

The Provincial Statutes of Lower-Canada, Being the first session of the twelfth Provincial Parliament of Lower-Canada. Quebec: P. E. Desbarats, Printer to the King's Most Excellent Majesty, 1825.

5 George IV – Chapter 3

An Act to make certain alterations to the Road Laws. (22d March, 1825.)

Whereas it is expedient to make certain alterations in the Road Laws: Be it therefore 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 mere 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, from and after the passing of this Act, for the Justices of the Peace residing in the Cities of Quebec and Montreal, to make, from time to time, at their General Meetings which will take place on the first Monday of every month, or, if the Monday be a Holyday of Obligation, on the day following, the works to be done respecting the Streets, Lanes, Market-places and Public Places, Highways, Bridges, Causeways and Water-Courses of the Towns and Cities or Districts of the Towns and Cities of Quebec and Montreal, and to appoint for the execution of such works one or more Committees of Justices of the Peace, such Committee consisting of not less than three of the said Justices of the Peace, nor of more than five; which Committees shall have the superintendence and direction of the said works, with all the powers with which the Justices of the Peace of the said Cities of Quebec and Montreal are by Law invested. Provided always, that nothing herein contained shall extend or be construed to annul or make void the jurisdiction, powers and authorities committed to the other Justices of the Peace with respect to the prosecution of fines and penalties and to the homologation of Procès Verbaux under the Road Laws heretofore and now in force.

II. And whereas in various parts of this Province there exist Bye-Roads and Bridges, which have never been established by ratified Procès Verbaux, or the Procès Verbaux of which are lost, which occasions difficulties respecting the maintaining of the same: Be it therefore further enacted by the authority aforesaid, that it shall be the duty of the Grand Voyer, or his Deputy, if those Roads and Bridges be in a Country Parish, Seigniorie [seigneurie] or Township, or of the Surveyor of the Cities and Parishes of Quebec and Montreal, if they be in either of the said Parishes of Quebec or Montreal, to visit such Bye-Roads or Bridges, on being thereunto required by any person therein interested, and to establish, by his Procès Verbal, the nature of the works which it shall be necessary to perform thereon, and the persons by whom they are to be made and maintained; which Procès Verbal shall be applied for, made and prosecuted to ratification, according to the formalities already by Law provided for the opening of Bye-Roads. And provided always, that according to the fourth Section of the Act of the thirty-sixth year of the Reign of His late Majesty, George the Third, chapter ninth, it shall be always lawful for the Proprietors who shall have furnished the ground for establishing the said Bye-Roads, and for the majority of those who are or are to be charged with the maintenance of the same, to enter into an agreement in writing among themselves, before the said Grand-Voyer or his Deputy, or before the

Surveyor and two Overseers if it be in a Country Parish, Seigniorly or Township, or before the Surveyor alone if it be in one of Town Parishes, for keeping up the said works; and such agreement shall bind and oblige all the parties interested, and shall avail as a Procès Verbal.

III. And be it further enacted by the authority aforesaid, that in case such of the said Roads in either of the said Parishes, Seigniories or Townships, be upon any Land the depth whereof shall not exceed thirty arpents, and which may be already intersected or traversed by a Front Road, or charged with keeping a Front Road in repair, the Proprietor or Occupant of such Land shall not, in any respect, nor in any case whatever, be held to contribute to make and keep in repair such Road, Bridge, Ditches, and Fences; nor shall any such Proprietor claim any compensation for the value of such ground by him furnished for such Road, if the same have existed and been used by the Public, thirty years or more.

IV. And be it further enacted by the authority aforesaid, that the Grand Voyers, or their Deputies, may, in the several Parishes, Seigniories, or Townships in their respective Districts, at the periods for that purpose by Law fixed, appoint, if they shall so deem it necessary, two or three Surveyors of Highways and Bridges, and assign to each of the Surveyors so appointed, a District or Division within the Parish, Seigniorly or Township for which he is appointed, who shall serve for the same periods, with the like powers and under the same responsibilities as are prescribed with respect to Surveyors of Highways and Bridges by the now existing Laws.

V. And be it further enacted by the authority aforesaid, that instead of nine Divisions into which the Grand Voyers, or their Deputies, respectively, may divide the several Parishes, Seigniories and Townships in their respective Districts, the Grand Voyers or their respective Deputies may, from time to time, from and after the passing of this Act, divide such Parishes, Seigniories and Townships respectively, into any number of Divisions, not exceeding fifteen for each Surveyor of Highways and Bridges, to each of which there shall be appointed an Overseer, in the manner as by Law already provided, and the Overseers who shall be so appointed to each of the said Divisions, shall respectively serve for the same periods, with the same powers, and under the same responsibilities as are prescribed with respect to Overseers of Highways and Bridges by the existing Laws.

VI. And whereas the powers of the Grand Voyers for the Districts of Quebec and Montreal, do not extend to the Cities and Parishes of Quebec and Montreal, and doubts have arisen, whether the Surveyors of Highways, Streets, Lanes, and Bridges of the said Cities and Parishes, are by Law authorised to proceed as the Grand-Voyers for the opening of Roads within the said Parishes of Quebec and Montreal respectively;—Be it therefore declared and further enacted by the authority aforesaid, that the formalities by Law prescribed, and observed by the Grand-Voyers in the several Districts of this Province, with respect to the tracing, opening, making, widening, rectifying, altering or abolishing any front or Bye-Road, or any other Communications between the said Cities and Parishes, or making new Roads in their stead, and with respect to the making, repairing, altering or demolishing of Bridges or Causeways, as well as the opening and keeping in repair Public Outlets (Décharges Publiques) and Water Courses and all Public Works and Matters of whatsoever nature which may be deemed necessary, useful or advantageous to the inhabitants of the said Cities and Parishes respectively, and to be done by the inhabitants shall in the like matters within the said Cities and Parishes of Quebec and Montreal respectively, be observed and followed by the respective Surveyors

of Highways, Streets and Bridges of each of the said Cities and Parishes upon a Petition to them respectively presented by one or more of the persons concerned, and the Publications and Deposits of the Procès Verbaux accordingly made by then said Surveyors, and by Law required of the Grand-Voyers, shall be made by one of the Under-Surveyors of the said Cities and Parishes.

VII. And be it further enacted by the authority aforesaid, that it shall be lawful for the Overseers in the several Parishes, Seigniories or Townships in this Province, or to the Under-Surveyors of the Parishes of Quebec and Montreal, after having duly notified the persons interested, at their respective domiciles, to assemble in the month of May and November in every year, at such places in their respective Parishes, Seigniories or Townships, as they may appoint, the Persons, Occupants or Proprietors of Land, who may be charged with any Bye-Road or Bridge, and to determine whether it would be more for their advantage that such Bye-Road or Bridge, made by Corvee within their respective Divisions, should be kept up by contract; and if at such meeting it be determined by the majority of such Proprietors or Occupants of Land then present, that it will be more for their advantage that such Bye-Road or Bridge be maintained during the ensuing season by contract, the said Overseers or Under-Surveyors shall give public notice at the door of the Church of the Parish, Seigniority, or Township, immediately after Divine Service in the forenoon, on the Sunday next after the day on which such determination shall have taken place, that the maintenance and repair of such Bye-Road or Bridge, in each District of such Parish, Seigniority or Township, shall be publicly given by contract to the lowest bidder, on the Sunday next ensuing, at the Door of the Church of such Parish, Seigniority or Township, immediately after Divine Service.

VIII. Provided always, and it is further enacted, that such proposals for the lowest tender shall be publicly made in presence of one or more of the said Overseers or Under-Surveyors, who shall be held then and there publicly to declare the name or names of the person or persons who shall have contracted for such works, and the price at which they have contracted.

IX. And be it further enacted by the authority aforesaid, that the sum or sums of Money requisite to defray the expences of such works, shall be levied and paid into the hands of the Surveyors of the Highways and Bridges for the Parish, Seigniority, or Township, by an apportionment which shall be made, sued for, and recovered in the manner provided by an Act passed in the thirty-sixth, year of the Reign of His late Majesty, George the Third, Chapter ninth, upon the several persons who are bound by Law to do the same, within their respective Districts; and the same shall be paid by such Surveyors to the several Contractors within their respective Parishes, Seigniories, or Townships, upon the Certificate of the several Overseers or Under-Surveyors, that the work or works contracted for have been duly performed.

X. Provided always, and be it further enacted by the authority aforesaid, that the Contractor or Contractors for such work or works, shall not be entitled to the money or moneys agreed upon with respect to his or their Contract or Contracts, unless such work or works are entirely to the satisfaction of the Overseer or Under-Surveyor of the District; and that in case any part of the Highways, Bye-Roads or Bridges, should, in the course of the season for which such repairs have been made, get out of order, or require repair, the Contractor or Contractors shall, on notice to that effect by the Overseer or Under-Surveyor, do the work necessary to put the same in a proper state of repair, or be subject, in case of

default, to the same penalties as the person bound to such work would have been if such Contract had not been made. Provided also, that nothing herein contained shall exonerate any person bound to such work as aforesaid, unless he shall have paid in his proportion or share of money to the Surveyor, towards defraying the expences of the work or works contracted for as aforesaid.

XI. And be it declared and further enacted by the authority aforesaid; that every Deputy Grand Voyer shall be held to enregister his Procès Verbaux in the Office of the Deputy Grand Voyer of the District, in the same Book or Register in which the Procès Verbaux of the Grand Voyer are enregistered; and that the Deputy Grand-Voyers or their Representatives, who, at the time of the passing of this Act, have Minutes or Registers of Procès Verbaux, whether ancient or new, shall be held to send the same to the Office of the Grand Voyer of the District, within three months from and after the passing of this Act, under the penalty of twenty shillings currency, recoverable from each and every such person, for every day any such Minute or Register shall be by him retained after the expiration of the aforesaid period; which penalty shall be sued, applied, and accounted for, as provided for in an Act passed in the thirty-sixth year of the Reign of His late Majesty, George the Third, chapter ninth.

XII. And be it further enacted by the authority aforesaid, that it shall be the duty of the several Grand-Voyers, or their Deputies, each in his respective District, to compile the Procès Verbaux, both ancient and modern, in Registers, and so far as it may be practicable, in the order of their date, and to make and continue an Index of the Procès Verbaux, both ancient and modern, for their respective Districts, and also of the Procès Verbaux which they shall afterwards make; which Index shall be by Parish, Seignior and Township separately, and shall refer to the page of the Register for each Procès Verbal.

XIII. And be it further enacted by the authority aforesaid, that this Act shall remain in force until the first day of May, one thousand eight hundred and twenty-nine, and no longer.