

C A P. VIII.

An Ordinance to provide means of keeping in repair that part of the Road from this Province to New Brunswick, commonly called the Temiscouata Portage Road.

Preamble.

WHEREAS divers sums of the public money have been appropriated for repairing and improving that part of the Road from this Province to the Province of New Brunswick, which is commonly known by the name of the Temiscouata Portage Road, and for altering the line of the said Road in places where such alteration was necessary ; and whereas Thomas Allen Stayner, Her Majesty's Deputy Post Master General for British North America, and William Henry Griffin, Esquires, have been appointed and now are Commissioners for superintending the expenditure of the sums so appropriated as aforesaid, and for making, repairing and altering the said Road, and have caused the same to be made, repaired, and altered accordingly ; and whereas it is expedient to provide means for keeping the said Road in permanent and efficient repair :—Be it therefore Ordained and Enacted by His Excellency the Governor of the said 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, 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 also by virtue and under the authority of a certain other Act of the same Parliament, passed in the Session held in the third and fourth years of the Reign of Her present Majesty, intituled, "*An Act to Re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada* ;" and it is hereby Ordained and Enacted by the authority of the said Acts of Parliament, that such persons not exceeding five in number, as the Governor, Lieutenant Governor, or person administering the Government, shall appoint, shall be and they are hereby constituted Trustees for keeping the said Road, commonly called the Temiscouata Portage Road, in permanent and efficient repair.

The Governor to appoint Trustees for keeping the Temiscouata Portage Road in repair.

In certain ca-
ses the Gover-
nor may de-
clare vacan-
cies in said
trust, and ap-
point other
Trustees.

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, Lieutenant Governor, or person administering the Government, may declare a vacancy in the said Trust, and supply and fill such vacancy, by the appointment of other one or more Trustees as the case may require.

Trustees to
erect a turn-
pike gate and
toll house
across said
road.

III. And be it further Ordained and Enacted by the authority aforesaid, that from and after the first day of January, in the year one thousand eight hundred and forty-one, the said Trustees shall and may cause a Turnpike-gate and Toll-house to be erected on and across the said Road at any point which they may deem most fit, within one mile of the place where the river called the Green River crosses the said Road, or if this position should be found inconvenient, or not to answer the object intended, the said Turnpike-gate may be erected on such other part of the said Portage Road as the Trustees may think proper, and the said Trustees may erect any such barrier or barriers on either side of the said Road as they may deem necessary to prevent persons using the said Road from avoiding the payment of the Tolls hereinafter established; and shall and may demand, levy, exact and receive at the said Turnpike-gate and Toll-house from each and every person passing the same, and using the said Road, the several rates and tolls hereinafter mentioned; that is to say:—for each four wheeled carriage, drawn by one horse or other beast of draught, one shilling and six pence currency; for each two wheeled carriage drawn by one horse or other beast of draught, one shilling and one penny currency; for each sleigh, berlin, train or other winter carriage drawn by one horse or other beast of draught, one shilling and one penny currency; for each additional horse or other beast of draught, harnessed to any such carriage aforesaid, nine pence currency; for each saddle horse, or horse, mare, gelding, ass or mule, not harnessed to any carriage, one shilling currency; for each head of neat cattle, not drawing, nine pence currency; for each sheep, pig, calf or lamb, four pence and one half penny currency. Provided always that the said Trustees may from time to time diminish the said tolls and rates respectively, to any sums not less than two-thirds of those above mentioned, if they shall be of opinion that after such diminution, the tolls collected will suffice to keep the said road in proper repair, and may again increase the said tolls, so as in no case to exceed the rates above mentioned. And it is further provided that until the Ordinance passed in the third year of Her Majesty's Reign, chapter twenty-five, intituled, "An Ordinance to provide for the improvement, during the winter season, of the Queen's Highways in this Province, and for other purposes," shall come into operation within the District of Quebec, with regard to other roads than the

Tolls to be de-
manded at said
gate.

Trustees may
diminish and
again increase
said tolls.

May abate the
tolls upon cer-
tain winter
carriages
drawn by hor-
ses abreast.

the Post Road from that City to the Town of Three Rivers, it shall be lawful for the Trustees to make an abatement not exceeding one-half of the ordinary rates, upon such winter carriages constructed according to the provisions of the said Ordinance, and drawn by horses abreast, as shall be used upon the said Temiscouata Portage Road.

Any animal, &c. may be detained till the tolls are paid.

Penalty on persons forcibly passing or attempting to pass without having paid toll.

IV. And be it further Ordained and Enacted by the authority aforesaid, that it shall be lawful for the said Trustees to cause any animal or carriage on and in respect of which any toll may, under the provisions of this Ordinance be due, to be detained until such tolls be fully paid and satisfied; and if any person or persons shall forcibly pass or attempt to pass the said turnpike-gate, with any carriage or animal on which a toll may be due, without having paid such toll, such person or persons shall incur a penalty not exceeding forty shillings for each offence, to be recovered with costs, before any one Justice of the Peace, on the oath of any one credible witness; and such penalty shall be paid to the said Trustees, and make part of the fund hereby appropriated for keeping the said Road in repair, and on the default of payment thereof on conviction, such Justice of the Peace may commit the offender to prison for any time not exceeding six days.

Her Majesty's Mail, all military persons, carriages and animals, in H. M. service, to pass toll free.

V. 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 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 hired or private vehicles) and all carriages and animals belonging to Her Majesty or employed in her service, when conveying persons in such service or returning therefrom, and all recruits marching by route shall pass toll-free through the said turnpike-gate.

How the tolls and penalties are to be applied.

VI. And be it further Ordained and Enacted by the authority aforesaid, that the tolls collected and the penalties levied under the authority of this Ordinance, shall be vested in the said Trustees, and shall be employed and expended by them in keeping the said road in a state of good and efficient repair.

A Table of the tolls to be affixed at the gate.

VII. And be it further Ordained and Enacted by the authority aforesaid, that the said Trustees shall cause a Table of Tolls exigible at the time being, to be legibly and plainly printed and affixed in a conspicuous position at the turnpike-gate.

VIII.

The powers
vested in the
Trustees may
be exercised
by the major-
ity.

VIII. And be it further Ordained and Enacted by the authority aforesaid, that any majority of the said Trustees for the time being, shall and may have and exercise each and every power hereby vested in the said Trustees.

Detailed ac-
counts and re-
ports to be
rendered,

IX. 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 or 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 as the Governor, Lieutenant Governor, or person administering the Government for the time being shall direct.

This Ordinance
to be a public
one.

X. And be it further Ordained and Enacted by the authority aforesaid, that this Ordinance shall be a public act, and shall be judicially noticed as such by all Judges, Justices of the Peace, and other persons whomsoever without being specially pleaded.

And made per-
manent.

XI. And be it further Ordained and Enacted by the authority aforesaid, that this Ordinance shall be and is hereby made permanent, and shall remain in force, until repealed or altered by competent authority.

SYDENHAM.

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 Thirty-first day of December, in the Fourth 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.