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No. 286.

2nd Session, 5th Parliament, 19 Victoria, 1856.

B I L L .

**An Act to amend the Acts relating to the
Quebec Turnpike Roads.**

CORRECTED COPY.

Received and read first time, Wednesday, 18th
June, 1856.

Second reading Friday, 20th June, 1856.

HON. MR. LEMIEUX.

S. Derbishire & G. Desbarats, Queen's Printer.

An Act to amend the Acts relating to the Quebec Turnpike Roads.

WHEREAS it may become desirable that the several Roads and Works constructed or improved under the authority of the Ordinance of the Legislature of Lower Canada, passed in the fourth year of Her Majesty's Reign, and intituled, *An Ordinance 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 several Acts amending the same, with moneys borrowed under the said Acts and Ordinances, and for the interest on a large portion whereof the Province is responsible,—should be placed under the control and management,—either of two separate Trusts, one for the Roads and works on the North Shore, and the other for those on the South Shore of the River St. Lawrence, or of an Officer of the Government, accountable as such, and subject to the control of the Commissioners of Public Works: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

I. It shall at any time be lawful for the Governor of this Province to revoke the Letters Patent appointing the Trustees under the Ordinance cited in the Preamble to this Act, and the Acts amending the said Ordinance, and by Letters Patent to appoint not less than five nor more than nine persons to be "Trustees of the Quebec North Shore Turnpike Roads," and not less than five nor more than nine persons to be "Trustees of the Quebec South Shore Turnpike Roads," or in his discretion, to appoint a person to be the "Manager of the Quebec Turnpike Roads," and from time to time thereafter, to cancel the appointment of such Trustees, or of any of them, or of such Manager, and to appoint another or others in his or their stead, at pleasure.

II. If the Governor shall see fit to appoint Trustees for Quebec Turnpike Roads on each side of the St. Lawrence, respectively, then—

1. Such of the Turnpike Roads, Bridges and other works now under the control and management of the Trustees appointed under the said Ordinance and Acts, as lie on the North side of the River St. Lawrence, shall be under the sole control, direction and management of the said Trustees of the Quebec North Shore Turnpike Roads, and those of them which lie on the South side of the said River, shall be under the sole control and management of the Trustees of the Quebec South Shore Turnpike Roads ;

2. The Governor of this Province may at any time remove any of the said Trustees and appoint others in their stead, or may appoint additional Trustees for either side of the said River, provided the number for either side do not at any time exceed nine ;

3. The Trustees for either side of the said River, shall respectively have the same powers and duties, rights and liabilities, with regards to the Turnpike Roads, Bridges, and other works under their control, as are now vested in the Quebec Turnpike Road Trustees, with regard to the same ; and all provisions of the said Ordinance or Acts, shall apply as they now do, in so far as may not be inconsistent with this Act ;

4. Both the said Trusts shall remain jointly and severally liable for all moneys lawfully borrowed by the Quebec Turnpike Road Trustees before this Act shall come into force, and the interest thereon, and for all debentures and securities issued for such moneys and interest ; but each Trust shall be liable to the other for all sums hereafter to be paid by the other on account of moneys borrowed for Roads and works under the control of such first mentioned Trust, the claim founded on such liability, nevertheless, ranking after all claims for moneys heretofore borrowed by the Trust so liable, under the authority of the Legislature, or for interest on such moneys, and after the fair expenses of managing Roads and works made or repaired with moneys heretofore borrowed as aforesaid, which moneys the Trustees may expend for the purposes for which they were so borrowed ; and such claim of the one Trust upon the other being subject also to further limitation by the Governor in Council, who may from time to time determine the liability of either Trust to the other in such manner as he shall deem most consistent with the true intent of this Act ;

5. All proceedings now pending to which the Quebec Turnpike Road Trustees may be a party, shall, notwithstanding this Act, be continued to judgment, and all proceedings after judgment shall be had, as if this Act had not been passed ; subject always to the liability of the one Trust to the other, if any such liability shall arise from such proceedings.

III. And if the Governor shall see fit to appoint a Manager of the Quebec Turnpike Roads, then—

1. All the property, real or personal, and all powers and rights of every kind vested in the Trustees under the said Ordinance and Acts at the time their appointment shall be revoked as aforesaid, shall vest in the Manager of the Quebec Turnpike Roads appointed in their stead, and all the obligations and liabilities of the said Trustees, as such, shall be transferred to him by the mere fact of his appointment ; and in like

manner all the property, powers and rights vested in, and all the obligations and liabilities of any Manager of the Quebec Turnpike Roads, as such, shall, upon the appointment of his successor in the said office, vest in and be transferred to such successor by the mere fact of his appointment, and so on for ever : and every appointment made, or contract, engagement or thing lawfully entered into or done by the said Trustees, or by any Manager, shall remain valid and may be enforced by or against their or his successor, who shall as regards the same, be held to be one and the same party with such Trustees or Manager ; and no action or proceeding to which the said Trustees or any such Manager may be a party, shall abate or be discontinued by reason of their or his removal from office, but the same shall be continued on a mere suggestion of the facts, by or against the succeeding Manager by his name of office, in which name, all actions and legal proceedings by or against him shall be brought and conducted :

2. The said Manager shall be subject to the control of the Chief Commissioner of Public Works, and shall obey all orders he may receive from him, or from the Governor in Council through the Provincial Secretary, and shall be held to be a Public officer employed in the collection of Public Moneys, for all the purposes of the Act relating to the management of the Revenue, or of the Act of the last Session to secure the more efficient auditing of the Public Accounts :

3. Provided always, that nothing in this Section shall be held to extend or to diminish the liability of the Province with regard to any Debentures issued by the Trustees of the Quebec Turnpike Roads under the authority of the Ordinance first above cited or the Acts amending the same, or hereafter to be issued, or to affect the rights of the holders of any such debentures, either as regards the Province or as to the order of their claims among themselves ; And whatever the said Trustees would have been bound to do with regard to such Debentures but for this Act, shall be done by the said Manager or such other officer or party as the Governor in Council shall from time to time direct : but no part of the sum (if any) remaining to be borrowed under the authority of the said Acts and Ordinance shall be borrowed by the said Manager, without the express sanction of the Governor in Council :

4. The Governor in Council shall fix the salary of the Manager of the Quebec Turnpike Roads to be appointed under this Act, and the same shall be paid out of the revenue arising from the said Roads and Works, as part of the expenses of managing the same.

IV. And whereas it may be found expedient that certain portions of the Roads on either Shore of the River St. Lawrence now under the management of the Trustees of the Quebec Turnpike

Roads, should be placed under the management of the Municipal authorities, and withdrawn from that of the said Trustees or of the Trustees or Manager to be appointed under this Act, as the case may be ; Therefore, it shall be lawful for the Governor in Council by one or more Orders to be made from time to time, to direct that of the several Roads on the North Shore commonly known by the names mentioned in the first column of the Schedule to this Act, so much in length as is mentioned in the second column of the said Schedule, or any less portion thereof, shall cease to be under the control or management of the said Trustees or Manager, and shall be under the control and management of the Municipal authorities of the several Municipalities in which they respectively lie, in like manner as other Roads therein ; and so much of the said Roads respectively as shall not be mentioned in any such Order in Council shall continue to be under the control and management of the said Trustees, or of the Manager to be substituted for them : and where part only of any such Road is mentioned in the said second column, such part shall be understood to be that part thereof lying furthest from the City of Quebec, measuring on the line of such Road : and any unexpended moneys raised for making or improving any Road of which any part or the whole is mentioned in the said second column and which shall be transferred by any such Order as aforesaid, shall be applied by the Trustees or Manager to make or improve that part thereof remaining under their or his control, or, if there be no such part remaining, or they or he be not required to make or improve it, then to make or improve the other Roads and Works under their or his control or management generally ; And it shall further be lawful for the Governor in Council, from time to time, to direct that any part of the said Roads in any column of the said Schedule, though remaining under the control of the said Trustees or Manager as regards wheeled vehicles, shall not be kept up by them as winter Roads for vehicles without wheels, but shall for such last mentioned vehicles and as winter Roads, be kept up under the General Road Laws in force in that part of the Province in which they lie.

V. It shall be lawful for the Governor in Council, from time to time by Order published in the *Canada Gazette*, to withdraw any of the Roads on the South Shore of the River St. Lawrence, or any portion or portions of any of them, from the control and management of the said Trustees or Manager, and to place them under the control and management of the several Municipalities in which they lie, from and after a day to be named in the Order ; or to direct that any of them be not kept up by the Trustees or Manager, as winter Roads or for winter vehicles, but under the Road Laws of that part of this Province in which they lie ; and to make in such Order or Orders, such provisions as he may think proper, relative to the said Roads or the moneys raised for making and improving them, in any

matter of like nature with those for which provision is made in the next preceding Section with respect to the North Shore Roads mentioned in the said Schedule.

SCHEDULE.

Column 1. — NAMES OF THE ROADS.	Column 2.			Column 3.		
	Length of the portion which may be order in Council be placed un- der the control of the Municipal Authorities.			Length of the portion to remain under the control of the Trustees or Manager, except as Winter Roads in the case provided for by the Act.		
	Miles.	Chains	Links.	Miles.	Chains	Links.
Cove	2	58	..	5	40	..
St. Richard .....	..	45	50	..	38	50
Kilmarnock .....	..	..	..	..	39	50
St. Lewis .....	..	..	..	7	35	41
Belvidere .....	..	..	..	..	34	54
Route de l'Eglise St. Foye	2	62	..	..	..	..
St. Foye .....	..	..	..	6	66	14
Holland	1	7	..	..	..	..
La Suède .....	..	..	..	2	45	74
Champigny West (to 9 mile Post) .....	..	..	..	1	77	30
St. Augustin	5	71	..	..	..	..
Champigny East .....	..	..	..	2	29	7
St. Gabriel	1	7	35	..	..	..
L'Ormière .....	..	..	..	4	24	46
Valcartier	9	..	..	..	..	..
St. Joseph	4	63	80	..	..	..
St. Charles, North .....	..	..	..	3	50	18
St. Charles, South .....	..	..	..	4	52	57
La Misère	3	51	..	..	..	..
St. Claire	3	12	..	..	..	..
Charlesbourg and Lorette	2	52	..	..	..	..
Charlesbourg and St. Charles	1	56	..	..	..	..
Dorchester Bridge .....	..	..	..	..	7	57
Charlesbourg	4	3	48	3	58	52
Stoneham	4	40	..	..	..	..
Lake Beauport	2	..	..	..	..	..
Beauport .....	..	..	..	6	40	65
Ange Gardien .....	..	..	..	5	11	72
Chateau Richer .....	..	..	..	4	20	..
Bourg Royal	2	..	..	..	..	..
Laval	3	..	..	..	..	..