

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 33 (Session 6)

An Ordinance to amend the Laws relative to Winter Roads.

Whereas it is expedient, to make further provision for the more effectual improvement of the Winter Roads in this Province:—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 it shall be the duty of each Overseer of Highways in this Province, within twenty four hours after the cessation of each fall of snow or snow drift, by which the beaten track on any part of any Public Road under his superintendence or control shall be covered to a depth exceeding eight inches, with loose and unbeaten snow, to order verbally or in writing, that such part of the Road as shall be so covered be opened and beaten for a width of at least twelve feet, by the person or persons bound to keep the same in repair, who shall be and are hereby declared to be bound to beat and open such part of such Road in the manner aforesaid, within twenty-four hours after such order, under a penalty of ten shillings currency, for each day during any part of which the requirements of this section shall remain uncomplished by such person or by such overseer; and it shall be the duty of each overseer of Highways to prosecute each person who shall become liable to any such penalty, by neglecting to comply with the requirements aforesaid with regard to any road under the superintendence of such overseer, within six days after such person shall have become so liable, under a penalty of ten shillings currency, for each person so liable whom he shall neglect to prosecute within the period aforesaid,

II. And whereas doubts have arisen, as to the true intent and meaning of certain parts of the Ordinance passed in the third year of Her Majesty's Reign, and intituled, “An Ordinance to provide for the improvement during the winter season, of the Queen's Highways in this

Province and for other purposes," be it therefore declared and further Ordained and Enacted, that each and every of the enactments; of the said Ordinance with regard to winter carriages or vehicles without wheels, used for the conveyance of passengers and their baggage to the amount of one hundred weight for each passenger, and with regard to persons using the same, on any or on any part of the Queen's Highways or public roads in this Province, to which the provisions of the said Ordinance shall then extend, do, and shall extend and apply to all winter carriages or vehicles without wheels used on any part of the said highways or roads for any purpose or in any way whatever, excepting always winter carriages or vehicles without wheels used for the conveyance of loads other than passengers and their baggage to the amount aforesaid, to which the enactments of the first section of the said Ordinance do and shall apply.

III. And be it further Ordained and Enacted, that all penalties imposed by this. Ordinance, shall and may be recovered, applied and accounted for, in the manner by the said Ordinance provided with regard to penalties thereby imposed; and if such penalties and the costs of prosecution be not forthwith paid, the offender may in like manner, be committed by the Justice of the Peace before whom he shall have have been convicted, to the Common gaol of the district, for a period not exceeding eight days: Provided always, that the Justice of the Peace before whom any offender shall be convicted of any offence against the enactments of the said Ordinance or of this Ordinance, may at his discretion, cause the amount of the penalty imposed for such offence and the costs of prosecution, if the said penalty and costs be not forthwith paid, to be levied by distress and sale of the goods and chattels of the offender, by warrant under the hand of such Justice of the Peace, instead of. committing such offender to the common gaol of the district, as aforesaid.

IV. And be it further Ordained and Enacted, that the words "the main public, or post road by which communication is had between the Town of Three-Rivers [Trois-Rivières] and the City of Quebec," in the fifth section of the said Ordinance, do and shall mean and be construed to mean, the Saint Foy Road from the City of Quebec to its junction with the route commonly called "La Suede," the said, route to the foot of the hill called "La Cote de Champigny," the road leaving the said route near the said Cote and leading past the farm commonly called Hough's farm, to the church of the parish of St. Augustin, and thence to the route or road leading downwards to the main front road along the bank of the River St. Lawrence, in the parish of La Pointe aux Trembles, the said route or road, and the said main road along or nearest to the bank of the said river, from the parish last mentioned to the South-western boundary of the District of Quebec.

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

SYDENHAM.

Ordained and Enacted by the authority aforesaid, and passed in Special Council, under the Great Seal of the Province, at the Government House, in the City of Montreal, the Ninth 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.