

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 Twenty-sixth day of January, 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-one.

By His Excellency's Command,

W. B. LINDSAY,

Clerk Special Council.

C A P. XVI.

An Ordinance for establishing and maintaining better means of communication between the City of Montreal and Chambly.

Preamble.

**W**HEREAS it is expedient to provide better means of communication between the City of Montreal and the *Canton* of Chambly, on the Canal connecting the navigable waters of the River St. Lawrence with those of Lake Champlain, and also between the said City and the parishes, townships and track of country lying in the neighbourhood of Chambly aforesaid, or beyond it on the same side of the River St. Lawrence, and in nearly the same direction from the said City; and whereas for the purposes aforesaid it is expedient to authorize the construction of a sufficient Turnpike-Road between some point near the Village of Longueuil and the said *Canton* of Chambly, with a branch road to a point on the Basin of Chambly, near the entrance of the said Canal into the said Basin, and to provide funds for defraying the expense of making the said road and of keeping it permanently in a state of 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*”

“ *rare 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, and 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 same, and by virtue of the powers in them vested by 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 Seal thereof, 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, constructing, and keeping in repair the roads, and other public works hereinafter mentioned.

The Governor may appoint Trustees for certain roads and other public works.

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

The trustees may appoint one of their number to be manager of their trust.

II. And be it further Ordained and Enacted, 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, or the majority of them, as hereinafter mentioned, shall and may continue to do and perform all and every the acts, matters and things necessary for and appertaining to their trust and the purposes of this Ordinance; Provided always, that any majority of the said Trustees for the time then being, or of such of them as shall then be within this Province, shall and may have and exercise all the powers hereby vested in the said Trustees: And provided further 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 countersigned 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 as the act of the Trustees appointed under the authority of this Ordinance, to all intents and purposes whatsoever;—but the said Trustees or a majority of them, may

may by an instrument under their hands revoke such appointment and appoint in like manner any other of their number to be manager as aforesaid ; and nothing herein contained shall be construed to prevent the Trustees or the majority of them or of those then within the province, from acting collectively for all the purposes of their trust at any time, without appointing or having a manager as aforesaid.

May make and construct &c. certain roads and bridges between Longueuil and Chambly.

III. And be it further Ordained and Enacted, that the said Trustees shall and may make and construct, maintain and keep in efficient repair, a road from the waters of the River St. Lawrence, at or near the Village of Longueuil, (from a point at or within seven hundred yards of the landing place used for the present ferry between the said Village and the north bank of the said River ) towards the said *Canton* of Chambly, and until the road so made shall intersect the river called *La Petite Rivière*, in the parish of Charably, and shall and may in like manner make, construct, maintain and keep in efficient repair a road from the point last mentioned to a point on the Basin of Chambly at or within two hundred yards of the landing place of the present ferry across the said Basin to *La Pointe Olivier*, and another road from the said point on the river called *La Petite Rivière*, to a point in the place called the *Canton* of Chambly, within one hundred yards of the Fort ; and shall and may build, construct and perform all such bridges, and other works as may be necessary for completing and using the said roads : Provided always, that the said Trustees may make the said roads either wholly or partly along the line of any existing public highway, and may adopt and use any part of any such highway as part of any of the said roads, or may deviate therefrom, and make the said roads either wholly or partly on or in a new line or lines, direction or directions, as to them shall appear most for the public advantage and most likely to ensure the attainment of the object of this Ordinance.

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

IV. And be it further Ordained and Enacted, that the said Trustees shall and may, for all the purposes of this Ordinance, sue and be sued, and answer and be answered unto in all Courts of Justice and other places, by the name of the "The Trustees of the Longueuil and Chambly Turnpike-road ;" and service of any summons at their usual office, in any action against them, shall be sufficient to compel them to appear accordingly to answer to such action ; and the said Trustees for the purposes hereinafter mentioned and none other, may purchase or otherwise

The price to be paid for property may be established by mutual agreement or by arbitration

otherwise acquire and hold property and estate, moveable or immoveable; which property so purchased or otherwise acquired, shall be vested in Her Majesty, her heirs and successors for the public uses of this Province; and the price to be paid by the said Trustees to the owner or owners of such property shall and may be established by mutual agreement or by arbitration; in which case of arbitration the said Trustees shall appoint one arbitrator and the owner or owners shall appoint another arbitrator, and in case of difference of opinion between the arbitrators so appointed, they the said arbitrators, or if they shall not agree, any one of the Justices of the Court of King's Bench for the District of Montreal, or of that Division of the Court of Common Pleas which shall hold its sittings in the Territorial Division of Montreal, shall and may on the summary petition either of the said Trustees or of the said owner or owners, appoint an umpire, and the decision of such arbitrators and umpire, or of a majority of them, rendered in writing, shall be conclusive and final, and shall bind the respective parties according to its intent and tenor.

An annual rent to be paid for property acquired from persons who cannot in common course of law sell the same.

V. And be it further Ordained and Enacted, that if any lands or premises belonging to or in the possession of any body politic, community, corporation, or person or persons whomsoever, who cannot in common course of law sell or alienate the same, shall be required by the said Trustees for the purposes of this Ordinance, the same shall and may be sold and alienated to the said Trustees, by such body politic, community, corporation or person or persons for an annual rent to be paid as an equivalent for and in lieu of a price or principal sum of money; and the amount of such annual rent may be established by mutual agreement, or by arbitration in the manner provided by the section of this Ordinance immediately preceding this section, or by a Jury in the manner hereinafter provided, if it be not so ascertained as aforesaid.

Manner of proceeding in default of the parties agreeing upon or submitting to arbitration the establishment of the said price or annual rent.

VI. And be it further Ordained and Enacted, that in default of the parties mutually agreeing upon or submitting to arbitration the establishment of the price, or of the annual rent equivalent to the price, to be paid for the land and premises required by the said Trustees for the purposes of this Ordinance, in the manner mentioned in the two sections of this Ordinance immediately preceding this section, the said price or the said annual rent, as the case may be, 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 by the party or parties concerned against the said Trustees; but, in the mean time, if the said Trustees shall duly tender to such owner or owners, or to such body politic, community, corporation, or person or persons unable in common course of law, to sell or alienate as aforesaid

said, in the former case a sum of money as and for the price or value, and in the latter case a sum of money as and for the amount of the annual rent for one year of and for land and premises so required by the said Trustees for the purposes of this Ordinance, and the same shall be refused and a submission to arbitration as aforesaid shall also be refused, it shall and may be lawful for the said Trustees forthwith to enter into and upon, and to take possession of and to appropriate to the purposes of this Ordinance, the land by them so required as aforesaid in like manner as if the tender of the said Trustees had been accepted: Provided always, that in any action afterwards instituted in any court of competent jurisdiction against the said Trustees for the recovery of the value or price, or of the annual rent equivalent to the value or price of the said land required for the purposes of this Ordinance, the said Trustees shall pay into court in the said action the amount by them tendered as aforesaid; and in case the value or price, or the annual rent equivalent to the value or price settled by such judgment to be recovered against the said Trustees, shall not exceed the amount tendered by them previously to the institution of the action and subsequently paid into Court as aforesaid, the party or parties instituting the same shall pay all costs of suit, but otherwise the said Trustees shall pay the costs of suit: and for the payment of such annual rent equivalent to such value or price of land required for the purposes of this Ordinance, the tolls to be levied and collected on the said roads shall be and are hereby made liable and chargeable in preference to all other claims whatsoever: Provided always that any compensation to be made by the said Trustees to any party for any loss or expense to which such party shall be subjected by reason of any thing done under the authority of this Ordinance, and which loss such party would not have been bound by the laws now in force, to bear without compensation if the said Roads had been made and repaired under the authority of any *Procès Verbal* duly homologated, shall and may be ascertained and paid in the same manner and under the same provisions as the compensation to be made for land taken by the Trustees under the authority of this Ordinance.

The tolls to be chargeable for the annual rents.

Proviso respecting compensation for loss sustained by any party.

The roads &c. to be under the exclusive control of the Trustees.

VII. And be it further Ordained and Enacted, that the said roads and works hereinbefore mentioned, between the said village of Longueuil and the said Basin and *Canton* of Chambly, that is to say, between the points mentioned in the third section of this Ordinance, shall be under the exclusive superintendence, control and management of the said Trustees, and they shall cause the said roads to be properly and sufficiently made and constructed; or, (in any case where any part of any existing road or work shall be adopted as part thereof,) to be widened, improved

Trustees in-  
vested with  
certain powers

improved and repaired, or made anew, and afterwards shall keep and maintain the same in a proper and efficient state of repair; and to the ends aforesaid, it shall and may be lawful for the said Trustees, and they are hereby authorized and empowered to determine the direction of each and every part of the said roads, and, if necessary, to change the direction or place of any part of the said roads or of any work, at any time, and to purchase or acquire any land or property, real or personal, necessary to give effect to the provisions of this Ordinance, and to make ditches, drains, tunnels, plats, bridges and other works and devices on the said roads and on the sides thereof, and either within or without the fences at the sides of the said roads, and in or through any land or premises whatsoever; and, for the purposes aforesaid, by themselves, their agents or servants, to go into and enter upon any land or premises whatsoever, and take therefrom any earth, gravel, stone or other material which they may deem necessary, and to erect gates, toll-bars, turnpikes, and turnpike-houses, and buildings on, across or near the said roads, and the same again from time to time to remove and re-erect elsewhere, on, across or near the said roads; and for the purpose of erecting such turnpike-houses and buildings, to purchase and acquire or to hire for a limited time at a specified rent, any lands or premises whatever; to appoint and employ a clerk or clerks, surveyor or surveyors, and a toll-collector or toll-collectors, and all other such officers and persons under them as they from time to time may deem necessary for the purposes of this Ordinance; and, if deemed necessary, to take and receive from any such surveyor, toll-collector or other officer or person, security for the due performance of their respective duties; to pay to such surveyor, toll-collector, or other officer or person, 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.

The roads to be  
public high-  
ways, and  
any part  
abandoned by  
changing the  
direction of  
them, may be  
sold.

VIII. And be it further Ordained and Enacted, that the roads to be made by the said Trustees under the authority of this Ordinance, and any portion of any existing highways which they shall adopt as part thereof, shall be public highways to all intents and purposes of law; and when the line of any part or parts of the said roads shall be altered from the place first adopted for the same by the said Trustees, and after the new part or parts of the said roads shall be made and completed, such new part or parts shall be substituted for the part or parts abandoned, and shall be taken to be a public highway or highways and subject to all the same provisions and regulations as the road for which they shall be substituted; and such

such part or parts of the old road so abandoned and the land and soil thereof, may be sold and conveyed by the Trustees to any party willing to purchase the same, giving to the person or persons whose lands adjoin thereto, a preference in the purchase thereof; and it shall be lawful for the Governor of this Province, to cause the requisite grant or instrument to be executed in Her Majesty's name: Provided always, that if any such part or parts of the old road shall lie between the new road and any land, house or place which cannot in the opinion of the Trustees be otherwise conveniently accommodated with a passage from the new road, then and in such case the said part or parts of the old road shall be sold subject to the right of way or passage to such land, house or place respectively:— and provided further, that the money arising from the sales of any part or parts of the old road shall form part of the funds at the disposal of the Trustees for the purposes of this Ordinance, and may be applied in the same manner as the tolls arising on the said road.

Rates of tolls  
which may be  
exactd on  
said roads.

IX. And be it further Ordained and Enacted, that when the said roads shall be completed, the said Trustees may and shall demand, and levy, exact and receive on the said roads from the persons who shall use the said roads or any of them, the certain tolls and rates hereinafter mentioned, that is to say; 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 four 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 one shilling currency; and if the same be not loaded the sum of eight pence currency; and for every such waggon, wain, or cart, with wheels, the tires or tracks whereof shall have a breadth less than four and not less than two and a quarter inches, English measure, drawn as aforesaid, if loaded in whole or in part, the sum of one shilling and one penny currency; and if not loaded the sum of eleven 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, English measure, drawn as aforesaid, if loaded in whole or in part, the sum of one shilling and four pence currency; and if not loaded the sum of one shilling currency; and for every additional horse or other beast to any such waggon, wain or cart, herein before mentioned, the further sum of eight 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 herein before 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 one shilling and four pence, currency;

rency ; 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 and eight pence currency ; and for every additional horse to such stage-coach, gig, caleche, dennet, spring cart, or other wheel carriage, the further sum of eight pence currency ; For every sleigh, traine, drag, berline, cariole, or other winter vehicle whatsoever, drawn by one or two horses, or other beast or beasts, the sum of eight pence currency ; and for every additional horse, the further sum of two pence half penny currency ; For every horse, mare or gelding with a rider, the sum of eight pence currency ; For every horse, mare, gelding, ass, mule, bull, ox, cow, and head of other neat cattle, not drawing, the sum of two pence half penny currency ; For every sheep, lamb, hog, calf, or goat the sum one half penny currency. The said Tolls to be exacted and paid in equal and just proportions at the Turnpike-Gates and Toll-Bars not less than four in number to be erected and established on the said road for that purpose by the said Trustees at places as nearly equi-distant from each other as may be found practicable and convenient ; 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 or collected ; and with the consent of the Governor of this Province, may from time to time as they shall see fit, alter, 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 of any person, vehicle, animal or thing from on whom or 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 : Provided always, that nothing herein contained shall empower the said Trustees at any time to establish, demand, levy exact or receive any rates or tolls exceeding the rates and tolls herein mentioned and authorized to be exacted and received.

Trustees to make regulations for the collection of the tolls.

A table of the tolls to be levied at each turnpike gate &c.

Certain exemptions from toll.

X. Provided always, and be it further Ordained and Enacted, that Her Majesty's Mail and persons, animals and carriages employed in the conveyance thereof, Her Majesty's Naval and Military officers, and sailors and soldiers when on service, and being in naval or military uniform, dress or undress, and their horses,

(but



(but not when passing in a hired or private vehicle) and all carriages, horses and animals belonging to Her Majesty or employed in her service, when conveying persons in such service or returning therefrom, and all naval and military recruits marching by route, and all persons, animals and carriages attending funerals, shall pass toll free along the said road and through the Turnpike-gates and Toll-bars thereon to be erected under the authority of this Ordinance.

Certain ex-  
emptions from  
the payment of  
more than one  
full toll in any  
one day.

XI. Provided always, and be it further Ordained and Enacted, 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 re-passing through all or any of the gates along the line of the same one of the said roads, except as hereinafter mentioned; and provided further that no carriage, animal or thing on which one full toll shall have been paid on any day at any one of the said Turnpike-Gates, shall be subject to any toll on passing through any other of the said Turnpike-Gates on the same day.

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

XII. Provided also, and be it further Ordained and Enacted, that the tolls hereby made payable for or in respect of any stage-coach, diligence, van, caravan, stage, waggon, or other stage, carriage, or any cart or carriage of any kind conveying passengers or goods for hire, pay or reward, and for or in respect of any horse or horses, beast or beasts drawing the same, shall be payable and paid every time of passing or re-passing along the said Road; but not at more than one of the said Turnpike-gates for each time of so passing or of re-passing on the said Roads, in one and the same direction, although several of the said Turnpike-Gates should be gone through in the same direction in so passing or re-passing.

Trustees may  
commute the  
tolls with any  
person.

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

XIV.

The tolls may be let by auction for one year.

XIV. And be it further Ordained and Enacted, that the said Trustees may from time to time, if they shall deem it advantageous, let or farm the tolls to be levied on the said road 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: Provided always, that the said tolls to be levied shall not be let or farmed until after the expiration of the first year from the time when the said road shall be completed and the Trustees shall have begun to levy the tolls thereon.

When the power &c. vested in the magistrates, grand voyers or other road officers over the said roads shall cease.

XV. And be it further Ordained and Enacted, that all and every the powers and authorities, jurisdiction and control over or with regard to the highway, or portion of any highway which shall be adopted by the said Trustees as part of any road they are hereby authorized to make, vested in any Grand Voyer, Overseer of roads, Road Surveyor, or other Road Officer, by the Act of the Parliament of this Province, 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 within this Province, and for other purposes," or by any other Act, Ordinance or Law of this Province, or in any District Council shall, in so far as the same shall not interfere with the carrying into effect of this Ordinance, be or become and continue to be so vested, until the said Trustees shall, in writing, notify such Grand Voyer, Overseer of Roads, Road Surveyor or other road officer, or the Clerk of such District Council, that they the said Trustees have assumed and taken upon themselves, or will from and after a specified day assume and take upon themselves for the purposes of their trust, the control and management of the said road, and from and after such specified day, all and every the said powers, authorities, jurisdiction and control vested in such Grand Voyer, Overseer of Roads, Road Surveyor, or other Road officer or District Council as aforesaid, shall cease and determine.

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

XVI. and be it further Ordained and Enacted, that from and after the day when the said Trustees shall assume and take upon themselves the control and management of the said road, each and every person and persons, body and bodies, politic or corporate, who may be bound by any law of this Province, or by 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 the road, hereby placed under the control 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

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 original civil jurisdiction to the amount : Provided always, that if no such agreement or commutation shall be effected, the said Trustees may sue the party neglecting or refusing to make such agreement or commutation 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 rate to be thereafter paid for such commutation by the party defendant, or such party as may be liable to the commutation of the same obligation : 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 their clerk in person, a sum of money equal to that for which judgment in such suit shall be given.

Trustees not bound to make a fence between any of the roads and the lands through which they pass.

XVII. And be it further Ordained and Enacted, that the said Trustees shall in no case be bound to make or maintain any fence between any part of the roads they are hereby authorized to make and the lands through which the same shall pass, but if any proprietor of any land shall by reason of this enactment, sustain any loss or become subject to any expense which he would not have been bound by the law now in force to bear without compensation, if the said roads had been directed to be made by any *Procès Verbal* of the Grand Voyer duly homologated, then compensation shall be made to such proprietor by the said Trustees for such loss or expense, and the amount thereof shall be ascertained in the manner herein provided with regard to other damages sustained by any party by reason of any thing done under the authority of this Ordinance.

Trustees may establish a ferry between Longueuil and Montreal and lease the same.

XVIII. And whereas it will be advantageous to the public to establish a regular Ferry between the Parish of Longueuil and the Island of Montreal, in connexion with the Turnpike-road by this Ordinance authorized to be established, be it therefore further Ordained and Enacted, that it shall and may be lawful for the said Trustees by the name aforesaid of " The Trustees of the Longueuil and Chambly Turnpike-Road," to establish a public Ferry of such nature as to the said Trustees shall seem fit, between the commencement of the said Turnpike-road on the south bank of the River St. Lawrence and any part of the Island or City of Montreal, and to lease the said Ferry for one year or for a term of years ; provided

And with the sanction of the Governor may acquire property for that purpose.

vided always, that nothing herein contained shall be construed to confer upon the said Trustees any exclusive privilege in the said Ferry, and to acquire, possess, hold, use and employ in and on such Ferry, scows, boats, barges, or other vessels, propelled by manual labour, wind, steam, horse or other motive power, for the conveyance and transport between the places aforesaid, of passengers, animals, carriages, goods, chattels, wares and moveable property of every description; and for the purpose aforesaid, it shall and may be lawful for the said Trustees, to take, purchase, or otherwise acquire (in like manner as they are hereinafter authorized to purchase or otherwise acquire lands for the purposes of their trust) and to hold any real estate or property which shall be deemed by the said Trustees to be requisite and useful for the purpose aforesaid, and for rendering the access to the said Ferry commodious and easy: Provided always, that no real estate or property to be purchased or acquired for the purposes in this section mentioned, shall be so purchased or acquired without the express sanction and approval of the Governor of this Province, and that no real estate or property, shall be purchased, acquired or held for the said purposes, within the limits of the Harbour of Montreal, which shall for the purposes of this section be held to extend from the entrance of the Lachine Canal to the lower extremity of the Revetment wall, adjoining the Government works at the Commissariat store.

Tolls or rates of ferriage to be taken for passengers, animals and carriages.

XIX. And be it further Ordained and Enacted, that it shall and may be lawful for the said Trustees, and they are hereby empowered to demand, take, sue for, recover and receive the following tolls or rates of ferriage or freight and no more, that is to say:—

For every coach, stage-coach, waggon, or other carriage with four wheels drawn by two horses or other beasts, the sum of one shilling and six pence, currency;

And for every additional horse or other beast to the same, the sum of six pence, currency;

For every such coach, stage-coach, waggon or other carriage, drawn by one horse or other beast, the sum of one shilling and three pence, currency;

For every gig, caleche, cart or other carriage with two wheels, and for every sleigh, berlin, train, or other winter carriage drawn by two horses or other beasts, the sum of one shilling and six pence, currency;

For every such gig, caleche, cart, sleigh, berlin, train, or other carriage, drawn by one horse or other beast, the sum of one shilling and three pence, currency;

For every saddle horse, ass or mule with its rider, the sum of six pence, currency;

For every horse, mare, gelding, ass, mule, bull, ox, cow or head of cattle, the sum of four pence, currency;

For every sheep, calf, lamb, goat, or hog, the sum of one half penny, currency;

For

Prov. so.

Trustees may establish rates of ferriage for various articles.

Tables of the tolls &c. to be affixed in conspicuous places.

Detention for toll.

For each person on foot, and for each person over five in any carriage drawn by four horses or other beasts, or over three in any carriage drawn by a less number than four such horses or beasts, two pence, currency; Provided always, that the rates of ferriage as above, shall be those authorized to be demanded, taken, paid for and recovered in case of the ferry being for a distance under two miles, but may be double the respective amounts of the same at the discretion of the Trustees should the said ferry be for a distance exceeding two miles: Provided further, that it shall be competent to the said Trustees to establish reasonable rates of ferriage for all grain, flour, oatmeal, meat, plank, boards and other lumber, and for all other goods, wares and merchandize, not forming the load or part of the load of any of the above mentioned carriages or beasts; which tolls or rates shall be applied to the same purposes and in like manner as the tolls on the said Turnpike-road are hereby authorized to be applied: Provided always that the said Trustees shall be at liberty from time to time, with the sanction and approval of the Governor of this Province, to reduce the said tolls or rates, or any of them, and again to raise the same, provided they be not at any time raised beyond the rates hereinbefore mentioned and authorized; and provided further, that the said Trustees shall cause tables of the tolls to be paid at the said Ferry, and the regulations under which they are to be collected to be plainly and legibly printed and affixed in a conspicuous place in each decked vessel employed at such Ferry, and may seize and detain any carriage, animal or thing on which any toll shall be due for ferriage, until such toll be paid.

The tolls may be commuted.

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

Persons wilfully committing certain offences to be guilty of a misdemeanor.

XXI. And be it further Ordained and Enacted, that if any person or persons shall willfully or maliciously cut, burn, sink or destroy any scow, boat, barge or vessel, or destroy or injure any engine or machinery for propelling any scow, boat, barge or vessel, used by the said Trustees in and upon the said ferry, or any building or work of any kind therewith connected, and erected or constructed under the authority of this Ordinance, or shall wilfully or maliciously by any ways, means or devices, obstruct or cause to be obstructed the said ferry, or the said works or any part thereof, and the full and free use thereof, the person or persons so offending shall be guilty of a misdemeanor, and shall, on conviction, be liable to punishment

ment accordingly ; Provided always, that nothing in this section contained shall prevent any person committing any offence herein mentioned, from being indicted and punished as a felon, if the offence committed by such person shall in law amount to felony.

Indemnifica-  
tion to persons  
suffering dam-  
age by reason  
of the ferry.

XXII. And be it further Ordained and Enacted, that if any person or persons shall suffer damage or injury by reason of the establishment of the ferry hereby authorized to be established, for which damage such person or persons may in the opinion of the Trustees be justly entitled to indemnification, it shall be lawful for the said Trustees with the express sanction and approval of the Governor of this Province and not otherwise, to pay to such person or persons such equitable indemnification as to the said Governor and to the said Trustees shall appear just and reasonable.

Persons wil-  
fully injuring  
any turnpike  
gate &c. to be  
guilty of a  
misdemeanor.

XXIII. And be it further Ordained and Enacted, that if any person or persons shall cut, break or throw down, destroy or wilfully injure any turnpike-gate, toll-bar, toll-house, table of tolls affixed on any such gate, bar or house, or any embankment, drain, or work of any kind or description 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.

Penalty on any  
person ob-  
structing any  
of said roads.

XXIV. And be it further Ordained and Enacted, that no person shall leave any waggon, cart or other carriage, or any other matter or thing creating obstruction of any kind, in or upon the said roads or in or upon the ditches, drains, or other works thereof, or those made by, or by order of the said Trustees, under a penalty not exceeding twenty shillings currency for each offence.

Penalty on  
persons at-  
tempting to  
evade pay-  
ment of toll.

XXV. And be it further Ordained and Enacted, that if any person or persons shall after proceeding upon any part of the said roads (whether in the winter or at any other season) with any carriage, animal or thing liable to toll, turn out of the same, for the purpose of evading and so as to evade the 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 currency ; and the said Trustees shall and may place turnpike-gates and toll-bars on and across the entrance of any passage  
or

or way leading into or from any of the said roads, in order to prevent such evasion of toll, and if any person shall forcibly pass or attempt to pass any such turnpike-gate or toll-bar as aforesaid, with any carriage, animal or thing on which toll shall be due without having first paid such toll, such person or persons shall thereby incur a penalty not exceeding forty shillings currency, over and above such other punishment or penalty as might be lawfully awarded or imposed according to the nature of the offence, if this Ordinance had not been passed; and shall moreover remain liable for the payment of such toll.

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

XXVI. And be it further Ordained and Enacted, that if any person or persons, body politic or corporate, occupying or possessing any inclosed land or property near the said road shall, (whether in the winter or at any other season) knowingly permit or suffer any person or persons to pass through such land or property with any carriage, animal or thing liable to the payment of toll on the said road, for the purpose of evading the payment of such toll, 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, and shall moreover become and be jointly and severally liable to the payment of the tolls whereof the payment shall have been avoided.

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

XXVII. And be it further Ordained and Enacted, 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 or more credible witness or witnesses, before any Justice of the Peace, for the District of Montreal or for the Territorial Division within which the said road shall be, or for any minor local division within which the offence shall have been committed; and such Justice of the Peace may, on conviction, commit the offender or offenders to the Common Gaol, for a period not exceeding two weeks for each offence, or until the 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, for the purposes of this Ordinance: Provided always, that if the informer renounce all claim to any portion of the penalty, he shall be a competent witness, and the whole of the penalty shall in such case belong to the said Trustees for the purposes of this Ordinance.

Persons committing offences also to be liable for damages.

XXVIII. Provided always, and be it further Ordained and Enacted, 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

said Trustees for all damages they may have sustained by reason of such offence.

Certain persons not to be deemed incompetent to give evidence in actions instituted under this ordinance.

XXIX. And be it further Ordained and Enacted, that no person shall be deemed incompetent to give evidence, or be disqualified from giving testimony or evidence in any action, suit, prosecution or other legal proceedings to be brought or had in any court of law, or before any Justice or Justices of the Peace under or by virtue of this Ordinance, by reason of his being one of the said Trustees or their creditor, or of his or her having any privileged claim on the tolls collected under the authority hereof or in any funds in the hands of the said Trustees, or a farmer, lessee or collector of such tolls, or a clerk or surveyor, or other officers of the said Trustees, nor shall such testimony or evidence for any of the reasons aforesaid, be rejected or liable to be questioned or set aside, provided such person have no other and more immediate and direct interest in the penalty sued for, or in the event of the suit, action, trial, prosecution or proceeding in which his or her evidence shall be given or offered.

Trustees &c. not to become principal or surety to any contract, or lessee of the tolls.

XXX. And be it further Ordained and Enacted, that if any Trustee, Treasurer, Clerk, Surveyor, Collector or other officer of the said Road to be appointed under this Ordinance, shall become or be a party, either directly or indirectly, as principal or as surety to any contract for making, improving or repairing, or for supplying materials for making, improving or repairing the said road, or for any work or works belonging thereto, or to the Ferry hereby authorized to be established, or shall become or be a farmer or lessee of the tolls on the said road or ferry, every such Trustee, Treasurer, Clerk, Surveyor, Collector, or other officer so offending shall, for every such offence forfeit and pay the sum of fifty pounds to Her Majesty for the public uses of the Province, or to any person who shall sue for the same; to be recovered with full costs of suit, in any of Her Majesty's Courts of Record having original civil jurisdiction to the amount, by information or by action of debt, or on the case.

Trustees may raise £15,000, by loan.

XXXI. And be it further Ordained and Enacted, that it shall be lawful for the said Trustees, as soon after the passing of this Ordinance as may be expedient, and for the purposes of their said Trust, to raise by way of loan on the credit and security of the tolls by this Ordinance authorized to be levied, 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 chargeable against the general revenue of this Province, any sum or sums of money not exceed-



ceeding in the whole fifteen thousand pounds currency; and out of the monies so raised, as well as out of the other monies which shall come into their hands, and which are not hereby directed to be applied solely to one special purpose, it shall be lawful for the said Trustees to defray any expenses they are hereby authorized to incur for the purposes of this Ordinance.

Debentures bearing interest to be issued for said loan.

XXXII. And be it further Ordained and Enacted, that it shall and may be lawful for the said Trustees to issue Debentures in the form to be approved of by the Governor of this Province, for the said sums by this Ordinance authorized to be raised, and such Debentures shall respectively bear interest at the rate therein mentioned until redeemed; and such interest shall be payable semi-annually, and may, at the discretion of the Trustees, (but 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, but shall be the lowest rate at which the sum or sums to be borrowed on such Debentures shall be offered or can be obtained; and the said interest shall be paid out of the tolls to be levied on the said roads or ferry by virtue of this Ordinance, or out of any other monies at the disposal of the Trustees for the purposes of their trust; but if the said tolls and other monies shall not at any time be sufficient to pay the interest then due, it shall and may be lawful for the Governor of this Province for the time being, by warrant under his hand to authorize the sum necessary to meet the deficiency, to be advanced and paid by the Receiver General of this Province to the said Trustees from and out of the unappropriated monies in his hands; and such advances shall be thereafter accounted for by the said Trustees and repaid to the said Receiver General of this Province from and out of the tolls to be levied, or other monies which shall come into their hands by virtue of this Ordinance for the purposes thereof, and being so repaid shall remain in the hands of the Receiver General at the disposal of the Legislative authority of this Province.

The Trustees may raise further sums to pay off the principal of any loan becoming due at a certain time.

XXXIII. And be it further Ordained and Enacted, that over and above the sums which the said Trustees are authorized by the preceding sections of this Ordinance, to raise by way of loan, it shall be lawful for the said Trustees, at any time and as often as occasion may require, to raise in like manner such further sum or sums as may be necessary to enable them to pay off the principal of any loan which they may have bound themselves to repay at any certain time, and which the funds in their hands, or which will probably be in their hands at such time, and applicable to such repayment, shall appear insufficient to enable them to repay.

pay: Provided always, that any sum or sums raised under the authority of this section shall be applied solely to the purpose herein mentioned, that no such sum shall be borrowed, without the approval of the Governor, Lieutenant Governor or person administering the Government of this Province, and that the whole sum due by the said Trustees, under debentures then unredeemed and issued under the authority of this Ordinance shall in no case exceed twenty thousand pounds, currency; and all the provisions of this Ordinance touching the terms on which any sum shall be borrowed under the authority thereof by the Trustees, the rate of interest payable thereon, the payment of such interest, the advance by the Receiver General of the sums necessary to enable the Trustees to pay such interest, and the repayment of the sums so advanced, shall be extended to any sum or sums borrowed under the authority of this section.

Persons counterfeiting debentures or attempting to pass any knowing them to be counterfeit, to be guilty of felony.

XXXIV. And be it further Ordained and Enacted, 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 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 other person or persons, body or bodies politic or corporate, such person or persons so offending shall be guilty of felony, and shall be liable to suffer punishment accordingly.

When the interest on debentures shall cease to accrue

XXXV. And be it further Ordained and Enacted, 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, at a place or places in the said notice to be specified, for payment, all interest upon any debenture then payable, which shall remain out more than six months from the first insertion of such notice in such Newspaper and Gazette shall cease to accrue from the end of the said six months.

XXXVI.

Debentures may be redeemed before the time they are made redeemable.

XXXVI. Provided always, 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 have been made redeemable, if the state of the funds of the said Trustees shall warrant such redemption with advantage to the public interest, and if the said Trustees shall obtain the approval of the Governor to such redemption.

Application of the moneys to be accounted for.

XXXVII. And be it further Ordained and Enacted, that the due application of all public monies whereof the expenditure or receipt is authorized by this Ordinance 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.

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

XXXVIII. And be it further Ordained and Enacted, 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 accounts 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.

The word "Governor" defined.

XXXIX. And be it further Ordained and Enacted, that the word "Governor," in this Ordinance used, is to be understood as comprehending and meaning the Governor, the Lieutenant Governor, or person administering the Government of this Province.

This Ordinance to be a public one.

XL. And be it further Ordained and Enacted, 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 whomsoever without being specially pleaded.

And is made permanent.

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

**SYDENHAM.**

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 Twenty-seventh day of January, 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-one.

By His Excellency's Command,

W. B. LINDSAY.

Clerk Special Council.

### C A P. XVII.

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

Preamble.

**W**HEREAS the state of the Roads hereinafter mentioned, in the neighbourhood of, and leading to the City of Quebec, 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 Parlia-*"  
"ment,