

The Provincial Statutes of Lower-Canada, Being the third session of the eleventh Provincial Parliament of Lower-Canada. Quebec: P. E. Desbarats, Printer to the King's Most Excellent Majesty, 1823.

3 George IV – Chapter 19

An Act to explain and extend the provisions of an Act, passed in the thirty-sixth year of the Reign of His late Majesty, intituled, "An Act for making, repairing and altering the Highways and Bridges within this Province, and for other purposes," in so far as respects the Townships. (22d. March, 1823.)

Whereas doubts have arisen as to the liability of the non resident proprietors of lands in the Townships of this Province, who derive their titles, by inheritance, purchase or other transfer, from the original grantees of the Crown, to make and maintain the roads and bridges, passing over and upon their respective lands; and whereas the settlement of the Townships will be greatly promoted by compelling the original grantees of the Crown, and the non-resident owners of land to cause the necessary works to be performed on the roads, through their respective properties: Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Lower-Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great-Britain, intituled, "An Act to Repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province"; and it is hereby enacted by the authority of the same, that all the King's Highways, commonly called Front Roads and Bridges, (excepting so much thereof as the Grand Voyer or his Deputy may declare to be public work) passing over, and which now are, or hereafter shall be laid out, according to law, through any woodlands, or unoccupied lots, in any of the Townships in this Province, belonging to any of the original grantees of the Crown, or to their representatives, by Inheritance, purchase, or other transfer, shall be opened, made, repaired and kept up, according to law, by the original grantees of the Crown, or by the person or persons owning such woodlands or unoccupied lots. Provided always, that nothing herein contained, shall be construed to compel the original grantees of the Crown, or other owner or owners of woodlands, to contribute to the opening, making and repairing, of Bye roads, or to any public work, in the Township in which such woodlands or unoccupied lots may be situated, further or more than the proportion or share of such works, that shall be assigned to them respectively by the Grand Voyer or his Deputy, and be specified in the Proces Verbal thereof.

II. And he it further enacted by the authority aforesaid, that from and after the passing of this Act, in cases where the original grantees of the Crown, or other owner or owners of Land in any Township, shall not reside in the District, in which the Land liable as aforesaid is situated so that the proper officer may have recourse to such owner or owners, for the dues to which he, she, or they may be liable, with respect to such lands, for and towards the opening, making, repairing, and keeping up of any highways, roads, or bridges, it shall be lawful to appoint by law, a curator ad hoc to such original grantee or owner absent as aforesaid, and to proceed against such owner, or owners, by an action of debt, for the recovery of such dues as aforesaid, when and as soon as such dues shall exceed the sum of Ten Pounds

sterling, and if need be, to take in execution and sell according to Law, the land or lands in respect of which, such dues are incurred, and recoverable whether the same belong to the original grantees of the crown, or otherwise. Provided always, that nothing herein contained, shall be construed to extend or apply to any of the lands reserved for the support of a Protestant Clergy in this Province.

III. Provided always, and be it further enacted by the authority aforesaid, that if such grantee or grantees, or other owner or owners, as aforesaid, shall for the purposes of this Act constitute and appoint by public, notice during three weeks in the Quebec Gazette, an Agent or Agents in the several Districts in which they may respectively have lands, for the purpose of enabling the proper officer or officers to make service of process upon such Agent or Agents, so that the provisions of this Act may thereby be duly enforced, the appointment of such Curator ad hoc, shall not take place, nor be necessary, and service of process upon the Agent or Agents so appointed, shall at the suit of the Road Officer or other person, legally prosecuting; for the purposes of this Act, be binding upon the grantee or grantees, owner or owners, of such land, in respect to which such Agent or Agents may have been constituted, and appointed.

IV. And be it further enacted by the authority aforesaid, that so much of the seventh clause of the Act, passed in the thirty-sixth year of His late Majesty intituled, "An Act for making, repairing, and altering the Highways and Bridges within this Province, and for other purposes," as relates to the persons who are to open, make, repair and keep up the Highway, through woodlands in any township not conceded by the original grantees of the Crown, until such lands be conceded, improved, or inhabited be repealed and suspended and the same is hereby repealed and suspended, during the continuance of this Act.

V. And be it further enacted by the authority aforesaid. that this Act shall be, and remain in force, until the first day of May, one thousand eight hundred and twenty-eight, and no longer.