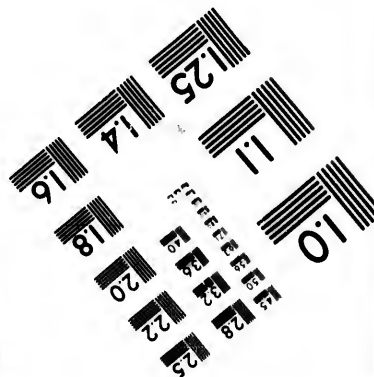
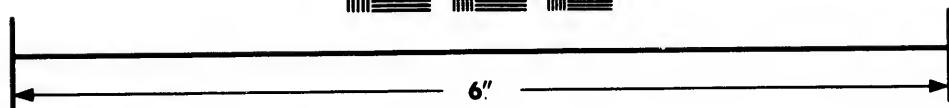
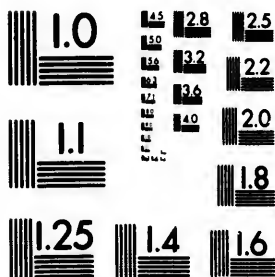


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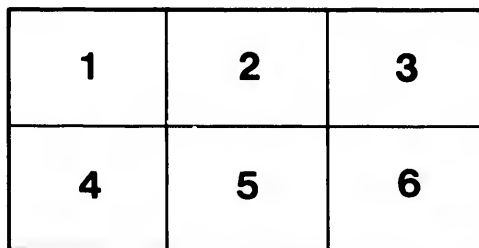
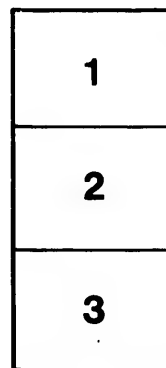
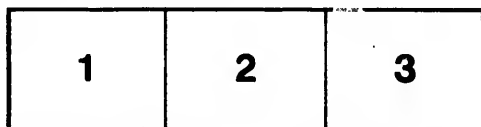
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284 Hist. du Canal No 4

Quebec Turnpike Trust.

PETITION

OF THE

BOND HOLDERS

AND

STATEMENT

On the **AFFAIRS** of the **TRUST.**

Printed by **JOSEPH DARVEAU**, 11, Mountain Hill, Quebec.

Trust.

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NT

TRUST.

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IN COUNCIL.



The humble Petition of the Bond Holders of the Quebec Turnpike Trust.

Your Petitioners most respectfully beg leave to call Your Excellency's attention to the accompanying Memorandum on the affairs of the Trust embracing a period of twenty years.

The inability of the Trust to meet its engagements induced your Petitioners to inquire into the state of its affairs and the result of their investigation has convinced them that unless the Government and Legislature come to their relief during the present Session, your Petitioners will be exposed to most serious losses.

The Quebec Turnpike Trust is not a private undertaking managed by parties having a pecuniary interest in the same, it is a public undertaking whose real and personal property is vested in Her Majesty for the public use of the Province and administered by the Executive through Trustees who have no material interest in its prosperity and over whom the Bond Holders have no control whatever.

The Memorandum will show that at all times the Government have assumed the management of the affairs of the Trust and allowed no discretionary powers to the Trustees and heeded not their remonstrances, when warned by them that the new and repeated burthens imposed by the Legislature would ruin the credit of the Trust; it will show likewise that the Legislature has in several instances, by giving undue preferences to Debentures of a posterior date and by charging the North Shore Trust with the payment of the £40,000 spent on the South Shore Roads, deprived your Petitioners of acquired rights and caused great injustice.

On perusing the ordinance establishing the Quebec Turnpike Trust and the several acts that were passed up to the year 1857 Your Excellency will observe that from year to year the Legislature have materially reduced its revenues by granting exemptions and privileges in favor of the public and by repeatedly lowering the Tolls, whilst on the other hand the roads were extended and the debt increased, until the length of the roads placed under the control of the Trust amounted in 1857 to 150 miles, and the Debentures issued had reached the sum of £125,000 of which £16,000 were applied with the sanction of the Legislature, in paying arrears of interest.

From time to time, as is mentioned in the Memorandum, the Trustees submitted to Government the annual deficit in its revenues, as also its gradual increase, but their representations were unavailing and they were ordered to go on with the roads, thus establishing the fact that the insolvency of the Trust was owing to the acts of the Executive in pursuance of Legislative enactments.

Such has been the confidence of the public in the Bonds of an Institution entirely under the control of the Government and Legislature of the country that a large portion of them were bought up at a premium and that upwards of £30,000 have been invested in them by benevolent and charitable Institutions who never suspected, when placing in these securities the mite of the orphan and the infirm, that Government after having brought ruin on these public works by its own acts, would avail itself of the letter of the law to exonerate itself from all responsibility.

Under these circumstances your Petitioners hope that the same favor that was extended to the Holders of the Upper Canada Turnpike Road Debentures, the total amount of which, nearly £200,000 was paid by Government, be extended to them.

Wherefore your Petitioners earnestly pray Your Excellency to be pleased to take their petition into consideration and grant them such relief as Your Excellency in your wisdom may deem meet.

And they will ever pray.

Quebec, 23 March 1861.

MEMORANDUM

OF THE

SUBJECT OF THE

Quebec Turnpike Trust.

The Quebec Turnpike Trust was established in 1841, by the Ordinance 4 Vic. c. 17, of the Special Council of Lower Canada. 4 Vic. c. 17.
Trust established.

The Governor was authorized to appoint Trustees for opening, making and keeping in repair certain roads leading to the City of Quebec and to acquire for that purpose real and personal property "to be vested in Her Majesty for the public uses of the Province, subject to the management of the Trustees." Property vested in the crown.

The following roads were placed under their control, viz.:

1 The Cove road, including Kilmarnook.....	3 m.	$\frac{1}{2}$
2 The St. Louis road to the North Western extremity of Cap Rouge bridge.....	7 m.	$\frac{1}{2}$
3 The St. Foye road.....	4 m.	$\frac{1}{2}$
Including La Sude road.....	2 m.	$\frac{1}{2}$
" Champigny road.....	1 m.	$\frac{1}{2}$
4 The St. Charles and Lorette road.....	4 m.	$\frac{1}{2}$
5 The Beauport and Montmorency road.....	6 m.	$\frac{1}{2}$

Being a total of..... 31 mil.

The Trustees were authorized to raise by way of loan, on the credit and security of the tolls, a sum not exceeding £25,000, to defray the cost of opening and macadamizing the above 31 miles of roads, but as macadamized roads cannot be built under £1000 per mile, that sum was insufficient. £25,000.

However, during the same year, the Legislature passed the Act 4 & 5 Vic. c. 4, 5 V. c. 72, adding to the 31 miles mentioned in the Ordinance, 3 $\frac{1}{2}$ miles, including three expensive bridges, which were all in a delapidated state. Scott's bridge was immediately rebuilt at an expense of £1000, the whole adding a further sum of about £4500 to the indebtedness of the Trust. Against this extension, as also against subsequent ones, not carrying with them any pecuniary provision for their construction and maintenance, the Trustees remonstrated, but instead of placing at their disposal the necessary funds to enable them to meet their engagements and to make up for the deficit, the Legislature in 1843, passed the Act 7 Vic. c. 14, exempting from toll vehicles conveying manure, or parties to Church, on Sundays and Holidays, thereby entailing an annual loss of about £1000. Roads extended.

In 1845, Mr. Chauveau, the member for the County of Quebec, referred the subject of the Quebec Turnpike Roads to a Select Committee composed of members residing in Quebec or representing the adjoining Counties, whose inhabitants were petitioning for the reduction and even, the entire

8 V. c. 64. Tolls reduced. abolition of the tolls, and upon the Committee's recommendation, the government allowed a bill to be brought in and passed, reducing the tolls by one half, and thereby submitting the Trust, for the space of ten years, to an annual loan of at least £1500.

1843. Roads extended. The first £25000, with the revenues of tolls, having proved insufficient to complete the above mentioned 34 1/2 miles of roads, the same Act required the Trustees to raise for that purpose by the issue of Debentures, on the same terms as the former ones, the sum of £3482, but imposed at the same time on the Trust, the Champigny Hill and Red Bridge road, which added £3000 to their indebtedness.

Trustees re-nominated. The reduction of the tolls, in virtue of the 3 Vic. c. 55, had affected so materially the revenues of the Trust, that the Trustees, through their Secretary, informed the government of the fact, in the months of July and December of that year, with a request that they would pay the interest due on their Debentures. The interest was accordingly paid by Government.

Original roads completed. Notwithstanding their financial embarrassments, the Trustees had pushed their works forward so vigorously, that by the end of 1846, they had completed all the roads placed under their control, excepting however the Champigny Hill and Red Bridge road, which could not be made for want of funds. This inability on their part to go on with the road caused complaints to be brought before Parliament, urging the Legislature to direct the Trustees to build it without further delay, and petitions, in great number, were presented, asking for a reduction of the tolls which had already been lowered by one half. Government, no doubt with the intention of coming forward in time of need to relieve the Trust from its embarrassment, acceded to the prayer of the petitioners.

1846. 9 V. c. 68. Tolls again reduced. Govt. contributes revenue. These petitions were therefore referred to a Select Committee and a bill was brought in with the sanction of the Executive, substituting a lower schedule of tolls for the one in force, without any regard to the representations of the Trustees that the former reductions had, already affected very materially the revenues of the Trust. The £3000 required for building the Champigny Hill road were not even authorized to be borrowed, but an order was transmitted to the Trustees by the Hon. Mr. Attorney General Smith, the leader of the Lower Canada section of the Ministry, to apply the revenues of the toll bars towards macadamizing that very expensive road. In obedience to the Attorney General's order the road was commenced some months later.

Members of Govt. on Committee. In 1847, numerous petitions were again brought in praying for a further extension of the macadamized roads and were referred to a Select Committee on motion of Mr. Chauveau. There were three members of the Government on the Committee, viz, the Hon. Messrs. Daly, Morin and Aylwin. In their report, the Committee expressed a hope that at the next session, the Government would take the subject into consideration, and would bring in a bill for the improvement of the existing system.

1849. 12 V. c. 115. Dorchester Bridge. It was not however until 1849 that the Government brought in the bill recommended by the Committee. The subject was not referred to a Select Committee, but on motion of the Hon. Mr. Blake, a member of the Cabinet and Solicitor General for Upper Canada, the House resolved itself into a Committee on the subject and reported certain resolutions. Mr. Blake brought in a bill founded on the resolutions, whereby the Trustees were authorized and required to resume the property of the Dorchester Bridge, to be held like all other property acquired by them, in Her Majesty's name, for the public uses of the Province.

The bill next imposed on the Trust the obligation of Macadamizing the following extensions of their roads.

- 1. The Charlesbourg road to the Church 3 m. 1/4

2. The Beauport road to the Château Richer Grist mill.....	5 m.	†
3. The Charlesbourg road from the Church, to the Lorette Indian Village.....	4 m.	†
4. The road from the Indian Village to the Route de l'Eglise.....
5. The said Route de l'Eglise (the length of the roads No. 4 and 5 is included in No. 3).....
6. L'Ornière road to the Commissioner's Bridge.....	4 m.	†
7. The St. Foye road to the top of Carouge Hill.....	2 m.	†
8. The cross road from St. Foye Church to St. Louis road.....	1 m.	†
9. The Carve road extended.....	1 m.	†
10. The extension of Charlesbourg to St. Pierre.....	1 m.	†
11. The Sûède road extended in the direction of St. Augustin church.....	1 m.	†
Total.....	27 m.	†

Roads again attended.

£25,000.

The Trustees were first required to issue Debentures to the amount of £25,000, and then to pay the full value of the Bridges, amounting, with the expense of rebuilding, to the sum of £ 0,084, and out of the balance £14,916, to build 27½ miles of roads, requiring a capital of at least £27,000.

Unable to come to terms with the proprietors of the Bridge and therefore to comply with the requirements of the Act, the Trustees had to await the action of the Legislature.

To remove all difficulty, the Legislature in 1850 passed the Act 13 & 14 Vic. c. 102, which required the Trustees to apply £15,000 out of the £25,000 towards opening and macadamizing the roads, and the balance towards purchasing the Dorchester Bridge within two months from the passing of the Act, or building a new one.

1850. 13, 14 Vic. c. 102.

Dorchester Bridge to be purchased or another built.

At the time of the passing of the two last Acts and until they were acted upon in 1850, Québec possessed a system of macadamized roads superior to any other in Canada, embracing all the main roads (Charlesbourg road excepted) leading to the city and forming an aggregate length of about 35 miles with a large number of expensive bridges, mostly all built anew, and an income which ought to have yielded annually £6000, but which was considerably diminished by the reduction of the tolls and their entire abolition in certain cases, thereby withdrawing, for the benefit of the public, the liberal aid granted by Government to the Trust. Even with this reduced revenue the Trustees would have been able to keep the bridges and roads in good order, and pay the salaries and wages of their employes, until the gradual increase of the tolls would have allowed them, from time to time, to go on with their gradual extension, with respect to which no doubt can be entertained, as their revenues have considerably increased.

State of roads in 1850.

Instead of allowing matters to remain in that state the Government and Legislature have thought proper to impose on the North Shore Trust in the short space of four years, and in addition to the 35 miles already macadamized, the building and macadamizing of 120½ miles of road, 45 of which, on the South Shore, equal to an expenditure of £120,500, besides a sum of £14,030 expended in bridging the Montmorency River.

Total extensions of roads.

In obedience to the law, Dorchester Bridge was purchased and rebuilt at an expense of £10,084, representing an interest of £600 per annum.

Dorchester Bridge purchased.

This acquisition might have proved a considerable source of revenue to the Trust, had not the toll bar on the Beauport road been removed, and had one been placed on the Charlesbourg road.

The year after the passing of the Act 12 Vic. c. 115, which had imposed 1851. on the Trust the obligation of building 27½ miles of road; The Honble Mr.

14, 15 Vie. c.
123.
£10,000.

Chauveau, seconded by the Honble. the Commissioner of Public Works, Mr. Chabot, on behalf of the government, moved the House into a Committee to consider the expediency of extending the provisions of the Turnpike Road Ordinance.—The Hon. Mr. Attorney General Baldwin, by command of His Excellency, recommended the matter to the consideration of the House. Resolutions were reported authorizing a further issue of £15000 Debentures, required to complete the 27½ miles of roads ordered in 1849, but at the same time adding the following roads, viz.

New roads.

- 1 From the end of the 1½ mile to Lafrance, then branching off towards lake Beauport and towards Stoneham, in all..... 9 m. ½
- 2 From Grist Mill, Ancienne Lorette, to the St. Gabriel and Godarville road..... 1 m. ½
- 3 Route de la Mière, or St. Jacques..... 3 m. ½
- 4 The road ordered by the Municipal Council sitting at Charlesbourg to be opened between that parish and St. Ambroise..... 2 m. ½

forming a total of..... 17 m. ½

These resolutions were embodied in a bill, and again increased the liabilities of the Trust to the extent of £17,500.

14, 15 Vie. c.
123.
Montmorency
Bridge.
£2000.

Another Act was passed by the Legislature during that session, requiring the Trustees to issue £5000 of Debentures to purchase and rebuild, for the safety and advantage of the public, the Montmorency Bridge. That bridge, yielding at the time to its proprietors a net revenue of about £100, added to the debt of the Trust a sum of £14080.

1853.

It was in 1853 that government assumed the responsibilities of the Trust to the South Shore Roads.

16 Vie. c. 206.

The Hon. Sol. Gen. Chauveau, seconded by the Hon. Mr. Morin, the leader of the Lower Canada section of the Cabinet, moved the House into a Committee to take the subject of the Trust into consideration, and the Hon. Mr. Hincks, the Premier, by command of His Excellency, recommended the subject matter of the motion to the consideration of the House. The Committee reported resolutions that were embodied into a bill which received the royal assent. The Act ordered the following roads to be macadamised on the North Shore.

New Roads.

1. From la Jeune Lorette to the river Jacques Cartier near the catholic church..... 3 m.
2. The Cove road to the Carouge road..... 3 m.
3. The Mail road between Quebec and Montreal..... 5 m.
4. The Belvédère road..... 0 m. ½
5. The by-road to be opened between St. Foye and Little River..... 1 m. ½
6. The St. Claire to St. Joseph road..... 3 m. ½
7. The Bourg Royal road..... 2 m.
8. The Route de la Commune from the Beauport highway..... 2 m.
9. The by-road leading to Laval, commencing at the Beauport highway..... 3 m.
10. The road from the St. Louis road to the Cove by St. Richard church with the Hill cost equal to..... 1 m.
11. A road to be opened between Little River and Charlesbourg..... 1 m. ½
12. The road from Petit Pré to Sault à la Puce..... 3 m. ½
13. The approaches to the Montmorency bridge £750, equal to..... 0 m. ½
14. The St. Foye church road to the Cove road..... 2 m. ½

Being in all about..... 32 m. ½

£30,000.

And representing a sum of £32,500. For the purpose of opening and macadamising the above roads the Trustees were directed to issue £30,000 of

Debentures, on the same terms as the preceding ones, £2000 of which were to be appropriated towards building a new bridge on the Montmorency river.

Then the 8th section of the Act orders the following roads on the South Shore to be macadamised, viz:

- | | |
|---|---------|
| 1. The Begin and Beaumont road | 10 m. f |
| 2. The St. Anselme and St. Henry road | 18 m. f |
| 3. The St. Nicolas road | 10 m. f |
| 4. The road from the Lanson wharf westward..... | 9 m. |

In all..... 48 m. f

To build so many miles of roads the Trustees were directed to issue £40,000, of Debentures, but the Act offered to the Trustees no other source of revenue than the proceeds of the toll-gates about to be erected on the South Shore.

On the 23rd of July, 1855, about five weeks, after the above Act had become law, the Trustees addressed a letter to the Provincial Secretary, to the effect that they were willing to go on with the works on the South Shore, as some source of revenue might be expected from the toll bars, but as to the additional 32 1/2 miles on the North Shore, which were ordered to be built simultaneously and for which no pecuniary provision had been made, they prayed for instructions as to what they ought to do, in as much as sections of roads ordered by anterior enactments had not even been contracted for. The Trustees at the same time submitted to government that a large issue of Debentures pursuant to the new law would lead to the destruction of the credit of the Trust and the suspension of its operations.

The remonstrance having been submitted to His Excellency, in Council, the Provincial Secretary, the Hon. Mr. Morin, after three weeks deliberation replied on the 10th of August, that the Legislature having enacted that certain roads should be placed under the control of the Trust and improved, it was for them to give effect to that provision as soon as possible, and that there was no difference between the North and South Shores roads. The Trustees, in obedience to the orders transmitted through the Provincial Secretary, replied "that they would proceed to the improvement of all the roads with all possible diligence."

On the 17th September the new Provincial Secretary "expressed his desire to know, for the information of His Excellency the Administrator of the Government, what had been done by the Trustees on the letter from his department dated the 10th ultimo." The Trustees answered "that immediately after the receipt of the Provincial Secretary's letter of the 10th August, steps were taken to carry on the improvements designated and that the roads were then being surveyed." Besides these official communications, the Trustees, during numerous private interviews were again and again requested and even persistently required to go on with the works. But enough has been said to show the Government's determination to proceed with them, although aware the Trust could not continue its operations without direct legislative aid.

It was under those and similar circumstances and with the conviction that the Debentures carried with them the responsibility of the Government, that they were taken up by the public as they were issued.

The financial affairs of the Trust as communicated to government previous to the opening of the session of 1854-5, and exhibiting, after deducting salaries, expense of maintenance and payment of interest, a deficiency of £5899 per annum, led to believe that the Legislature would come to their relief during the following session.

South Shore or Point Levy Roads.

£40,000.

Trustees again remonstrated.

Trustees ordered by Government to proceed with the roads.

Trustees repeatedly urged to hurry on the works.

State of finances submitted to Government.

1855.
18 Vic. c. 100.
Tolls increas-
ed.

Parliament did come to the relief of the Trust, but not by pecuniary aid. The House was moved into a Committee by the Honble. the Commissioner of Crown Lands, seconded by the Honble. the Post Master General, and resolutions were reported increasing the rate of Tolls, but abolishing the rapidly increasing foot toll on Dorchester Bridge. The resolutions were embodied in a Bill which received the Royal Assent. The result of the new tariff was an increase in the yearly revenue of £2500, still leaving an annual deficiency of £3399. It was no doubt with a view of meeting it, that the Trustees were authorized by the Act to deposit their Debentures in the Banks, and to draw such sums as they might require from time to time to pay accumulating interest.

In the mean time the source of revenue expected from the toll bars on the South Shore not having proved remunerative, and the Trustees representing the North Shore, seeing their inability to pay the interest on the £40000 expended on the South Shore roads, petitioned Parliament for a separation of the Trust, and Mr. Evanturel, an independant member of the House, made unsuccessful attempts in 1856 and 1857 to have a Bill passed for that purpose; however the Government, at the end of the session of 1857 allowed the Honble. the Commissioner of Public Works to bring in a bill for establishing two separate Trusts.

1857.
20 Vic. c. 125.
Separation of
Trust.
Injustice to
North Shore.

By that Act (20 V. c. 125) the North Shore Trust is most unjustly made liable for the principal and interest of all Debentures issued and all debts and liabilities contracted up to the time of separation; and for the expense of all suits pending. To the £12,000 Debentures authorized to be issued in virtue of this Act by the South Shore Trustees for continuing their roads and building a bridge, a priority of lien is given over the £40,000 expended in macadamizing these last mentioned roads, to the great detriment of the bond holders.

£4500.
£5500.

The North Shore Trustees are empowered to issue Debentures to the further amount of £4500 for rebuilding the Montmorency bridge and to these Debentures an undue preference is also given; the Trustees are likewise empowered to issue Debentures for another sum of £5500; out of which, about £4000 were authorized to be applied in paying the interest due in July 1857, without any provision being made for the reimbursement of that sum, or even for the payment of the interest thereon.

Such has been the nature of the relief extended by Government to the Quebec Turnpike Trust, after having taken the management of the Trust into its own hands and brought it to the brink of the precipice, whilst aware of the inability of the board to meet its increasing liabilities, and notwithstanding the assurances given from time to time by members of the government to the Trustees and to many of the bondholders that Parliament would come to their assistance in time of need.

U. C. Turn-
pike Roads.

The assistance of government can no longer be deliyed and the inhabitants of the District of Quebec as well as the bondholders have a right to expect that the advantage conferred on the inhabitants and the holders of turnpike debentures in Upper Canada, will be extended to them, considering that one half of the large sums expended on Upper Canada roads was paid by Lower Canada.

The case of the Home District Turnpike Trust may be cited as a precedent to show the nature of the relief that ought to be afforded to the Quebec Trust.

Toronto
Roads.

That Trust was established in 1833 by the Act 3 W. 4 c. 38, for the purpose of improving and macadamizing the three main roads leading to the Town of York, now the City of Toronto. This Act authorized a sum of £10,000 to be raised on the credit of the tolls, and not payable or chargeable against the general revenues of the Province, to macadamize the above mentioned roads.

In 1836, the Act 6 W. 4 c. 30 authorized a second sum of £35,000 to be

borrowed on the same terms as the first, to continue the improvements on the roads.

In 1837, the Act 7, W. 4, c. 70 authorized a third sum of £100,000 to be borrowed on the same terms and conditions as the two first ones for the completion of the roads, making in all, a sum of £145,000, which was paid by Government as the Debentures became due, and in 1851 the roads were sold for the sum of £75100.

It may also be stated that besides the above sum of £145,000, the principal of all the other Upper Canada Turnpike Roads Debentures was paid up by Government and that the roads which yielded a revenue were sold, whilst the others were given up to the Municipalities.

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