamize the said road, to cause a Turnpike to be erected upon the said road, at or near the place where the said road approaches the building constructed for the Water Works constructed in the said place by the City of Quebec; at which said Turnpike the tolls provided by the tariff now in force shall be levied in the same manner

Provisions of Ord. 4 V. c. 17, extended to the Road from Jeune Lorette to St. Gabriel de Valcartier.

Toll-gate to be erected near the Water-works at Lorette: Revenue to be farmed out after first year.

manner as at other Turnpikes erected upon the roads under the control of the said Trustees, and the revenues of the said Turnpike after the first year of its erection, shall be farmed out in the same manner as those of other roads under the control of the said Trustees : Provided always, that any proprietor of land, residing in the Parish of St. Ambroise of *la Jeune Lorette*, who shall be obliged to pass through the said Turnpike Road to go from his own residence to any land belonging to him situated beyond the said Turnpike, and which shall not be rented or leased as a farm to any other person, shall be exempted from paying any toll at the said Turnpike.

Proviso: in favor of proprietors in the said Parishes.

Toll bridge to be built over the Jacques Cartier River.

III. And be it enacted, That so soon as the said road shall have been completed as far as the river Jacques Cartier, it shall be the duty of the said Trustees to erect a Toll-bridge upon the said river Jacques Cartier at the place at which the said road shall terminate, at which bridge the same tolls shall be levied as at the Turnpikes above mentioned.

Cove beach road, to be made to Cap-Rouge.

IV. And be it enacted, That from and after the passing of this Act, the provisions of the said Ordinance, and the powers of the said Trustees shall also in like manner extend to the road called the *Chemin des Foulons*, and in English, "the Cove Beach Road," commencing at the place to which it is now planked and improved, and extending to the foot of Cap-Rouge Road, being a distance of about three miles ; provided always, that from the period of the commencement of the said works for the improvement of the said section of the road herein-above described, the Tolls levied at the Turnpike upon the said Cove Beach Road shall be increased by one half.

Proviso.

Provisions of Ordinance extended to—

V. And be it enacted, That from and after the passing of this Act, the provisions of the said Ordinance and of the Statutes amending the same, and the powers of the said Trustees shall also extend—

part of Mail road between Quebec and Montreal.

First. To the Mail Road between Québec and Montreal, in the direction of St. Augustin, for a distance of five miles beyond the place to which it is now provided that the said road shall be macadamized ;

Belvidere road.

Secondly. The By-road called the Belvidere Road, which leads from the road called the *Grande Allée* to the St. Foy Road ;

Road between St. Foy and St. Charles Road.

Thirdly. A By-road which the said Trustees shall have power to open between the said St. Foy Road and the road along the little river St. Charles ;

St. Clair road.

Fourthly. The By-road called the St. Claire Road commencing at Scott's Bridge, as far as the St. Joseph Road ;

Fifthly.

Fifthly. The By-road, known as the Bourg Royal Road and also *Route de la Commune*, commencing at the Beauport highroad, for a distance of two miles ;

Bourg Royal road, &c.

Sixthly. The By-road which leads to Laval, commencing at the Beauport highroad, for a distance of three miles ;

Beauport and Laval road.

Seventhly. The road leading from the St. Louis highroad to the Cove Beach Road, passing by the Church of St. Richard ;

From St. Louis road to Cove beach road.

Eighthly. A road which the said Trustees shall be empowered to open to connect the north road of the little river St. Charles with the Charlesbourg highroad ;

From Little River road to Charlesbourg road.

Ninthly. To the highroad in the County of Montmorency, commencing at the *Petit Pré* and extending to the place called the *Saut à la Puce*, and also the approaches to the new bridge to be constructed over the river Montmorency, as hereinafter provided ;

Part of High Road in Montmorency.

Tenthly. To the road continuing the road from the Church in the Parish of St. Foy, to the Cove Beach Road :

St. Foy to Cove Beach.

Provided always that the roads herein thirdly and eighthly in this Section mentioned, shall not be opened and improved unless the lands necessary for the making of the said roads be furnished gratuitously by the parties interested.

Proviso : as to articles 8 & 9.

VI. And be it enacted, That it shall be lawful for the said Trustees, at such place as they shall think proper, to construct another bridge over the river Montmorency, in lieu of the one at present existing, and which they may dispose of as also of the parts of roads leading thereto, and they shall for ever enjoy, with respect to the said bridge to be so constructed and the approaches leading thereto, all the same rights and privileges as they now enjoy with respect to the present bridge and its approaches ; and it shall be lawful for them to apply to the construction of the said bridge, a sum not exceeding Three Thousand Pounds currency, over and above the balance arising from the loan authorized by the Act passed in the ninth year of Her Majesty's reign, chapter one hundred and thirty-three ; and the provisions of the Act last above cited, under which the revenues of the bridge over the River Montmorency are to be applied to the extension of the *Côte de Beaupré* road, are hereby repealed ; and the Toll-Gates hereinafter mentioned shall in every respect be subject to the provisions of the Ordinance first above cited and of the Statutes amending the same, and it shall be lawful for the said Trustees to erect a Toll-Gate at the entrance to the new bridge, at which a Toll shall be levied, not exceeding One Penny for every person crossing the same ; and another Toll-Gate at a distance within half a mile to the west of the said river, at which Toll-Gate the same Tolls shall be levied

Another Bridge may be built over the Montmorency in place of the present Bridge.

Appropriation for new Bridge, &c.

Toll-Gates authorized by this Act to be subject to provisions of the said Ord.

levied

Proviso: Tolls limited.

Proviso.

levied on all vehicles or animals as are now levied at the bridge over the said river Montmorency; Provided always, that in no case shall there be levied at the said Toll-Gate for one single Toll, a sum exceeding One Shilling and Three Pence; And provided also, that persons residing to the east of the said river Montmorency or in the Parish of Beauport shall be exempt from personal Toll on crossing the said bridge.

For the completion of roads described in 14 & 15 V. c. 132, and those mentioned in this Act, Trustees may issue Debentures for £30,000.

VII. And be it enacted, That in order to the making and completion of the several roads described and mentioned in the Act passed during the last Session of the Provincial Parliament, chapter one hundred and thirty-two, and also to the improving and macadamizing of the roads herein-before mentioned, and the making of the various improvements herein-above mentioned, it shall be lawful for the said Turnpike Road Trustees to raise by loan a sum not exceeding Thirty Thousand Pounds currency, and this loan and the Debentures which shall be issued to effect the same, and all other matters having reference to the said loan, shall be subject to the provisions of the Ordinance above cited with respect to the loan authorized under it; Provided nevertheless, that the rate of interest to be taken under this Act shall in no case exceed the rate of six per cent. per annum, and no money shall be advanced out of the Provincial Funds for the payment of the said interest, and all the Debentures which shall be issued under this Act, so far as relates to the interest payable thereupon, shall have a privilege of priority of lien upon the tolls and other moneys which shall come into the possession and shall be at the disposal of the said Trustees, in preference to the interest payable upon all debentures which shall have been issued under the Provincial Guarantee, or which shall hereafter be issued by the said Trustees under the Provincial Guarantee, and also to all other claims for the reimbursement of any sums of money advanced or to be advanced to the said Trustees by the Receiver General of this Province, and the said debentures, as respects the payment of the principal and interest thereof, shall rank after those issued under the Act passed during the last Session of the Parliament of this Province and herein-before cited.

Proviso: rate of interest.

No Provincial moneys to be taken.

Priority of lien in favor of Debentures under this Act over Debentures guaranteed by the Province or moneys due to the Province.

Provisions of Ordinance to extend also to—

VIII. And be it enacted, That from and after the passing of this Act, the provisions of the said Ordinance and the Statutes amending the same, and the powers of the said Trustees shall also extend to the Roads herein-after designated, to wit :

Road between Passage de Bégin and Beaumont.

First. The Road commencing on the bank of the River St. Lawrence opposite to the City of Quebec, at the place called the *Passage de Bégin*, and extending to the Parish of Beaumont, passing by the Road called *La Petite Route*, for the distance of three leagues and a half.

St. Anselme and St. Henri.

Secondly. The Road commencing on the bank of the said River opposite the City of Quebec, ascending towards St. Anselme

Anselme and passing by the road called the *Trente Sous Road*, and by the Church of St. Henri, for the distance of four leagues and a half.

Thirdly. The road commencing on the bank of the River St. St. Nicolas. Lawrence, opposite the City of Quebec, and extending to St. Nicolas, leading along the shore a distance of three leagues.

Fourthly. Lastly, the road commencing from the Lauzon South shore wharf on the bank of the said River, opposite to the City of upwards. Quebec, ascending along the River St. Lawrence, a distance of three leagues.

Provided always, that so soon as the said Trustees shall have commenced to improve the said roads, a first Toll-Gate shall be erected upon each of the said roads at a distance of not more than two miles from the point of departure of each road, and so soon as any of the said roads shall have been macadamized and improved for a space and distance of three leagues, a second Toll-Gate shall be erected, not less than three leagues from the point of departure upon each of the said Roads, which shall have been so improved to such distance, at which Toll-Gates a Toll shall be taken, which shall be greater by one half than that at present prescribed by the tariff now in force ; Provided also that the revenues of the said Toll-Gates shall in all other respects be subject to all the provisions of the laws now in force in relation to the revenues of the said Toll-Gates, but none of them shall be farmed out until after the expiration of one year from the date of the first going into operation thereof.

IX. And be it enacted, That it shall be the duty of the said Trustees so soon as they shall have improved the road leading to St. Nicolas as far as the River Chaudière, to construct a bridge over the said River at such place as the said road so improved shall meet the said river, and all the rights and privileges belonging to Her Majesty with respect to the bridge formerly over the said river, shall belong to the said Trustees : Provided always, that the said Trustees, so soon as they shall have constructed the said bridge, shall erect a Toll-Gate at the entrance of the said bridge, at which Toll-Gate the same tolls shall be collected as are prescribed by the sixth Section of this Act.

X. And be it enacted, That for the completion of the roads, bridges and improvements mentioned in the two next preceding Sections, it shall be lawful for the said Trustees to issue debentures to the amount of Forty Thousand Pounds currency, which debentures shall be wholly subject to the provisions of the Ordinance herein-before cited, shall take precedence of those issued under the Provincial Guarantee, and of the claim by the Government, to be repaid out of the revenues of the said Toll-Gates, and shall take order and precedence and rank concurrently.

concurrently with those to be issued by and under the seventh Section of this Act.

Twelve Trustees instead of nine.

XI. And be it enacted, That from and after the passing of this Act, it shall be lawful for the Governor General of this Province, to nominate and appoint three fit and competent persons to be Trustees of the said Quebec Turnpike Roads in addition to the Trustees now appointed, and the Turnpike Road Trust shall, by virtue of the said Ordinance, be composed of twelve Trustees instead of nine.

Check toll-gates may be erected. Tolls thereat, &c.

XII. And be it enacted, That it shall be lawful for the said Trustees, in order to prevent parties from passing upon the roads under their control, without paying tolls, to erect upon any of the roads under their control, Check Toll-Gates, through which it shall be permitted to pass, by means of Checks which shall be given at the other Toll-Gates to those parties who shall have passed through them on the same day, and at which shall be taken the same tolls as those required at the nearest Toll-Gate, entitling persons paying the same to receive a Check by means of which they shall be entitled to pass through the nearest Toll-Gate during the same day without paying tolls.

Checks.

The above roads to be constructed at the same time as the roads under 14 & 15 V. c. 132.

XIII. And be it enacted, That it shall be the duty of the said Trustees to proceed to the making and improvement of the roads described in the eighth Section of this Act, at the same time as and conjointly, and as nearly as possible in equal proportion, with those mentioned and described in the Act passed during the last Session of Parliament, chapter one hundred and thirty-two, and after the completion of the roads, described in the said Act conjointly with and at the same time, and as far as possible in the same proportion as those mentioned and described in the other clauses of this Act.

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