

The Provincial Statutes of Lower-Canada, Being the sixth session of the of the Special Council, begun and holden at the City of Montreal, in the said Province of Lower Canada, fifth day of November, 1840, and ending the ninth day of February, 1841. Quebec: John Carleton Fisher & William Kemble, Law Printer to the Queen's Most Excellent Majesty, 1841.

4 Victoria – Chapter 7 (Session 6)

An Ordinance to amend and extend the provisions of an Ordinance passed in the third year of Her Majesty's Reign, 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."

Whereas it is expedient to amend a certain 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," and to extend the provisions thereof to certain other Roads and for certain other purposes:—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 Parliament, passed in the Session held in the third and fourth years of the Reign of Her present Majesty, intituled, "An Act to Re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada;" and it is hereby Ordained and Enacted by the authority of the same, and by virtue of the powers in them vested by the said Acts of Parliament, that in addition to the Roads to and over which the provisions of the aforesaid Ordinance, passed in the third year of Her Majesty's Reign, and the powers of the Trustees therein mentioned are extended by the seventh section of the said Ordinance, the said provisions and powers shall be and are hereby extended to the Roads hereinafter mentioned, as fully as if the said Roads were expressly mentioned and included in the said seventh section of the said Ordinance, or as if the said powers and provisions in the said Ordinance contained, were embodied in this Ordinance, and hereby re-enacted with reference to the said Roads, that is to say;—
Firstly,—To the Cote St. Antoine Road, from the boundary of the said City of Montreal, towards the south-west to the point where the said Road strikes the Road running from the Upper Lachine Road, in a northwesterly direction, nearly at right angles to the Road last aforesaid:—Secondly,— To the last mentioned Road from the point of its departure from the said Upper Lachine Road, in a north-westerly direction to its junction with the Cross-Road running in a north-easterly direction to the Cote des Neiges Road, and the said Cross-Road from the said point of junction until it strikes the said Cote des Neiges Road.

II. And be it further Ordained and Enacted by the authority aforesaid, that it shall be lawful for the Trustees appointed or to be appointed under the authority of the Ordinance herein last above cited, to make, open, keep up, widen, or alter, as the case may require, a road from any point within one hundred yards of the Stone Windmill at the eastern end of the village or place commonly called the Tanneries on the Upper Lachine Road, to the main front Road of the concession commonly called La Cote Saint Paul, and thence along the said front Road to a point at or within one hundred yards of the land commonly called McNaughton's farm, from which point the road may be carried across to a point on the Upper Lachine Road, at or within one hundred yards of the place on the said Upper Lachine Road commonly known as the "Petit Village de Lachine" or from the point hereinbefore mentioned, at or within one hundred yards of the land commonly called McNaughton's farm, it shall and may be lawful for the said Trustees, if they shall deem it more advantageous for the public to continue the Road in a south-westerly direction to a point on the Lower Lachine Road ninthly mentioned in the said seventh section of the Ordinance aforesaid, at or near the Bridge over the Lachine Canal, instead of carrying the Road across to the Upper Lachine Road as aforesaid; or should the said Trustees on further examination deem it more advantageous for the public to retain the Upper Lachine Road as provided by the aforesaid Ordinance, passed in the third year of Her Majesty's Reign, 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," it shall be lawful for them so to do, and in that case all the provisions of this Ordinance touching the substitution of any other line of Road for the said Upper Lachine Road, shall be void and of no effect.

III. And be it further Ordained and Enacted by the authority aforesaid, that all the powers and authority vested in the said Trustees by the said Ordinance with regard to the several Roads and portions of Roads mentioned in the seventh section thereof, and all the provisions and enactments of the said Ordinance, concerning the said Roads or any of them, or to the taking, purchasing or acquiring of any land, ground or materials by the said Trustees for the purpose of making, altering, widening or changing the place of the said Roads or any of them, or to the erecting of toll-bars and turnpike-gates thereon, or to any other matter respecting the said Roads or any of them, touching which no special provision is made in this Ordinance, shall be and are hereby vested in the said Trustees, with regard to the Roads they are authorized to open by this Ordinance, and that the powers and authority of the Grand Voyer of the District of Montreal, or of any Magistrates over or concerning the said Roads or any of them, shall, from and after the date of the notification mentioned in the twelfth section of this Ordinance, cease to be vested in that officer, and shall be vested in and possessed by the said Trustees.

IV. And be it further Ordained and Enacted by the authority aforesaid, that if the said Trustees should adopt the line of Road firstly mentioned in the second section of this Ordinance, (either with or without adopting the line secondly mentioned in the said section,) then and not otherwise, so much of the said Upper Lachine Road mentioned in the seventh section of the said Ordinance, as shall lie between the point of departure therefrom of the

road running in a north-westerly direction secondly mentioned in the first section, of this Ordinance, and a point at or within one hundred yards of the place on the said Upper Lachine Road, commonly called "Petit Village de Lachine," shall be and is hereby excepted from the operation of the said Ordinance, and the control of the said Trustees over so much of the said Road, under the fourteenth or any other section of the said Ordinance, shall cease and determine as if such portion of the said Road had not been included or mentioned in the said seventh section, or in any other part of the said Ordinance; any thing therein contained to the contrary notwithstanding.

V. And be it further Ordained and Enacted by the authority aforesaid, that if the said Trustees should adopt the line of road firstly mentioned in the second section of this Ordinance, (either with or without adopting the line secondly mentioned in the said section) then, and not otherwise, the Roads which the said Trustees shall make under the authority of the second section of this Ordinance, and so much of the said front Road of La Cote Saint Paul, as shall be adopted as part of the said Roads respectively, shall be, and are hereby for all the purposes of the said Ordinance substituted for that portion of the said Upper Lachine Road which is hereby excepted from the operation of the said Ordinance; and the rates and tolls established by the said Ordinance for and in respect of the said Upper Lachine Road, shall be payable and exigible under the provisions of the said Ordinance, for and in respect of the Roads hereby substituted for a portion of the said Upper Lachine Road, together with those portions of that Road which are not hereby excepted from the operation of the said Ordinance; and the rates and tolls on the several other Roads placed, under the control of the said Trustees by the said Ordinance or by this Ordinance, shall be proportioned according to the length of the said Roads respectively, as compared with the whole distance from the boundary of the City of Montreal, to the upper entrance of the Lachine Canal, measured along the Roads hereby substituted for the Upper Lachine Road.

VI. And be it further Ordained and Enacted by the authority aforesaid, that in order to complete the communications from the main Road in the said seventh section of the said Ordinance secondly mentioned, to the main Road commonly known as "The Quebec Road," on the north bank of the river Saint Lawrence, in the Parish of Repentigny, and to the road on the east bank of the river L'Assomption, and to the roads in the Parish of Lachenave, on the west bank of the last mentioned river, and on the north west bank of the river Ottawa, it shall and may be lawful for the said Trustees, and they are hereby authorized to cause to be erected and built such and so many bridges as shall be requisite and necessary for the purpose; and to that end the said Trustees are hereby authorized (in like manner ashy the aforesaid Ordinance they are authorized, to acquire and hold immoveable property for the purposes of the said Ordinance) to acquire and hold any Island or Islands, situate and being at or near the confluence of the said rivers L'Assomption and Ottawa with the river Saint Lawrence, and below the Isle Jesus, and also in like manner to acquire and hold such lands in the Island of Montreal, and in the Parishes of Repentigny and Lachenaye respectively, as the said Trustees shall deem requisite and necessary for the abutments of such bridges or for any other purposes of this Ordinance, or to render the approaches to such bridges proper and convenient: Provided always, that the purchase or acquisition of the Islands and lands,

or any or either of them, hereby authorized to be purchased or acquired by the said Trustees, shall not be deemed to be complete, nor shall any money be paid therefor until the same shall have received the sanction and approval of the Governor of this Province, and that the property of all such land, islands or immoveable property so acquired as aforesaid, shall be vested in Her Majesty, her heirs and successors, for the public uses of the Province; and provided also, that the plan or plans of the bridge or bridges to be erected and built as aforesaid, and the contract or contracts to be made or entered into, for erecting and building the same respectively, shall be subject to like previous approval and sanction of the Governor of this Province, before they shall be entered into or carried into execution by the said Trustees, and before any work shall be commenced according to any such plan, or under the authority of this section.

VII. And be it further Ordained and Enacted by the authority aforesaid, that the said Trustees shall, and they are hereby directed and required to cause a drawbridge or opening of at least forty feet wide, to be made over the main channel of the river, in the bridge to be erected over the same between the Isle Bourdon and the Island of Montreal, and to cause the said draw-bridge to be so constructed, that it may be drawn up or otherwise opened for the passing of Sloops, Schooners, Steamboats or other vessels with standing rigging or other contrivances rising above the deck, navigating upon the said river; and the said Trustees shall, and they are hereby authorized to employ one or more proper person or persons, who shall during the season of the navigation, cause the said draw-bridge to be drawn up or otherwise opened without delay, as often as he or they shall be required so to do by the owners or persons navigating or having charge of such vessels as aforesaid respectively, which shall have occasion to pass through the said bridge, so that such vessels may pass through the same, with their rigging or other contrivances as aforesaid standing, without interruption, fee or reward, any thing in this Ordinance to the contrary notwithstanding.

VIII. And be it further Ordained and Enacted by the authority aforesaid, that in all cases where the said Trustees shall deem it expedient to purchase, and shall purchase and acquire any land or lands, island or islands for the purposes of their said trust, and if it shall afterwards appear to the said Trustees that the said land or lands, island or islands, or any parts or portions thereof respectively, may be disposed of advantageously for the said trust, it shall and may be lawful for the said Trustees, with the approval and sanction of the Governor of this Province, to agree with any party or parties concerning the sale or disposal of the said land or lands, island or islands, or parts or portions thereof, (either by public auction or by private sale or agreement, or by exchange or otherwise,) or the letting and leasing of the same for any given portion of time, not exceeding twenty years at a time; and it shall be lawful for the Governor of this Province to cause the requisite grant, deed, lease or other instrument to be executed in and on Her Majesty's name and behalf, according to the terms so agreed upon by the said Trustees with such party or parties; and the monies arising from any sale or disposal, and from and under any lease of the said land or lands, island or islands, shall be received and applied by the said Trustees to the purposes of the said Ordinance, and of this Ordinance, and shall be accounted for by the said Trustees accordingly.

IX. And be it further Ordained and Enacted by the authority aforesaid, that the bridge or bridges to be erected and built by virtue of this Ordinance, shall be held and considered as forming part of the Roads placed under the control and management of the said Trustees under and by virtue of the said Ordinance, passed in the third year of Her Majesty's Reign, and of this Ordinance, and the said Trustees may and shall demand, levy exact and receive, on each of the said bridges, at the toll-houses to be thereat established, from all and every person or persons who shall pass upon or use the said bridges or any of them, such tolls and rates as the said Trustees shall from time to time fix and establish; provided always that such tolls and rates shall not in any case exceed those hereinafter mentioned, that is to say:—For every coach or other four wheel carriage or vehicle, or winter carriage or vehicle without wheels, drawn by four horses, or other beasts, three shillings, currency;—For the same drawn by two horses or other beasts, two shillings and sixpence, currency;—For the same drawn by one horse or other beast, two shillings, currency;—For every two wheel carriage or vehicle drawn by two horses or other beasts, two shillings, currency:—For the same drawn by one horse or other beast, one shilling and nine pence, currency;—For every horse, mare, or mule, four pence, currency;—For every ass, colt, bullock, bull, cow or other neat or horned cattle, two pence, currency;—For every hog, goat, sheep, calf or lamb, one penny, currency;—For every man, woman, boy or girl, one penny, currency; and the said Trustees may, and they are hereby authorized and empowered to construct tollbars, or turnpike gates on the said bridge or bridges, or any of them, or on the approaches to the same, and 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 and change and modify the said rates and tolls and the said regulations, and may and shall prevent the passing through any such turnpike-gate or toll-bar of any person, animal, vehicle or thing from or on which any rate or toll shall be payable, until such rate or toll shall be paid; and the said Trustees shall affix in a conspicuous place at each turnpike-gate or toll-bar, whereat any such rate or toll shall be payable, a table of the tolls to be taken thereat, and the regulations under which the same are to be levied, plainly and legibly printed.

X. Provided always, and be it further Ordained and Enacted by the authority aforesaid, that nothing herein contained shall authorize the said Trustees at any time to establish, demand, levy, exact or receive any rates or tolls upon or in respect of the said bridges or any of them, exceeding the rates and tolls herein before authorized to be exacted and received; and provided also that all persons, officers, vehicles and things exempted by the Ordinance herein before cited, from tolls on the roads in the said Ordinance mentioned, shall in like cases be exempted from tolls on the roads and bridges established and constructed under the authority of this Ordinance.

XI. And be it further Ordained and Enacted by the authority aforesaid, that no person or persons shall at any season of the year for hire or for any valuable consideration, ferry or transport by water carriage, any other person or persons, or any quadruped or quadrupeds, vehicle or vehicles, or any package or packages of goods or any moveable effects whatever,

upon or across the several rivers herein before mentioned, or any of them, at any place or places within half a league of the bridges hereby authorized to be erected and built or of any of them, under a penalty of five shillings currency, for each person, quadruped, vehicle, package of goods, or moveable effects, which shall be so ferried or transported; such penalty, with the costs of prosecution, to be recovered on the oath of one or more credible witnesses, before any one of Her Majesty's Justices of the Peace for the District of Montreal, and to be levied of the goods and chattels of the defendant or defendants, by warrant under the hand of such Justice or Justices, or of one of them, if the same be not forthwith paid; any law to the contrary notwithstanding. Provided always, that nothing in this section shall extend to prevent any person from carrying any other person or any goods for hire across the said river in winter vehicles and upon the ice.

XII. And be it further Ordained and Enacted by the authority aforesaid, that notwithstanding any thing to the contrary in the fourteenth section of the said Ordinance, passed in the third year of Her Majesty's Reign, or in this Ordinance contained, all and every the powers, authorities, jurisdictions and control over, or with regard to the several roads in the said Ordinance mentioned, or any or either of them, and to the several roads in this Ordinance mentioned or any or either of them, heretofore and before the passing of the aforesaid Ordinance, passed in the third year of Her Majesty's Reign, vested in any Grand Voyer, Magistrates, 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, chapter nine, 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 whatever, shall be and continue to be in full force and virtue, until the said Trustees shall in writing, notify such Grand Voyer, Magistrates, Overseer of Roads, Road Surveyor or other Road Officer, that they the said Trustees, have assumed and taken upon themselves, or will on a certain day assume and take upon themselves, for the purposes of the trust in them vested, the control and management of the said Roads, or of any or either of them, or of any specified sections or portions of the said Roads or either of them.

XIII. And to prevent delay in the formation and perfecting of the Roads in the aforesaid Ordinance, passed in the third year of Her Majesty's Reign, and in this Ordinance mentioned: Be it further Ordained and Enacted by the authority aforesaid, that in case any party entitled to receive value or compensation for land, required for the purposes of the said trust, shall not be satisfied with and shall refuse to receive the sum or sums of money offered therefor by the said Trustees, it shall be lawful for the said Trustees to appoint an Appraiser or Expert, and require the party dissatisfied, to appoint another Appraiser or Expert, and to notify the said Trustees or their Secretary in writing, of such appointment; and the two Appraisers or Experts so appointed shall estimate and report to the said Trustees the value or compensation to be paid to the said dissatisfied party; and in case of disagreement between the said Appraisers or Experts, or in case the party dissatisfied shall refuse or neglect to appoint an Appraiser or Expert within twenty four hours after written notice from the said Trustees, or their Secretary, shall have been left at the domicile or at the usual place of business of the said dissatisfied party, or in case the Appraiser or Expert of the dissatisfied

party shall refuse or neglect to act within three days after such appointment shall have been notified to him, any one of the Justices of any one of Her Majesty's Courts of Law, holding superior jurisdiction in the said District of Montreal shall, ex officio, upon the summary petition of the Trustees, and proof on the oath of one credible witness, of either, of the refusals or neglects aforesaid, forthwith appoint an Appraiser or Expert to act on behalf of the said dissatisfied party; and the Appraisers or Experts appointed as aforesaid, shall estimate the value or compensation to be paid by the Trustees; and shall report the same to them, in writing; and in case of disagreement between the Appraisers or Experts, they, the said Appraisers or Experts shall appoint an Umpire, or if they cannot agree on., the appointment of an Umpire, one of the Justices aforesaid shall, without loss of time, ex officio, on the summary petition of the said Appraisers or Experts, or of the Trustees, appoint an Umpire; and the Report of any two of the said Appraisers or Experts and Umpires, shall have equal effect, as if the same had been, or were made by the two Appraisers or Experts concurrently; and upon the amount of such estimated and reported value or compensation, being duly tendered by the Trustees to the dissatisfied party, either personally or at his domicile, or at his usual place of business, it shall be lawful for the said Trustees, whether such tender be refused or accepted, immediately to enter into and upon the land required for the purposes of the said Trust, the value or compensation whereof shall have been tendered as aforesaid, without awaiting the empannelling, swearing in and decision of a Jury, as is required by the fifth section of the Ordinance aforesaid, any thing in the said Ordinance, or in any other Ordinance or in any other law of this Province, to the contrary notwithstanding. Provided always, that nothing herein contained shall be construed to prevent any proprietor of land required for the purposes of the said Trust, the value or compensation whereof shall have been estimated and tendered as aforesaid, or to prevent the Trustees, if they the said Trustees shall be dissatisfied with the estimated and reported value from requiring the empannelling, swearing in, and decision of a Jury, for the purposes, and in the manner specified in the said; fifth section of the said Ordinance, saving, always the right of the said Trustees to enter into and use the land from and after the time of such tender as aforesaid.

XIV. And as in certain cases it may be doubtful to whom the compensation ascertained by the award of a Jury empannelled for that purpose, or in any other lawful manner, to be payable by the said Trustees for any land or real property taken or damage done to any party in the exercise of the powers vested in them by the Ordinance aforesaid, and by this Ordinance, shall be paid; be it therefore further Ordained and Enacted by the authority aforesaid, that it shall be lawful for the said Trustees in all such cases of doubtful title, to cause the amount of such compensation to be lodged in the hands of the Prothonotary of the Court having superior original civil jurisdiction in the district of Montreal or in the territorial division in which the City of Montreal shall be situate, to await the distribution of the said Court to the party or among the parties lawfully entitled to such compensation or to any part thereof, and thereupon immediately to enter upon and take possession of the premises for which such compensation shall have been so awarded.

XV. And be it further Ordained and Enacted by the authority aforesaid, that it shall and may be lawful for the said Trustees to agree with the Corporation of the City of Montreal, (and the said Corporation are hereby authorized to make and enter into such agreement) that they the said Trustees, under the powers vested in them by the aforesaid Ordinance passed in the third year of Her Majesty's Reign, (which powers for this purpose are hereby extended accordingly) and by this Ordinance shall make, repair and complete such parts and portions of the continuations of the several Roads in the said Ordinance and in this Ordinance respectively mentioned, as shall be found to lie within the limits of the said City of Montreal. Provided the said Corporation of the said City, do bind themselves to repay the expense thereof, so soon as the same shall have been completed, together with the interest incurred by the Trustees on the amount of monies so expended; and the repayment of the amount expended, and the payment of the interest thereon as aforesaid, shall be made by the said Corporation to the said Trustees, and the monies so paid shall make part of the funds in the hands of the said Trustees for the purposes of the said Ordinance and of this Ordinance, and shall be applied and accounted for by the said Trustees accordingly.

XVI. And be it further Ordained and Enacted by the authority aforesaid, that in addition to the loan of thirty-five thousand pounds currency, by the sixteenth section of the said Ordinance passed in the third year of Her Majesty's Reign, authorized to be raised for the purposes of the said Ordinance, it shall be lawful for the said Trustees, and they are hereby authorized to raise, by way of loan, on the security of the tolls by the said Ordinance, and by this Ordinance authorised to be imposed, and of other monies, which may come into the possession, and be at the disposal of the said Trustees, under and by virtue of the said Ordinance, and of this Ordinance, and not to be paid out of or chargeable against the general revenue of this Province, any further sum of money not exceeding twelve thousand pounds currency, for the purposes in the said Ordinance and this Ordinance authorized and specified; and the debentures for such further loan, and also for so much of the loan authorized by the Ordinance aforesaid, as hath not yet been raised, shall respectively bear interest at the rate to be therein mentioned, which interest may, at the discretion of the Trustees, but with the express approval and sanction of the Governor, Lieutenant Governor or person administering the Government of this Province, and not otherwise, exceed the rate of six per centum per annum, any law to the contrary notwithstanding; and such interest shall be paid out of the tolls upon the roads, or out of any other monies at the disposal of the said Trustees, for the purposes of the said Ordinance and of this Ordinance. Provided always, that if the said tolls and other monies shall not at any time be sufficient to pay the amount then due for such interest, 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 requisite to enable the said Trustees to meet such deficiency to be advanced and paid by the Receiver General of this Province, from and out of any unappropriated public monies in his hands; such advances and payments to be thereafter accounted for, and repaid to the Government of this Province, by the said Trustees and their successors, in the manner prescribed in and by the twenty-third section of the said Ordinance, passed in the third year of Her Majesty's Reign.

XVII. And be it further Ordained and Enacted, that over and above the sums which the said Trustees are authorized by the preceding section of this Ordinance and by the Ordinance hereby amended 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 the Trustees 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. 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 and of the Ordinance hereby amended shall in no case exceed fifty seven thousand pounds currency; and all the provisions of this Ordinance and of the Ordinance hereby amended, 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.

XVIII. And be it further Ordained and Enacted by the authority aforesaid, that the due application of all public monies, whereof the expenditure or receipt is 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.

XIX. And be it further Ordained and Enacted by the authority aforesaid, that all and every the provisions contained in the aforesaid Ordinance passed in the third year of Her Majesty's Reign, touching and relating, or affecting the debentures thereby authorized to be issued, shall apply to, and be in force, in regard to the debentures authorized to be issued under this Ordinance.

XX. And be it further Ordained and Enacted by the authority aforesaid, that if any person or persons shall cut, break down, destroy or wilfully injure any road or roads, bridge or bridges, erected under the authority of this Ordinance, or any material or materials, or work or works of any kind or description whatever connected therewith, or formed for the protection thereof, the person or persons so offending shall be guilty of a misdemeanor, and being thereof convicted before any court of competent jurisdiction, may be punished by fine and imprisonment, and shall moreover be liable to the said Trustees for all damages they may have sustained by reason of such offence, any law to the contrary notwithstanding; and generally, that all the provisions, enactments, penalties, and other matters and things made and provided in and by the said Ordinance passed in the third year of Her Majesty's Reign, for the enforcement of any of the powers thereby conferred on the said Trustees, or on any person or officer for the better preservation of the Roads thereby placed under the control

of the said Trustees, or the collection of the tolls therein imposed, or for the commutation of any such tolls, and not hereby expressly altered or repealed, shall be and are hereby extended, and shall apply to like cases, matters and things, touching the roads and works placed under the control of the said Trustees by this Ordinance, the tolls hereby imposed, or the powers hereby conferred.

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

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

SYDENHAM.

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

By His Excellency's Command,
W. B. LINDSAY,
Clerk Special Council.