

Government House, in the City of Montreal, the Eighth day of June, in the Third year of the Reign of Our Sovereign Lady Victoria, by the Grace of God, of Great Britain and Ireland, Queen, Defender of the Faith, and so forth, and in the year of Our Lord one thousand eight hundred and forty.

By His Excellency's Command,

W. B. LINDSAY,

Clerk Special Council.

C A P. XXXI.

An Ordinance to provide for the improvement of the Roads in the neighbourhood of, and leading to the City of Montreal, and to raise a fund for that purpose.

Preamble.

WHEREAS the state of the Roads in the neighbourhood of, and leading to the City of Montreal, is such as to render their improvement an object of immediate and urgent necessity, and it is therefore expedient to provide means for effecting such improvement, and to create a fund for defraying the expense thereof, and the expenses necessary for keeping the said Roads in permanent repair:— Be it therefore Ordained and Enacted by His Excellency the Governor of this Province of Lower Canada, by and with the advice and consent of the Special Council for the affairs of this Province, constituted and assembled by virtue and under the authority of an Act of the Parliament of the United Kingdom of Great Britain and Ireland, passed in the first year of the Reign of Her present Majesty, intituled, "*An Act to make temporary provision for the Government of Lower Canada,*" and also by virtue and under the authority of a certain other Act of the same Parliament passed in the Session held in the second and third years of the Reign of Her present Majesty, intituled, "*An Act to amend an Act of the last Session of Parliament, for making temporary provision for the Government of Lower Canada;*" and it is hereby Ordained and Enacted by the authority of the said Acts of Parliament, that it shall and may be lawful for the Governor of the said Province, by Letters Patent under the Great

The Governor
may appoint
Trustees for

opening, making and keeping in repair certain Roads leading to Montreal.

Great Seal of the Province, at any time after the passing of this Ordinance, to appoint not less than five, nor more than nine persons to be, and who and their successors, to be appointed in the manner hereinafter provided, shall be trustees for the purpose of opening, making and keeping in repair the Roads hereinafter specified.

In case of the death, &c. of any of the Trustees, the Governor to appoint others in their place.

II. And be it further Ordained and Enacted by the authority aforesaid, that in case of the death, absence for more than three months from the Province, misconduct, inability, or neglect to act, or resignation of any one or more of the Trustees so to be appointed, the Governor of the said Province may declare a vacancy in the said Trust, and supply and fill such vacancy by the appointment, by Letters Patent, of other one or more Trustees as the case may require; and until such appointment, the remaining Trustee or Trustees and the majority of them, shall continue to do and perform all and every the acts, matters and things necessary for and pertaining to their Trust and the purposes of this Ordinance.

Trustees may sue and be sued &c. and may acquire property and estate.

May improve widen, repair, &c., the said Roads and Bridges thereon, in the manner they may deem fit.

May erect toll-bars, gates, turnpikes, &c., and may employ a Surveyor and other persons, and grant them a compensation.

III. And be it further Ordained and Enacted by the authority aforesaid, that the said Trustees, for all the purposes of this Ordinance, may sue and be sued, and answer and be answered unto in all Courts of Justice and other places, and may acquire property and estate, moveable and immoveable, which being so acquired shall be vested in Her Majesty for the public uses of the Province, subject to the management of the said Trustees for the purposes of this Ordinance; and may in the manner which they shall deem fit, cause the said Roads and each of them and the Bridges thereupon, to be improved and widened, repaired and made anew, and may change the direction of the said Roads, or of any or either of them, and may cause to be repaired and made anew and maintained, all drains and other passages which they may deem necessary, either within or without the fences on the sides of the said Roads, or of any of them, or in or through any lands or premises whatsoever, and may for the purposes aforesaid, or for any of them, by themselves, their agents and servants, go into and enter upon any land or real property whatsoever, and take therefrom any earth, stone or other materials which they may deem necessary for the purposes of this Ordinance, and may cause to be erected gates, toll-bars, turnpikes, turnpike houses, and other buildings; and may from time to time appoint and employ a surveyor, and all such officers and persons under them as they may deem necessary for the purposes of this Ordinance, and may remove such Surveyor and other officers and persons, or any of them, and appoint others in their stead, and may cause to be given, and take and receive from such officers and persons respectively, security for the due performance of their respective duties, and may

may pay to such Surveyor, officers and persons, such reasonable compensation as the said Trustees shall deem meet, and generally to do and perform all such matters and things as may be necessary for carrying this Ordinance into effect according to the true intent, meaning and object thereof; any law, statute, or usage to the contrary notwithstanding.

An annual rent to be paid for lands acquired from persons who cannot in common course of law sell them.

IV. And be it further Ordained and Enacted by the authority aforesaid, that if the said Trustees in the execution of their trust and for the purposes of this Ordinance, shall, as they are hereby authorised to do, acquire and hold any lands or grounds belonging to or in the possession of any body politic, community, corporation, or other person or persons whosoever, who cannot in common course of law, sell or alienate any such lands or grounds, an annual rent to be fixed by agreement or by arbitration, and not a principal sum, shall be paid as an equivalent; and in case the said parties shall not agree upon the amount of such rent, or upon arbitration to fix the same, the said rent shall be settled and determined by the judgment of any Court of competent jurisdiction, to be rendered in an action or actions to be instituted for that purpose by the parties concerned against the said Trustees. Provided always, that if the amount at which the said annual rent shall be settled by such judgment, shall not exceed any sum which the said Trustees may have tendered, previously to the institution of such action, the parties instituting the same shall pay all costs of suit; but if otherwise the said Trustees shall pay all costs of suit; and for the payment of the said annual rent, and every other annual rent agreed upon, or ascertained, for the purchase of any lands or grounds, the said tolls to be levied and collected thereon, shall be, and are hereby made liable and chargeable in preference to all other claims whatsoever.

The tolls to be levied chargeable for all annual rents.

Trustees, before acquiring any land from proprietors to pay them the value of such land, and compensation for damages suffered.

V. And be it further Ordained and Enacted by the authority aforesaid, that the said Trustees before acquiring any land for the purposes of the said Trust (except in the case provided in the fourth section of this Ordinance) shall pay to the proprietor or proprietors thereof, the just and reasonable value of such land, and they shall make reasonable satisfaction to each and every person, body politic or corporate, who shall have suffered damage by reason of any thing done by them in carrying this Ordinance into effect beyond the amount of such damage, as the party might have been bound to suffer, without compensation, before the passing of this Ordinance, by the laws of this Province; and if the party entitled to such value or compensation shall not be satisfied with the sum offered by the said Trustees, the same shall be decided by a Jury to be empannelled and sworn for that purpose, at any sitting of the Court of Quarter Sessions for the District of Montreal, at the suit of the

If the party entitled to such value, &c., be not satisfied with the sum offered, the same to be decided by a Jury.

the party sustaining such damage, and if the damages awarded by the verdict of such Jury shall exceed the compensation offered, the Trustees shall pay the costs of suit, which shall otherwise be paid by the party who shall have brought the same.

The Trustees may appoint one of their number to be the Manager of their Trust.

VI. And be it further Ordained and Enacted by the authority aforesaid, that the said Trustees, or a majority of them may, by an Instrument in writing signed by them, appoint one of their number to be the manager of the said trust; and any and all acts, matters and things by him done and performed in and about the said trust and for the purposes of this Ordinance, and any and all writings and documents whatsoever relating to or connected with the said trust and the purposes of this Ordinance, signed by him, and counter-signed by two of the other Trustees, in case they be five in number, or by three of the other Trustees in case they be more than five in number, shall be held to be good and valid to all intents and purposes whatsoever; Provided always, that the said Trustees, or a majority of them, may, by an instrument under their hands, revoke such appointment, and appoint in like manner any other of their number, manager as aforesaid; and Provided also that nothing herein contained shall prevent, or be construed to prevent the Trustees or the majority of them from acting collectively for all the purposes of their trust and of this Ordinance, without appointing a manager as aforesaid.

Provisos.

Roads over which the powers of the Trustees shall extend.

VII. And be it further Ordained and Enacted by the authority aforesaid, that the Roads to and over which the provisions of this Ordinance and the powers of the said Trustees shall extend, are:—

Firstly.—The upper *Lachine* Road, from the boundary of the City and Town of Montreal, towards the south-west, to the upper entrance of the *Lachine* Canal, and the continuation of the said road towards the *Pointe Claire*, two hundred yards above and beyond the said upper entrance of the said Canal.

Secondly.—The main Road from the boundary of the said City and Town, towards the north-east to the Ferry over the river *des Prairies*, at the place commonly called *Bout de l'Isle*, in the parish of *La Pointe aux Trembles*.

Thirdly.—The *Côte des Neiges* Road, from the boundary of the said City and Town, towards the north-west to the place called *L'Abord à Plouffe* on the said river *des Prairies*.

Fourthly.—

Fourthly.—The main road commonly known as the continuation of the Saint Lawrence Street, and leading in a north westerly direction from the City boundary to Mile End Tavern, and thence in the same direction to a point on the said river *des Prairies*, in the Parish of *Sault au Recollet*.

Fifthly.—The Road commonly called the Road of the *Côte Sainte Catherine*, from the said Road thirdly above mentioned, to the said Road lastly above mentioned, and thence to the Road next hereinafter mentioned.

Sixthly.—The Road commonly called the Victoria Road, from the boundary of the said City and Town, towards the north-east, running to the north-west until it joins the Road last above-mentioned.

Seventhly.—The lower *Lachine* Road, from the boundary of the said City and Town, towards the south to, and one hundred yards beyond its junction with the cross road leading from the said lower *Lachine* Road to the upper *Lachine* Road, hereinafter mentioned at or near the Village of *Saint Henri*.

Eighthly.—The cross Road last above mentioned and throughout its whole length as above defined.

Ninthly.—The said lower *Lachine* Road, from a point one hundred yards below, and to the eastward of the Church of the parish of *Saint Michel de Lachine*, to its junction with the said upper *Lachine* Road: Provided always, that the word "Road," in this Section shall be construed to mean as well front roads as *routes* or bye-roads, and any new Road or part of a Road, (between the said points of beginning and ending of each road respectively,) to be made by the said Trustees as well as the now existing Roads or portions of Roads between such points.

Trustees may exact and receive tolls on each of the said Roads.

Rates to be exacted on the Upper *Lachine* Road.

VIII. And be it further Ordained and Enacted by the authority aforesaid, that the said Trustees may, and shall demand, levy, exact and receive, on each of the said Roads, at the turnpike-gates and toll-houses to be thereon established, under and by virtue of this Ordinance, from all and every person and persons who shall pass upon or use the said Roads, or either of them, the certain tolls and rates hereby designated and established, that is to say: upon that one of the said Roads in the seventh Section of this Ordinance, firstly mentioned, known as the Upper *Lachine* Road, the tolls and rates following, namely:—

For

For every waggon, wain, cart or other wheel carriage for the transportation of loads, the wheels whereof have tires, or tracks of the breadth of five inches or upwards, English measure, drawn by one or two horses or other beasts, if the same be loaded, in whole or in part, the sum of six-pence, currency; and if the same be not loaded the sum of four pence, currency; and for every such waggon, wain or cart, with wheels, the tires or tracks whereof shall have a breadth less than five and not less than two and a quarter inches, English measure, drawn as aforesaid, if loaded in whole or in part, the sum of eight pence, currency, and if not loaded the sum of six pence, currency; and for every such waggon, wain or cart with wheels, the tires or tracks whereof shall have a breadth less than two and a quarter inches, drawn as aforesaid, if loaded in whole or in part, the sum of one shilling, currency, and if not loaded the sum of eight pence, currency; and for every additional horse or other beast to any such waggon, wain or cart, hereinbefore mentioned, the further sum of four pence, currency.

For every coach, stage-coach, gig, caleche, dennet, spring-cart, or other wheel carriage (other than waggons, wains and carts, of the description hereinbefore mentioned) having wheels with tires of the breadth of two and a quarter inches or upwards, English measure, drawn by one horse or other beast, the sum of eight pence, currency; and for every such coach, stage-coach, gig, caleche, dennet, spring-cart, or other wheel carriage (other than waggons, wains and carts of the description hereinbefore mentioned) having wheels with tires or tracks, less than two and a quarter inches, English measure, in breadth, drawn as aforesaid, the sum of one shilling, currency; and for every additional horse to such stage-coach, gig, caleche, dennet, spring-cart, or other wheel carriage, the further sum of four-pence, currency.

For every sleigh, *traine*, drag, *berline*, carriole, or other winter vehicle whatsoever, drawn by one horse or other beast, the sum of four-pence, currency; and for every additional horse, the further sum of two-pence, currency.

For every horse, mare, or gelding with a rider, the sum of four-pence, currency.

For every, horse, mare, gelding, ass, mule, ox, cow, and head of other neat cattle, not drawing, the sum of two-pence, currency.

For every score of sheep, lambs, hogs or swine, the sum of five-pence, currency.

And

How the rates on the other Roads are to be regulated and governed.

And upon all the said several Roads, in the said seventh Section of this Ordinance described, other than the said Upper *Lachine* Road, the tolls and rates to be so demanded, levied, exacted and received as aforesaid, for every waggon, wain, cart, or other wheel carriage, for the transportation of loads, and for every coach, stage-coach, gig, caleche, dennet, spring-cart, or other wheel-carriage, and for every winter vehicle, and for every horse, mare and gelding, with or without a rider, and every ass, mule, ox, cow, and other head of neat cattle, and every, sheep, lamb, hog or swine, passing on or using the said several Roads, other than the said Upper *Lachine* Road, shall be regulated and governed, in amount, by the said tolls and rates hereinbefore established and authorised to be taken upon the said Upper *Lachine* Road, according to the proportion which the said several Roads respectively bear in length to the said Upper *Lachine* Road, subject in all respects to the rules, classifications, scale and degrees hereinbefore provided for, and in relation to the said Upper *Lachine* Road, and the tolls and rates to be thereon taken, that is to say: the tolls and rates to be demanded, levied, exacted and received by the said Trustees upon each of the said several Roads, other than the said Upper *Lachine* Road, shall bear the same proportion in amount to the said tolls and rates hereinbefore specified, as the length of such Road bears to the length of the said Upper *Lachine* Road, unless in ascertaining such proportion in reference to any of the said several Roads, the result shall exhibit a fractional part of a penny, in which case such fractional part of a penny shall be deducted, and the sum remaining after such deduction shall be rate and toll upon such Road; And the said Trustees may, and they are hereby authorized and empowered to make and establish the regulations under which such tolls or rates shall be so levied and collected, and with the consent of the Governor, may from time to time as they shall see fit, alter and change and modify the said rates and tolls, and the said regulations, and may and shall prevent the passing through any turnpike-gate, or toll-bar, by any person, vehicle, animal or thing, from or on which any rate or toll shall be payable, until such rate or toll be paid; And the said Trustees shall affix in a conspicuous place at each turnpike gate, and toll-bar, whereat any rate or toll is payable, a table of the tolls to be taken thereat, and the regulations under which such tolls are to be levied, plainly and legibly printed.

Trustees to make regulations for the collection of the tolls; and they may alter the said tolls, with the consent of the Governor.

A table of the tolls, &c., to be affixed at each Turnpike gate and Toll-bar.

Proviso.

Provided always, that nothing herein contained shall entitle the said Trustees at any time to establish, demand, levy, exact, or receive any rates or tolls upon the said Roads, or any of them, exceeding the rates and tolls hereinbefore authorized to be exacted and received.

Her Majesty's Mail, all Military persons,

IX. Provided always, and be it further Ordained and Enacted by the authority aforesaid, that Her Majesty's Mail, and persons, animals and carriages employed in the conveyance

carriages and horses in H.M. service, and persons attending Funerals to pass toll free.

conveyance thereof, Her Majesty's officers and soldiers being in proper staff, or Regimental or Military uniform, dress or undress, and their horses, (but not when passing in a hired or private vehicle) and all carriages and horses belonging to Her Majesty, or employed in her service, when conveying persons in such service or returning therefrom, and all recruits marching by route, and all persons, animals, and carriages attending funerals, shall pass toll-free through any Turnpike and Toll-gate, to be erected under the authority of this Ordinance.

Certain exemptions from the payment of more than one full toll in any one day.

X. Provided always, and be it further Ordained and Enacted by the authority aforesaid, that no more than one full toll in any one day (to be computed from twelve of the clock at night to twelve of the clock in the next succeeding night) shall be demanded or taken, for or in respect of the same horse or horses, or other beast or beasts, or cattle drawing the same waggon, wain, cart, coach, gig, caleche, dennet, spring-cart, or other wheel carriage or winter carriage, or for or in respect of the same horse, mule, ass or other beast or cattle, laden or unladen, or not drawing, or for or in respect of the same oxen or ox, neat cattle, calves, swine, sheep or lambs, for passing and repassing through all or any of the gates along the line of the same one of the said Roads, except as hereinafter mentioned.

Description of carriages, &c., to pay every time of passing.

XI. Provided also, and be it further Ordained and Enacted by the authority aforesaid, that the tolls hereby made payable for and in respect of any stage-coach, diligence, van, caravan, stage waggon, or other stage carriage, or any cart, conveying passengers or goods for pay or reward, or conveying stones, and for and in respect of any horse or horses, beast or beasts, drawing the same, shall be payable and paid every time of passing or repassing along the said Road; and if any person or persons shall claim or take the benefit of any of the exemptions aforesaid, not being entitled to the same, every such person shall, for every such offence, forfeit and pay any sum not exceeding five pounds, and in all cases the proof of exemption shall lie upon the person claiming the same.

Penalty upon persons taking the benefit of any exemption, not entitled to the same.

Trustees may commute the tolls with any person.

XII. And be it further Ordained and Enacted by the authority aforesaid, that the said Trustees may, if they think proper, commute the tolls on any road, or portion thereof, with any person or persons, by taking a certain sum, either monthly or yearly, in lieu of such tolls.

May make an equitable arrangement with any person desirous of crossing any of the said Roads.

XIII. Provided always, and be it further Ordained and Enacted by the authority aforesaid, that the said Trustees may make such equitable arrangement, with any person desiring or having occasion to cross any one or more of the said Roads, as to them may seem just and reasonable; and may from time to time, if they shall deem

May let the tolls by auction for one year.

deem it advantageous to the public, let or farm the tolls to be levied on any of the said Roads, by public auction to the highest and best bidder, for a time not exceeding one year in any case, taking good and sufficient security from the farmer or lessee.

Under whose exclusive management the said Roads are to be, and how the tolls are to be applied.

XIV. And be it further Ordained and Enacted by the authority aforesaid, that the said Roads shall, from and after the passing of this Ordinance, be and remain under the exclusive management, charge and controul of the said Trustees, and the tolls thereon shall be applied solely to the necessary expenses of the management, making and repairing of the said Roads and the payment of the interest on and principal of the debentures hereinafter mentioned; and all powers, authorities, jurisdiction and controul over or with regard to the said Roads, or any of them, heretofore vested in any Grand Voyer, overseer of roads or road surveyor, or other road-officer, by a certain Act passed in the thirty-sixth year of the Reign of King George the Third, intituled, "An Act for making, repairing and altering the highways and bridges in this Province, and for other purposes," or by any other Act or Ordinance or Law whatever, shall cease and determine from and after the passing of this Ordinance.

Persons bound by law to perform any labour on any of the said Roads, must commute by the payment of an annual sum.

XV. And be it further Ordained and Enacted by the authority aforesaid, that from and after the passing of this Ordinance, each and every person and persons, body or bodies politic or corporate, who may be bound by any law of this Province, or any *procès verbal* duly homologated, (and all such laws and *procès verbaux*, shall remain in full force, except in so far as they are hereby expressly derogated from) to repair or keep up, or to perform any service or labour, on or with regard to any portion of any Road hereby placed under the controul of the said Trustees, shall and are hereby required to commute all such obligations with the said Trustees for such sum of money as may be agreed upon by such parties respectively, and the said Trustees, and such commutation money shall be payable annually, on the first day of May in each year; and if any such party shall neglect or refuse to pay the sum so agreed upon when due, the said Trustees may sue for and recover the same, with costs, in any Court having jurisdiction to the amount: Provided always, that if no such agreement or commutation shall be effected in any case, the said Trustees may sue the party neglecting or refusing to make such agreement, for the sum which, in their estimation, such party ought then to pay for such commutation, in any Court having jurisdiction to the amount so sued for, and may recover the same or such less sum as the Court shall award; and the rate determined by the judgment shall be the rate to be thereafter paid for such commutation by the party defendant, or such

such party as may be liable to the commutation of the same obligations ; Provided also, that costs shall be awarded to any such party who shall, before the commencement of such suit, have legally tendered to the said Trustees at their office, or to the manager in person a sum equal to that for which judgment shall in such suit be given.

Trustees may raise £35,000, currency, by loan.

XVI. And be it further Ordained and Enacted by the authority aforesaid, that it shall be lawful for the said Trustees as soon after the passing of this Ordinance as may be expedient, to raise by way of loan, on the credit and security of the Tolls hereby authorized to be imposed, and of other monies which may come into the possession and be at the disposal of the said Trustees under and by virtue of this Ordinance ; and not to be paid out of or be chargeable against the general revenue of this Province, any sum or sums of money not exceeding in the whole thirty five thousand pounds currency.

Debentures to be issued for said Loan.

XVII. And be it further Ordained and Enacted by the authority aforesaid, that it shall be lawful for the said Trustees to cause to be made out for such sum or sums of money, as they may raise by loan as aforesaid, debentures in the form contained in the Schedule A, to this Ordinance annexed, redeemable at such time or times (subject to the provisions herein made,) as the said Trustees shall think most safe and convenient, which said debentures shall be signed in the manner above provided for the written acts relating to the said Trust, and shall be transferable by delivery.

Debentures to bear interest.

XVIII. And be it further Ordained and Enacted by the authority aforesaid; that such debentures shall respectively bear interest at the rate therein mentioned, which may at the discretion of the Trustees, and with the express approval and sanction of the Governor of this Province, and not otherwise, exceed the rate of six per centum per annum, any law to the contrary notwithstanding, and shall be the lowest rate at which the said sum or sums to be loaned on any such Debentures shall be offered or can be obtained by the said Trustees ; such interest to be paid out of the tolls upon the said Roads, or out of any other monies at the disposal of the Trustees, for the purposes of this Ordinance.

Persons counterfeiting any of the Debentures or attempting to pass any such, knowing

XIX. And be it further Ordained and Enacted by the authority aforesaid, that if any person or persons shall forge or counterfeit any such Debenture as aforesaid, or any signature, indorsement, or writing, thereon or therein, or tender in payment any such Debenture, or any Debenture with such counterfeit signature, indorsement

them to be
counterfeit, to
be guilty of
felony.

ment, or writing thereon or therein, or shall demand the payment of any sum of money thereby secured, or of any interest thereon, knowing such Debenture or the signature, indorsement, or writing thereon or therein to be forged or counterfeited with intent to defraud the said Trustees or any of them, or any other person or persons, body or bodies politic or corporate, such person or persons so offending shall be guilty of Felony

When the inter-
est on the De-
bentures shall
cease to accrue

XX. And be it further Ordained and Enacted by the authority aforesaid, that if at any time after the said Debentures or any of them shall have become due and payable according to the terms thereof, notice shall be inserted three several times, at intervals of not less than one month apart, in one of the Newspapers published in the City of Montreal, and in the Quebec Gazette published by authority, requiring all holders of such Debentures to present the same for payment, all interest upon any Debenture then payable, which shall remain out more than six months from the first insertion, shall cease to accrue from the end of the said six months.

Debentures
may be re-
deemed with
the consent of
parties, before
the time they
are made re-
deemable.

XXI. And be it further Ordained and Enacted by the authority aforesaid, that nothing herein contained shall prevent the said Trustees from voluntarily redeeming any Debenture, with the consent of the lawful holder thereof, at any time before such Debenture shall be made redeemable, if the state of the funds of the said Trustees shall be such as to warrant such redemption.

The Governor
may purchase
for the public
uses of the Pro-
vince, Deben-
tures to the
amount of
£20,000. cury.

XXII. And be it further Ordained and Enacted by the authority aforesaid, that it shall be lawful for the Governor for the time being, if he shall deem it expedient, at any time within three years from the passing of this Ordinance, and not afterwards, to purchase for the public uses of this Province, and from the said Trustees, Debentures to an amount not exceeding twenty thousand pounds currency, and by warrant under his hand to authorise the Receiver General to pay to the said Trustees, out of any unappropriated public monies in his hands, the sums secured by such Debentures; the interest and principal of and on which shall be paid to the Receiver General by the said Trustees, in the same manner and under the same provisions as are provided with regard to such payments, to any lawful holder of such Debentures, and being so paid, shall remain in the hands of the Receiver General, at the disposal of the Legislative authority of the Province for the time being.

All arrears of
interest to be
paid before any

XXIII. And be it further Ordained and Enacted by the authority aforesaid, that if at any time it shall happen that the monies then in the hands of the said Trustees, shall

part of the principal sum, and the Governor nor may advance money to Trustees to pay such arrears in case their funds shall be insufficient.

shall be insufficient to enable the Trustees to make any payment required, or authorised to be made by this Ordinance, all arrears of interest due on any Debentures issued under the authority of this Ordinance, shall be paid by the said Trustees, before any part of the principal sum then due upon and secured by any such Debenture shall be so paid; and if the deficiency be such that the funds then at the disposal of the Trustees shall not be sufficient to pay such arrears of interest, it shall be lawful for the Governor for the time being, by warrant under his hand, to authorise the Receiver General to advance to the said Trustees, out of any unappropriated monies in his hands, such sum of money as may, with the funds then at the disposal of the Trustees, be sufficient to pay such arrears of interest as aforesaid; and the amount so advanced shall be repaid by the said Trustees to the Receiver General, out of the sum so to be commuted, levied and collected as aforesaid, and being so repaid shall remain in the hands of the Receiver General at the disposal of the Legislative authority of the Province.

Application of the monies to be accounted for.

XXIV. And be it further Ordained and Enacted by the authority aforesaid, that the due application of all public monies whereof the expenditure or receipt is authorised by the preceeding sections, shall be accounted for to Her Majesty, Her Heirs and Successors, through the Lords Commissioners of Her Majesty's Treasury for the time being, in such manner and form as Her Majesty, Her Heirs and Successors shall be pleased to direct.

Persons wilfully injuring any turnpike gate, toll bar, &c., shall be guilty of a misdemeanor.

XXV. And be it further Ordained and Enacted by the authority aforesaid, that if any person or persons shall cut, break down, destroy or wilfully injure any turnpike-gate, toll-bar, toll-house, embankment, drain or work of any kind whatever, erected or made under the authority of this Ordinance, such person or persons so offending shall be guilty of a misdemeanor, and being thereof lawfully convicted before any Court of competent jurisdiction, may be punished by fine and imprisonment; and if any person shall forcibly pass or attempt to pass any such turnpike-gate or toll-bar without having first paid the legal toll thereat, such person or persons shall incur a penalty not exceeding forty shillings currency for each offence.

Penalty on persons forcibly passing or attempting to pass any such gate, &c.

Penalty on persons obstructing any of the said Roads.

XXVI. And be it further Ordained and Enacted by the authority aforesaid, that no person shall leave any waggon, cart or other carriage, nor shall lay or leave any matter or thing creating any obstruction of any kind in or upon any of the said Roads, or the ditches or drains thereof, or those made by or by order of the said Trustees, under a penalty not exceeding twenty shillings currency for each offence.

XXVII.

Penalty on persons attempting to evade paying toll.

Trustees may place turnpike gates across the entrance of any way leading into the said Roads.

Penalty on persons permitting others to pass through their lands so as to avoid paying toll, and also on those so permitted to avoid such payment.

Penalties not exceeding 40s., how to be recovered and disposed of.

Proviso.

Persons committing offences to be liable to the Trustees for all damages sustained by reason thereof.

XXVII. And be it further Ordained and Enacted by the authority aforesaid, that if any person or persons shall, after proceeding upon any of the said Roads (whether in the winter season or in any other season) with any carriages, animals or things, liable to toll, turn out of the same into any other Road, so as to evade payment of toll, at any turnpike-gate or toll-bar, such person or persons shall, for each such offence, incur a penalty not exceeding ten shillings, and the said Trustees shall and may place turnpike-gates and toll-bars on and across the entrance of any passage or way leading into or from any of the said Roads, in order to prevent such evasion of toll.

XXVIII. And be it further Ordained and Enacted by the authority aforesaid, that if any person or persons, body politic or corporate, occupying or possessing any enclosed lands near any of the said Roads shall, whether in the winter or at any other season, knowingly permit or suffer any person or persons to pass through such lands, or through any gate, passage or way thereon, with any carriage, animal or thing liable to the payment of toll on such Road, for the purpose of avoiding, and so as to avoid the payment thereof, such person or persons so offending, and the person or persons so unlawfully permitted to avoid such payment, shall each and severally incur a penalty not exceeding ten shillings, currency, for each offence.

XXIX. And be it further Ordained and Enacted by the authority aforesaid, that all penalties imposed by this Ordinance, and not exceeding forty shillings for each offence, may be sued for and recovered with costs, on the oath of one competent witness, before any two Justices of the Peace for the District of Montreal, who may, on conviction, commit the offender to the Common Gaol of the District, for a period not exceeding two weeks for each offence, or until such penalty and costs be paid; and one moiety of all such penalties shall belong to the informer, and the other moiety to the said Trustees: Provided always, that any member, officer, or servant of the Corporation shall be a competent witness, if he be not the informer, or if he be such informer, and renounce all claim to any portion of the penalty, which shall in such case belong wholly to the said Trustees, for the purposes of this Ordinance.

XXX. Provided always, and be it further Ordained and Enacted by the authority aforesaid, that each and every person committing any offence against the provisions of this Ordinance shall, in addition to any penalty imposed by it for such offence, be liable to the said Trustees for all damages they may have sustained by reason of such offence.

XXXI.

Trustees to furnish detailed accounts and reports of their proceedings, and to publish the same.

XXXI. And be it further Ordained and Enacted by the authority aforesaid, that the said Trustees shall lay detailed accounts of all monies by them received and expended under the authority of this Ordinance, supported by proper vouchers, and also detailed reports of all their doings and proceedings under the said authority, before such officer, at such times, and in such manner and form, and shall publish the same in such way, at the expense of the said Trustees, as the Governor shall be pleased to direct.

This word "Governor" defined.

XXXII. And be it further Ordained and Enacted by the authority aforesaid, that the word "Governor" is to be understood as comprehending and meaning the Governor, the Lieutenant Governor, or person administering the Government of the said Province.

This Ordinance to be a public one.

XXXIII. And be it further Ordained and Enacted by the authority aforesaid, that this Ordinance shall be a public Ordinance, and as such shall be taken notice of, held, and allowed in all courts and elsewhere, and by all Judges, Justices and persons whatsoever without being specially pleaded.

And also a permanent one.

XXXIV. And be it further Ordained and Enacted by the authority aforesaid, that this Ordinance shall be a permanent Ordinance, and shall be in force until repealed or altered by competent authority.

SCHEDULE

Form of De-ventures.

SCHEDULE, A.

ROAD LOAN.

Certificate, No. ;

Currency.

CERTIFICATE, No. ;

Int. at per cent.

18 .

Currency. } MONTREAL,

18.

INTEREST

On this Certificate

PAID.

To Jan. 18 Receipt No.

July	—
Jan. 18	—
July	—
Jan. 18	—
July	—
Jan. 18	—
July	—
Jan. 18	—
Jan. 18	—

WE CERTIFY, that under the authority of the Provincial Ordinance of Lower Canada, passed on the Fifteenth day of June, 1840, (3d Victoria, Cap 31,) intituled, "An Ordinance to provide for the improvement of the Roads in the neighbourhood of, and leading to the City of Montreal, and to raise a Fund for that purpose," there has been borrowed and received from the sum of

bearing interest from the date hereof, at the rate of _____ day of _____ Pounds Currency, per cent. and which sum is reimbursable to the said _____ day of _____ or bearer hereof on or before the _____ day of _____ in the manner provided for by the Provincial Ordinance aforesaid.

REGISTERED BY

_____ Trustees.

C. POULETT THOMSON.

Ordained

Ordained and Enacted by the authority aforesaid, and passed in Special Council, under the Great Seal of the Province, at the Government House, in the City of Montreal, the Fifteenth day of June, in the third year of the Reign of Our Sovereign Lady Victoria, by the Grace of God, of Great Britain and Ireland, Queen, Defender of the Faith, and so forth, and in the year of Our Lord one thousand eight hundred and forty.

By His Excellency's Command,

W. B. LINDSAY,

Clerk Special Council.

C A P. XXXII.

An Ordinance to appropriate a further sum of money to defray the expenses of the Rural Police in the Districts of Montreal and Three Rivers, for the year ending in October one thousand eight hundred and forty.

Preamble.

WHEREAS it is expedient to make further provision for defraying the expenses of the Rural Police in the Districts of Montreal and Three Rivers, for the year ending in the month of October one thousand eight hundred and forty :—Be it therefore Ordained and Enacted by His Excellency the Governor of this Province of Lower Canada, by and with the advice and consent of the Special Council for the affairs of the said Province, constituted and assembled by virtue and under the authority of an Act of the Parliament of the United Kingdom of Great Britain and Ireland, passed in the first year of the Reign of Her present Majesty, and intituled, “ *An Act to make temporary provision for the Government of Lower Canada,*” and it is hereby Ordained and Enacted by the authority of the same, that it shall be lawful for
the