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No. 517

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2D SESSION, 3D PARLIAMENT, 12 VICTORIA, 1849.

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**B I L L .**

**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.**

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Received and read first time,

Second reading

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[ 250 Copies. ]

**Mr. Sol. Genl. Blake,**

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S. Desbishiro and G. Desbarats, Queen's Printer.

## B I L L .

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.

**W**HEREAS in and by an Act of the Preamble.  
 Parliament of the Province of  
 Lower Canada, passed in the forty-eighth  
 year of the Reign of His late Majesty King  
 5 George the Third, intituled, "An Act for Act of L. C.  
 48. G. 3. c. 10.  
 recited.  
 "extending the duration of the Patent  
 "granted for erecting the Bridge over the  
 "River Saint Charles, now called Dor-  
 "chester Bridge," it was amongst other  
 10 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 Let-  
 15 ters Patent therein mentioned, it should 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 Dor-  
 20 chester Bridge, therein mentioned, upon  
 paying to Nathaniel Taylor and others,  
 therein designated as the Proprietors of the  
 said Bridge, their Heirs, Executors, Cura-  
 25 tors or Assigns, the value which the same  
 might at the time of such assumption bear  
 and be worth; and whereas in and by a Act of L. C.  
 59. G. 3. c. 28.  
 recited.  
 certain other Act of the Parliament of the  
 said Province of Lower Canada, passed in  
 the fifty-ninth year of the Reign of His  
 30 said late Majesty King George the Third,  
 intituled, "An Act to authorize Anthony  
 "Anderson and others, Proprietors of Dor-  
 "chester Bridge, to remove the same," it  
 was amongst other things in effect provided,  
 35 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 hereinbefore mentioned, assume the possession and property of the Draw-bridge, which the 5 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 10 said River Saint 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 An- 15 derson on the opposite side of the said River Saint 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 communi- 20 cation 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 25 the ascent and approaches thereto, the Proprietors of the said Draw-bridge, their Heirs, Executors, Curators and Assigns, should be entitled to recover and have from His Majesty, His Heirs and Successors, the 30 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 35 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 40 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 Ordi- 45

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

" nance 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  
 5 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 pos-  
 session and property of the said Draw-  
 10 bridge, now called Dorchester Bridge, with  
 the Toll-House, Turnpike and other depen-  
 dencies, and the ascent and approaches  
 thereto as aforesaid; and whereas it is also  
 expedient to extend the provisions of the  
 15 said last mentioned Ordinance to the Roads  
 hereinafter mentioned; Be it therefore  
 enacted, &c.

And it is hereby enacted by the authority  
 of the same, That it shall be lawful for the  
 20 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 con-  
 25 sequence thereof, and to all other matters  
 incident to the said loan, all the provisions  
 of the said last mentioned Ordinance touch-  
 ing the loan thereby authorized, are hereby  
 extended and shall apply; excepting always,  
 30 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  
 35 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 monies which may come into the  
 40 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 autho-  
 rized by law, as well as over all claims for  
 45 repayment of any sums of money advanced  
 or to be advanced to the said Trustees by  
 the Receiver General of this Province.

Trustees of the  
 Quebec Turn-  
 pike Roads  
 may borrow  
 an additional  
 sum of £25,000.

Trustees may  
acquire Dor-  
chester Bridge.

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 the dependencies which may thereunto appertain and belong, and the ascent 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.

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

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.

Provisions of  
59. G. 3. c. 28,  
continued, sub-  
ject to certain  
limitations.

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 hereinbefore secondly cited, in so far as the same may not be inconsistent with the provisions of said Ordinance, or of this Act shall apply to them as the pro-

prietors 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  
 5 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  
 10 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  
 15 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.

20 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  
 25 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  
 30 and powers should extend, that is to say:

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

1stly. The road leading from Dorchester Bridge aforesaid to the Church of the Parish of Charlesbourg.

35 2ndly : 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.  
 40

3rdly. The road leading from the said Church of the Parish of Charlesbourg to the Indian Village of Lorette.

4thly. The road leading from the said  
 54 village to the road commonly called "Route

*de l'Eglise,"* in the Parish of Saint Am-  
broise.

5thly. The said "*Route de l'Eglise.*"

6thly. The road commonly called "*l'Or- 5*  
*mière,*" 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.*" 10

7thly. The road commonly called St.  
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. 15

8thly. The road leading from the St.  
Foy road near the Church of the Parish of  
St. Foy to the road called St. Lewis Road  
or "*La Grande Allée.*"

9thly. The Cove or Beach Road between 20  
the Cliff and the River St. Lawrence for  
one mile and a half beyond the South-west  
extremity of Sillery Cove.

10thly. The Road leading from the 25  
Church of the Parish of Charlesbourg to  
the village of St. Pierre, for one mile and  
a half only.

11thly. The Road fifthly mentioned 30  
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 Saint Augustin; 35

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 40  
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 45  
Act.



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  
 5 "to amend a certain Ordinance therein  
 "mentioned, relative to the Turnpike  
 "Roads near Quebec," be and the same is hereby repealed, and that as soon as the said Trustees shall have assumed the property and possession of the said Dorchester  
 10 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  
 15 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  
 20 thereof shall be subject to the same regulations and provisions of law in every respect.

Act of Canada  
 8. V. c. 55.  
 sec. 4 repealed.