

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 Sixth day of February, 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. XXII.

An Ordinance to provide for the improvement of a certain part of the Road from the City of Montreal, to the Côte St. Michel, in the Parish of Sault au Récollet.

Preamble.

WHEREAS it would be of great public advantage that the Road leading from the City of Montreal to the Côte St. Michel, in the Parish of Sault au Récollet, should be macadamized and otherwise improved throughout its whole length; and whereas a portion only of the said Road is by the Ordinance passed in the third year of Her Majesty's reign, and 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," placed under the control and management of the Trustees to be appointed under the authority of the said Ordinance, and the improvement of such portion only of the said Road is provided for; and whereas the persons hereinafter named have prayed to be authorized to improve and macadamize the remainder of the said Road at their own expense, and to be allowed certain tolls thereon, and it is expedient to grant their prayer:—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

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, 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 John Molson, John Drummond, John Hunter, George Hastings, Alexander Ogilvie, William Snaith, John Dods, Joseph Teskey, John Flaherty, and Archibald Ogilvie, and such persons as shall under the provisions of this Ordinance, become and be proprietors of any share in the undertaking hereby authorized, shall be and they and their legal representatives and assigns are hereby made a body corporate, by the name of "*The St. Michel Road Company,*" and for the purpose of improving, and macadamizing the said Road within the limits hereinafter mentioned; and may by that name sue and be sued, and shall have perpetual succession and a common seal, and may purchase, acquire and hold personal property, and such real property as may be necessary for carrying this Ordinance into effect and no more, and may sell the same and acquire other real property instead thereof for a like purpose, without Letters of Mortmain; and generally shall have such corporate powers and capacities, as may be necessary for carrying this Ordinance into effect, and enforcing and securing the rights hereby vested in the said Company, or any rights accruing to any other party under this Ordinance.

Certain persons incorporated as a Company for improving the St. Michel Road.

May have a common seal; may sue and be sued; may acquire and dispose of property, and have other corporate powers.

The company may raise a capital stock of £2,500 currency, in shares of £25 each.

II. And be it further Ordained and Enacted, that it shall be lawful for the said Company, and their successors, to raise and contribute among themselves, a sum of money not exceeding two thousand five hundred pounds, currency, which shall constitute and be the capital stock of the said Company for the purposes of this Ordinance, and shall be divided into shares of twenty-five pounds currency, each share; and in case the said sum of two thousand five hundred pounds, shall be found insufficient for completing the improvement of the said Road and for maintaining the same, it shall be lawful for the said Company to raise and contribute among themselves in the manner and form aforesaid, or by the admission of new subscribers, a further sum

sum of money not exceeding the sum of five hundred pounds currency, which shall be divided into shares of twenty-five pounds currency each, in like manner as is provided with respect to the said sum of two thousand five hundred pounds; and any person subscribing for and taking any shares in the said additional capital stock of five hundred pounds, shall have the same rights and be subject to the same rules and liabilities as the original subscribers and members of the said Company.

Persons who have already subscribed towards said stock, to be considered as members of the company.

III. And whereas the several persons herein-before mentioned and others in contemplation of the passing of this Ordinance, have subscribed and promised to advance certain sums of money to and for the purposes thereof; be it therefore further Ordained and Enacted, that all such subscriptions and promises to advance money shall be taken and held to be subscriptions for and towards the capital stock of the said Company, and the persons who have so subscribed and promised shall be entitled to the same rights, and be held, bound and liable in the same manner as the persons who shall hereafter subscribe for and towards the said capital stock or any portion thereof, and shall, in all respects and to all intents and purposes whatsoever be considered members of the said Company.

Committee named to open a subscription book.

IV. And be it further Ordained and Enacted, that the said John Molson, John Drummond, John Hunter, George Hastings, Alexander Ogilvie, William Snaith, John Dods, Joseph Teskey, John Flaherty and Archibald Ogilvie, shall be a Committee for opening a subscription book and receiving subscriptions for the said capital stock and payments for and on account thereof among themselves, and from persons being owners of real property on the said Road, and in the said Côte St. Michel; or, if the said capital stock be not all subscribed for within one month after the said subscription Book shall have been opened and kept at some place within the said City of Montreal, of which notice shall be inserted in two of the Newspapers published in the said City, during at least two weeks previously to the opening of such Book, then, and not otherwise, it shall be lawful for the said Committee to receive subscriptions from persons not being owners of real property on the said Road, or in the said Côte; and so soon as the entire amount of the said capital stock shall have been subscribed for and taken up, and the sum of one thousand pounds actually paid in, the said committee shall call a meeting of the said company at some convenient place in the City of Montreal, by notice to be inserted in two of the Newspapers published in the said City, at least two weeks previous to the time fixed for the said meeting, and the subscribers then present or their proxies, shall elect by a majority of votes to be given by ballot, five Stockholders to be Directors of the said Company for the year then next ensuing: and the said committee shall thereupon immediately deliver to the said Directors the subscription books

When and how the first meeting shall be called for electing Directors.

Committee to deliver all books &c., in

books and pay over to such Directors the monies received by them on account of the said subscriptions for the capital stock of the said company, and shall also deliver to the said Directors all papers, vouchers, and other things which may be in their possession belonging to the said Company.

Subsequent elections for Directors to be held annually.

Provide in case an election shall not take place on the day appointed.

V. And be it further Ordained and Enacted, that an election for directors shall thereafter be annually held at such place as may be appointed by the by-laws of the company on the same day of the same month on which the first election shall have been held as aforesaid; or if such day be a Sunday or Holiday, then on the day next thereafter not being a Sunday or Holiday: Provided always that if such election by reason of any matter or thing, shall not be had upon such day, the said corporation shall not lapse or be dissolved, but the said election shall be held on some early day to be appointed by the Directors then in office, who shall give notice thereof in the manner required with respect to the first election, and who after the day on which such election ought to have been held, shall be incapacitated from doing any act as Directors except such as may be necessary for giving effect to the election so to be appointed.

A Chairman to be appointed at every general meeting, and to have a casting vote.

VI. And be it further Ordained and Enacted, that at every general meeting of the company, one of the stockholders shall be appointed chairman, and all questions, matters and things of the said company shall be decided by a majority of votes. Provided always, that in case the votes be equally divided the chairman shall be entitled to a double or casting vote.

Stockholders to vote in proportion to their shares, in person or by proxy.

VII. And be it further Ordained and Enacted, that each Stockholder in person or by proxy shall be entitled on the shares held by him to one vote for each share to the number of five, making five votes for five shares; and for every five shares above that number to one additional vote; and every Stockholder of the said company may vote by proxy, provided that such proxy shall produce from his constituent an appointment in writing, but no one person shall act as proxy for absent Stockholders for more than twenty shares.

Only subjects of Her Majesty can be elected President or Director.

VIII. And be it further Ordained and Enacted, that no Stockholder who shall not be a natural born subject of Her Majesty, or a subject of Her Majesty naturalized by act of the British Parliament, or by act of the Parliament of Lower Canada, or of Upper Canada, or of the Province of Canada, shall be elected President or Director of the said Company.

IX.

Three Directors
to be a quo-
rum.

IX. And be it further Ordained and Enacted, that any three or more of the Directors shall form a quorum of the board for the transaction of business, and the acts of a majority of such quorum shall bind the Company.

A President
and Vice Pre-
sident to be
elected, and
the person
presiding to
have a casting
vote.

X. And be it further Ordained and Enacted, that the Board of Directors shall at their first meeting elect by ballot out of their number a President and Vice President of the said Company, which said President shall preside at all meetings of the Board when present ; and in his absence the Vice President shall preside if present, and in the absence of the President and Vice President, one of the Directors shall be appointed by the Board to preside ; and the person so presiding shall, in all cases of equality of votes at any meeting of the said Board, have a double or casting vote ; and the said Board shall by an election to be made as aforesaid, supply every vacancy that may occur in the office of President, Vice President or Director from death, sickness, absence from the Province of more than three months or from any other cause whatsoever ; and the person chosen to fill such vacancy shall hold his office until the next annual election.

Powers and
duty of the
Board of Di-
rectors.

XI. And be it further Ordained and Enacted, that the said Board of Directors shall have power, and it shall be their duty :—

To meet from time to time at such place as they may deem expedient :

To make by-laws for the regulation of the affairs of the Company :

To appoint such subordinate officers, artists and workmen as they shall deem necessary to execute the business of the Company, and to require from such officers whenever they may deem expedient, such security for the due performance of their respective duties, as the said Board in their discretion may think proper :

To demand at such time and in such proportion as they shall see fit, but after public notice to be given in two Newspapers published in the city of Montreal, during at least thirty days, from the respective Stockholders, the sums of money due on their respective shares under pain of forfeiture of such shares, and of all previous payments thereon to the Company, or at their option to recover the said sums of money by action at law :

To declare by a by-law in what manner and under what restrictions, special meetings of the said Company shall be called :

To

To declare by a by-law in what manner and under what restrictions the shares of their capital stock shall be transferable:

To improve, macadamize, complete and keep in constant repair the said Road, with all the necessary buildings and appurtenances; and for that purpose to purchase real property, materials and other necessary things:

To keep an account of all tolls received and of all monies disbursed, and, deducting costs and charges, to make and declare a dividend of the clear profits and income of the Road among the Stockholders, on such day in every year as may be appointed by the by-laws:

To publish a notice of each dividend in one or more of the public Newspapers printed in the city of Montreal, and of the time and place of the payment thereof, and to pay the same accordingly:

To report to the Governor of this Province within six months after the said Road shall be completed an account of the expenses of the construction thereof, and to exhibit annually to the said Governor an account of the sums arising from the tolls, and of the disbursements and dividends actually made within the year:

To establish the tolls to be demanded upon the said Road for each year, beginning from the day of the general meeting of Proprietors, such tolls not to exceed in amount the tolls hereinafter specified.

Any general meeting may call for the audit and settlement of accounts with the Treasurer &c.

XII. And be it further Ordained and Enacted, that the said Company at every general meeting shall have power to call for, audit and settle all accounts of money laid out and disbursed on account of the said undertaking, with any Officer or other person employed by or concerned for or under the said Company, in and about the said undertaking, and for that purpose shall have power to adjourn from time to time and from place to place as shall be thought convenient.

What is held as legal process, &c. on the company.

XIII. And be it further Ordained and Enacted, that process of any kind, or any protest, notice, or document of any sort, shall be held to have been legally served on the said Company, if served personally upon, or at the domicile of the President, or of the Vice-President of the said Company; and any act or deed, done or executed in the name and on the behalf of the said Company by the President, or the Vice-President, and two of the Directors for the time being, and (if an instrument in writing)

writing) sealed with the seal of the Corporation, shall, in so far as the rights and interests of any party other than the said Company may be thereby affected, be held to be the act, or the act and deed (as the case may be) of the said Company.

Points at which the Company is to begin and end the said road.

XIV. And be it further Ordained and Enacted, that the said Company shall and may, from and after the passing of this Ordinance, improve, drain, macadamize, and complete the present highway from the end of that part of the Victoria Road sixthly mentioned in the seventh section of the Ordinance herein first cited, which is by the said Ordinance placed under the control of the Trustees for carrying the same into effect, through and along the Côte de la Visitation and the Côte St. Michel in the Parish of Montreal, and through and along a portion of the Côte St. Michel in the Parish of Sault au Récollet, to the front Road of the Côte St. Michel in the Parish last mentioned, and the said portion of the said highway is hereby placed under the exclusive control and management of the said Company. Provided always, that the said Company shall keep the said road at least thirty feet wide between the ditches, sixteen feet of which shall be faced with gravel or broken stones of a depth not less than eight inches, in such manner as to leave a firm and even surface rising properly in the middle, with good and sufficient ditches on each side of the said road; and a mile stone or post shall be erected and maintained by the said Company on each mile of the said Road, on which shall be fairly and legibly inscribed the distance of such stone or post from the boundary of the said City of Montreal.

Proviso as to the manner of laying out the road.

Mile stones or posts to be erected.

When turnpike gates and toll houses may be erected.

XV. And be it further Ordained and Enacted, that so soon as the improvement and macadamization of the said Road hereby placed under the control of the said Company shall have been completed, the said company shall give notice thereof to the Board of Works of this Province, or in case the said Board of Works shall not then be in existence, to the Governor of the Province; and the said Board of Works, or if the same be not then in existence, a person to be appointed for that purpose by the Governor, shall view the said Road and upon the report of the said Board of Works, or of the person to be appointed as aforesaid, to the Governor of the Province, that the said Road, is completed in a workmanlike manner according to the requirements of this Ordinance, it shall be lawful for the said company to erect a Turnpike-gate and Toll-house, or Turnpike-gates and Toll-houses, on the said Road, for the collection of the tolls by this Ordinance authorized to be exacted and received.

XVI.

Rates of toll
to be taken at
each turnpike
gate or toll
house.

XVI. And be it further Ordained and Enacted, that the said company may demand, exact and receive at each of the said Turnpike-gates and Toll-houses to be established on the said road, under and by virtue of this Ordinance, from all and every person and persons who shall pass upon or use the said road, the 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 five inches or upwards, English measure, drawn by one horse or other beast, if the same be loaded in whole or in part, the sum of two pence currency, and if unloaded the sum of one penny half penny 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 three pence currency, and if not loaded the sum of two pence currency ; and for every such waggon, wain or cart with wheels, the tires or tracks whereof shall have a breadth of less than two and a quarter inches, drawn as aforesaid, if loaded in whole or in part, the sum of four pence, currency, and if not loaded the sum of three pence, currency, and for every additional horse or other beast to any such waggon, wain or cart, hereinbefore mentioned, the further sum of two pence, currency ; for every coach, stage-coach, gig, caleche, dennet, spring-cart, or other wheeled carriage (other than waggons, wains or carts,) having wheels or tires of the breadth of two and a quarter inches or upwards, English measure, drawn by one horse or other beast, the sum of three pence, currency ; and for every such coach, stage-coach, gig, caleche, dennet, spring-cart or other wheel carriage (other than waggons, wains or carts) having wheels, tires or tracks less than two and a quarter inches, English measure, in breadth, drawn as aforesaid, the sum of four pence currency ; and for every additional horse or other beast to such stage-coach, gig, caleche, dennet, spring-cart, or other wheel carriage, the further sum of two pence, currency ; for every sleigh, train, drag, berlin, carriole, or other winter vehicle whatsoever, two pence, currency ; for every horse, mare or gelding with a rider, the sum of one penny half penny, currency ; For every horse, mare, gelding, ass, mule, ox, cow and head of other neat cattle not drawing, the sum of one penny currency ; for every score of sheep, lambs, hogs or swine, the sum of two pence, currency ; Provided always, that the said Company may at any time lower the said tolls and may again raise the same, provided they do not in any case exceed the tolls and rates above mentioned.

Proviso.

XVII.

Proviso in favour of Her Majesty's mail Military persons, carriages and horses in H. M. service, and persons attending funerals.

Proviso containing certain exemptions from payment of more than a full toll in any one day.

Description of carriages &c to which exemption shall not extend.

Penalty on persons claiming exemption not to be filed thereto.

Relating to the collection of the tolls.

XVII. 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 officers and soldiers when on actual service, 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-gate and toll-bar to be erected under the authority of this Ordinance; and provided also 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 taken or demanded, for or in respect of the same horse or horses, or other beast or beasts or cattle drawing the same waggon, wain, or cart, coach, gig, caleche, donnet, spring-cart, or other wheel 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 or repassing through all or any of the gates along the line of the said road except as hereinafter mentioned: and the said Company may 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 shall affix in a conspicuous place at each Turnpike-gate and Toll-bar, whereto 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.

XVIII. 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 conveying passengers, or goods for pay or reward, or 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 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 ten shillings currency; and in all cases the proof of exemption shall lie upon the person claiming the same.

XIX. And be it further Ordained and Enacted, that it shall be lawful for the said Company and for the Trustees appointed under the authority of the Ordinance herein first above cited, if they shall deem it expedient to agree together from time

to

te time, and to provide that the Tolls which the said Company are hereby authorized to levy, or any part thereof, may be collected by any Collector appointed by the said Trustees and at any Turnpike erected by them between the end of the Road placed under the control of the said Company, and the City of Montreal, and to make such arrangement concerning the division of the Tolls collected at any such Gate, and the payment of the expenses of collection, as the said Company and the said Trustees shall agree upon, as just and reasonable.

Tolls may be commuted.

XX. And be it further Ordained and Enacted, that the said Company may, if they think proper, commute the Toll on the Road placed under their control, with any person or persons, by taking a certain sum either weekly, monthly, or yearly in lieu of such Tolls.

Tolls may be let.

XXI. And be it further Ordained and Enacted, that the said Company may, from time to time, if they shall deem it expedient, let or farm the Tolls on the said Road to the Trustees appointed or to be appointed under the authority of the Ordinance herein first above cited (who are hereby authorized to rent or take to farm the said Tolls if they shall deem it advantageous to the public so to do,) or to any other person whomsoever.

What proceedings may be had upon complaint of said road being out of repair.

XXII. And be it further Ordained and Enacted, that in case the said road or any part of it, shall at any time be out of repair, it shall be lawful for any person to make complaint thereof in writing to the District Surveyor, or if there be no such officer, to any two Justices of the Peace having jurisdiction within the locality in which such part of the said road, so being out of repair may lie, and such District Surveyor or Justices shall thereupon without delay view and examine the part of the said Road so complained of, and shall, if such complaint shall be found to be just, give notice in writing to the said Company (by serving such notice at their office for the time being,) to repair the said road, and in case the same be not repaired within such reasonable time as the said Surveyor or the said Justices may appoint, he or they shall order the toll-gates if any there be on the Road, to be thrown open, and the said toll-gates shall thereupon be kept open and no toll shall be collected thereat, or in case that any arrangement shall be made between the said Company and the said Trustees, in the manner authorized in the nineteenth section of this Ordinance for the levying and collecting the Tolls which the said Company are hereby authorized to collect, by the gate-keepers of the said Trustees, the said Surveyor or the said Justices shall forbid any such Tolls to be levied or collected by the said Gate-keepers, until such part of the said road so out of repair shall have been sufficiently repaired and a certificate from the
said

said Surveyor or Justices of the Peace shall be granted to that effect ; and if the said Company or the said gate-keepers respectively, shall not immediately obey such order or prohibition to throw open such gates, or to forbear from levying or collecting such Toll, or shall during the time that such gates ought to have been kept open or such Toll forborne as aforesaid, hinder or delay any person passing, or take or demand any toll, they shall for each offence forfeit the sum of forty shillings to the party aggrieved, to be recovered with costs in the manner hereinafter provided. Provided always, that if the District Surveyor or such Justice of the Peace as aforesaid, shall after the part of the said road so out of repair shall have been sufficiently repaired, refuse to grant a certificate to that effect, or if by reason of their absence, application cannot be made to them, the said Company may apply to any two Justices of the Peace having jurisdiction within the locality in which the said road or the part ordered to be repaired shall be situate, and such Justices shall thereupon examine into the matter in question, (and may in case the District Surveyor shall have refused such certificate, summon such District Surveyor before them,) and shall if due proof be made of the sufficient repair of the said road, grant a certificate to that effect, which certificate shall to all intents and purposes have the same effect as the certificate of the District Surveyor, or of the Justices by whose order the gates were thrown open, and may condemn the District Surveyor, if he be found in fault, to pay the costs of such summons and the proceedings thereupon ; which costs shall be levied by distress and sale of his goods and chattels under the warrant of the said Justices, or of one of them, if not forthwith paid.

Penalty on gate keepers and toll gatherers for certain offences.

XXIII. And be it further Ordained and Enacted, that if any gate-keeper or toll-gatherer employed by the said Company, or acting for them, who at any toll-gate to be erected under the authority of this Ordinance, shall unwarrantably hinder or delay any traveller or passenger liable to the payment of toll, or shall demand from any person more toll than by this Ordinance he is authorized to collect, he shall for every such offence forfeit a sum not exceeding twenty shillings currency, to the person so aggrieved.

How all penalties on gate keepers, and toll gatherers are to be recovered.

XXIV. And be it further Ordained and Enacted, that the penalties by this Ordinance imposed upon gate-keepers and toll-gatherers on the said road, shall be recovered with costs by plaint before any one of Her Majesty's Justices of the Peace having jurisdiction in the locality within which the offence shall have been committed, on the oath of one or more credible witnesses other than the party aggrieved, and may be levied with costs by distress and sale of the offenders goods and chattels, by warrant under the hand of such Justices or of one of them, and when-
ever

ever goods and chattels of the defendant cannot be found to satisfy the judgment which may be rendered against him, it shall be satisfied by the said company; and if on demand, payment of the forfeiture and costs awarded by judgment be refused by the said company, the amount thereof may be recovered with costs before any two Justices as aforesaid, in the manner aforesaid, from the said company, and may in like manner be levied by distress and sale of the goods and chattels of the said company, under the warrant of such Justices, or of one of them.

Persons wilfully obstructing or injuring any of the works, to be guilty of a misdemeanor.

XXV. And be it further Ordained and Enacted, that if any person shall wilfully hinder or obstruct the improving, macadamization and completing of the said road, or of any other work hereby authorized to be constructed and performed in the manner and according to the provisions herein contained, or 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 so offending shall be guilty of a misdemeanor, and being lawfully convicted thereof before any court of competent jurisdiction, may be punished by fine and imprisonment.

Penalties on persons committing various offences.

XXVI. And be it further Ordained and Enacted, that any person who shall leave any waggon, cart or other carriage, or shall lay or leave any matter or thing creating any obstruction of any kind in or upon the said road or the ditches or drains thereof, shall incur a penalty not exceeding twenty shillings currency for each offence; and if any person who shall clandestinely or forcibly pass, or attempt to pass, any turnpike-gate or toll-bar upon the said road, without having first paid the legal toll thereat, such person shall incur a penalty not exceeding forty shillings currency for each offence; And any person who after proceeding upon the said road, whether in the winter season or any other season, with any carriage, animal, or thing liable to toll, shall turn out of the same into any other road or into any field or ground adjoining, so as to evade payment of toll at any turnpike-gate or toll-bar, such person shall for each such offence incur a penalty not exceeding ten shillings currency; and if any person, body politic or corporate, occupying or possessing any inclosed lands near the said road, shall, whether in the winter or at any other season, knowingly permit or suffer any person 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 so offending, and the person so unlawfully avoiding such payment, shall each and severally incur a penalty not exceeding ten shillings currency for each offence; all which said penalties.

How to be recovered and applied.

penalties hereby imposed may be sued for, and recovered with costs, on the oath of one competent witness before any two Justices of the Peace having jurisdiction in the locality within which such offence shall have been committed, and such justices may, on conviction, if such penalty be not forthwith paid, commit the offender to the common gaol 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 Her Majesty her heirs and successors for the public uses of this Province ; Provided always, that any member, officer or servant of the said Company shall be a competent witness on any prosecution for an offence against the provisions of this section if he be not the informer.

Persons committing offences also liable for damages.

XXVII. 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 party aggrieved for all damages which such party may have sustained by reason of such offence.

Appeals to be made within 4 months.

XXVIII. And be it further Ordained and Enacted, that if any person shall consider himself aggrieved by any thing done by any Justice of the Peace in pursuance of this Ordinance, every such person may within four calendar months after the doing thereof, appeal to the Justices of the Peace, at the General Quarter Sessions to be holden in and for the District, or for the Territorial Division within which the judgment appealed from, may have been rendered.

The road to be completed within 3 years.

XXIX. And be it further Ordained and Enacted, that the said Company in order to entitle themselves to the benefits and advantages to them granted by this Ordinance, shall improve, macadamize and complete the said road in manner aforesaid, within three years from the passing of this Ordinance.

Her Majesty may assume possession of the road and bridge, on indemnifying the company.

XXX. And be it further Ordained and Enacted, that at any time before or after the improving and completing of the said road, it shall be lawful for Her Majesty, her heirs and successors, or for the District Council of the Municipal District in which the said road shall lie, to assume the possession and property of the same, and of all and every the works and dependencies thereunto belonging, upon paying to the said Company the full amount then actually paid in on their respective shares, or by the said Company expended on the said road, together with such further

But unless so assumed to remain for ever vested in the company and under their exclusive control.

further sum as will amount to twenty per centum upon the monies advanced or paid, as a full indemnification to the said Company, and all the tolls and other rights on and in the said road, and all and every the works and dependencies thereunto belonging, shall from the time of such assumption belong to Her Majesty, her heirs and successors, or to such District Council (as the case may be) who shall from thenceforward be substituted in the place and stead of the said Company, for all and every the purposes of this Ordinance : but unless Her Majesty, her heirs or successors, or such District Council, shall so assume the property of the tolls and rates aforesaid, such property shall, if the requirements of this Ordinance shall have been complied with by the said Company, and subject in all cases to the enactments and provisions herein contained, be and remain vested in the said company for the purposes aforesaid for ever ; and the said road, and all the appurtenances thereof, shall be under the exclusive control and management of the said Company, and shall not be subject in any way to the power or control of any Grand Voyer or Road Officer, or of any District Council ; any thing in any Act, Ordinance or Law to the contrary notwithstanding.

Explanations of terms.

XXXI. And be it further Ordained and Enacted, that the word " Governor," whenever it occurs in this Ordinance, shall be held to mean and intend as well the Governor, as the Lieutenant Governor, or person administering the Government for the time being.

This Ordinance to be a public one.

XXXII. And be it further Ordained and Enacted, that this Ordinance shall be taken and deemed to be a public Act, and shall be taken notice of as such by all Judges, Justices and other persons without being specially pleaded.

And is made permanent.

XXXIII. And be it further Ordained and Enacted, that this Ordinance shall be and remain a permanent Law, and in full force until it shall be repealed or altered by competent Legislative 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 Sixth day of February, 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

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. XXIII.

An Ordinance to extend the provisions of a certain Ordinance concerning the erection of Parishes for civil purposes to Parishes canonically erected before the passing of the said Ordinance.

Preamble.

WHEREAS the provisions made in and by a certain Ordinance passed in the second year of Her Majesty's Reign, and intituled, "An Ordinance concerning the erection of Parishes, and the building of Churches, parsonage houses and church yards," for the legal erection of Parishes for civil purposes, do not extend to parishes erected and constituted by canonical decree and for ecclesiastical purposes, before the time of the passing of the said Ordinance; and whereas it now appears that many parishes which had been so erected as aforesaid, for ecclesiastical purposes, had not at the time aforesaid been legally erected for civil purposes, and it is expedient and necessary to extend to such parishes the provisions of the said Ordinance;—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 also by virtue and under the authority of a certain other Act of the same