

The Provincial Statutes of Lower-Canada, Being the second session of the thirteenth Provincial Parliament of Lower-Canada. Quebec: P. E. Desbarats, Printer to the King's Most Excellent Majesty, 1829.

9 George IV – Chapter 19

An Act to appropriate a sum of Money for the improvement and completion of the Road from Drummondville to the Seigniori of De Guire, and that from Drummondville to the Township of Brompton. (14th March, 1829.)

MOST GRACIOUS SOVEREIGN,

Whereas under the authority of an Act of the Legislature of this Province, made and passed in the fifty-seventh year of the Reign of His late Majesty, King, George the Third, intituled, "An Act to make more effectual provision for the improvement of the Internal Communications of this Province," and of another Act of the Legislature of this Province, made and passed in the third year of His present Majesty's Reign, intituled, "An Act to appropriate certain sums of money therein-mentioned, towards opening and repairing a Road from Drummondville to Sorel, and the Temiscouata Road, and for other purposes," certain sums of money were expended by the Commissioners appointed for that purpose, in opening two certain Roads in and leading to the Eastern Townships of this Province, that is to say, the Road from Drummondville, in the County of Buckinghamshire, to the Township of Brompton, in the County of Buckinghamshire, and the Road from Drummondville aforesaid to Sorel; And whereas the said Roads were opened by the said Commissioners and Proces Verbaux thereof, made by the Grand Voyer of the District of Three-Rivers [Trois-Rivières], and duly homologated, by which Proces Verbaux it was provided that the said Roads should be maintained and kept in repair by the owners of the lands through which they pass, so soon as they should be delivered up by the said Commissioners, in such state and condition as to be passable in summer and winter, and whereas the sums appropriated for that purpose have been found insufficient therefor; 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 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 Governor, Lieutenant Governor, or Person administering the Government of this Province for the time being, to advance, out of any unappropriated monies now in the hands of the Receiver General of this Province, or which may hereafter come into his hands, a sum not exceeding one thousand four hundred pounds, currency, to be applied to the purpose of completing the said Roads, that is to say: A sum not exceeding nine hundred pounds, currency, to improve and complete the said Road from Drummondville to the Seigniori [Seigneurie] of De Guire [Saint-Pie-de-Guire], and

putting the said Road in such condition as to be delivered up to the owners of the lands thereon, and by them maintained and kept in repair by virtue of the Proces Verbal before mentioned; a further sum not exceeding five hundred pounds, currency, to improve and complete the said Road from Drummondville to the Township of Brompton, and for putting the said Road in such condition as to be delivered up to the owners of the lands thereon, and by them maintained and kept in repair by virtue of the Proces Verbal before-mentioned.

II. And be it further enacted by the authority aforesaid, that it shall be lawful for the Governor, Lieutenant-Governor, or Person administering the Government of the Province for the time being, by an Instrument or Instruments under his hand and seal, to nominate and appoint fit and proper persons to act as Commissioners for the purpose of directing and superintending the expenditure of the aforesaid sums of money, and to remove all or any of the said Commissioners, and to appoint from time to time others in their places; Provided always, that none of the persons appointed Commissioners, under the Acts above-mentioned, shall be appointed Commissioners under the present Act, until they shall have rendered true and faithful accounts of the monies expended by them, under the authority of the Acts above-mentioned, in the manner bylaw required.

III. And be it further enacted by the authority aforesaid, that the Commissioners so appointed shall not apply any part of the said Monies without reporting their proceedings to the Governor, Lieutenant Governor, or person administering the Government of the Province for the time being, and obtaining previously the approbation of the Governor, Lieutenant Governor or person administering the Government of this Province for the time being, relative to the proposed application of such monies whether the same be expended in days' work or under contracts.

IV. And be it further enacted by the authority aforesaid, that the said Commissioners after having obtained the approbation of the Governor, Lieutenant Governor or person administering the Government for the time being, in all cases wherein they shall deem it advisable that the work required should be performed by Contract, shall, during three weeks announce by advertisement in all the newspapers published in the District, and in at least one of the newspapers published in the Districts of Quebec and Montreal, and by causing such advertisements to be read at the doors of the two Churches nearest to the place where such work is to be performed, on two following Sundays immediately after Divine Service in the morning, and at the most frequented places in the said Townships, that they will receive proposals in writing for the performance of such work; and that such proposals must be given in before a certain day named in the advertisement and must contain the names of two good and sufficient securities, and that on the day mentioned in such advertisement the said proposals will be opened; and the said Commissioners shall accept, the tender or proposal (provided the same be approved by the Governor, Lieutenant Governor or person administering the Government of the Province for the time being) of the person who may offer to perform the said work at the lowest price; and the said Commissioners shall pay and satisfy to such Contractor from time to time as the Work shall be proceeded in, monies on account until a sum not exceeding one third part of the sum contracted for shall have been

paid and satisfied; but it shall not be lawful to pay the remaining two third parts until the whole work shall be completed and finished according to agreement and certified as herein after directed.

V. And be it further enacted by the authority aforesaid, that in all cases where it shall be deemed advisable that the said work should be performed by day labour, it shall be lawful for the Governor, Lieutenant Governor or Person administering the Government of the Province for the time being, monthly or otherwise as he shall think fit, to advance the sums of money necessary for paying the labourers and superintendents, their wages.

VI. And be it further enacted by the authority aforesaid, that each and every Commissioner who shall expend money by days' work shall, in addition to the receipts of the persons by him employed, for all monies paid, render an account thereof upon Oath in writing, and shall state therein that such account is just and true, and that the monies by him expended have been fairly and honestly applied to the purpose for which they were granted, and that he procured the best labour in his power to procure, and at the lowest rate of wages; which Oath any one of His Majesty's Justices of the Peace is hereby empowered and required to administer.

VII. And be it further enacted by the authority aforesaid, that there may be allowed to the Commissioners by whom and under whose superintendance such work shall have been performed, such further sum as shall be sufficient to defray the expenses of managing, conducting and superintending the same in the manner hereby required which sum shall be ascertained by an account rendered in writing and sworn to by such Commissioner or Commissioners before any one of His Majesty's Justices of the Peace, and such Justice is hereby required and empowered to administer the necessary oath. Provided always, that such sum shall in no case, exceed five per cent on the sum expended under the management, conduct and superintendance of such Commissioners.

VIII. And be it further enacted by the authority aforesaid, that after the expiration of two years from the passing of this Act no contract shall be entered into nor any work commenced under the authority thereof and that such part or balance of the monies hereby appropriated as shall not be expended after the payment of all sums due on Contracts entered into or for day's work performed under the authority of this Act, shall remain at the future disposal of the Provincial Legislature for the Public uses of the Province and in the hands of the Receiver General thereof.

IX. And be it further enacted by the authority aforesaid, that the said Commissioners shall report annually during the time they shall act as such to the Governor, Lieutenant Governor, or person administering the Government of the Province for the time being, and to the two Houses of the Provincial Parliament, the improvements which shall have been made under this Act.

X. And be it further enacted by the authority aforesaid, that the due application of the monies hereby appropriated 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 be pleased to direct.