

Laws of His Majesty's Province of Upper Canada, passed in the year 1857. Toronto: Stewart Derbishire & George Desbarats, 1857.

20 Victoria – Chapter 125

An Act to divide the Quebec Turnpike Roads into two separate Trusts, and to make other provision relative thereto. Assented to 10th June, 1857.

Whereas it is expedient to place the Turnpike Roads in the neighbourhood of the City of Quebec and the works therewith connected, under two separate sets of Trustees, the Roads and works on the North side of the River St. Lawrence to be under one set, and those on the South side of that River to be under the other set: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

I. For and notwithstanding any thing in the Ordinance and Acts hereinafter mentioned or any of them, or in any other Act or Law, it shall be lawful for the Governor of this Province, by order in Council, to determine and declare, that upon, from and after a day to be therein named, the Turnpike Roads, Bridges, and other works in the neighbourhood of the City of Quebec made, purchased or improved by, or otherwise subject to the management, powers, or control of the *Trustees of the Quebec Turnpike Roads*, under the authority of the Ordinance of the Legislature of Lower Canada passed in the fourth year of Her Majesty's Reign, and intituled, *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*, or under the authority of the several Acts of the Parliament of this Province amending and extending the same, that is to say, the Act passed in the Session held in the fourth and fifth years of Her Majesty's Reign and chaptered seventy-two, — the Act passed in the eighth year of Her Majesty's Reign and chaptered fifty-five, — the Act passed in the ninth year of Her Majesty's Reign and chaptered sixty-eight, — the Act passed in the twelfth year of Her Majesty's Reign and chaptered one hundred and fifteen, — the Act passed in the Session held in the thirteenth and fourteenth years of Her Majesty's Reign and chaptered one hundred and two, — the Acts passed in the Session held in the fourteenth and fifteenth years of Her Majesty's Reign and chaptered, respectively, one hundred and thirty-two and one hundred and thirty-three, — the Act passed in the sixteenth, year of Her Majesty's Reign and chaptered two hundred and thirty-five, — and the Act passed in the eighteenth year of Her Majesty's Reign and chaptered one hundred and sixty, — shall be divided into two separate Trusts, those of them which lie on the North side of the River St. Lawrence to be under the sole control, direction and management of Trustees to be called the *Quebec North Shore Turnpike Road Trustees*, and those of them which lie on the South side of the said River to be under the sole control, direction and management of Trustees to be called the *Quebec South Shore Turnpike Road Trustees*; and upon, from and after the day so appointed the said Order shall take effect, and the said Roads, Bridges and works shall be divided into two Trusts accordingly.

II. At any time after such Order in Council as aforesaid shall have been made and published, it shall be lawful for the Governor to appoint, during pleasure, not exceeding five persons, to be, upon and after the day appointed as aforesaid for the division of the said Roads and works into two Trusts, the *Quebec North Shore Turnpike Road Trustees* — and not exceeding five persons, to be, upon and after

the said day, the *Quebec South Shore Turnpike Road Trustees*, and upon the said day the present *Trustees of the Quebec Turnpike Roads* shall cease to be such Trustees.

III. Upon and after the said day, each of the said sets of Trustees shall be a body corporate by the name hereinbefore assigned to it, and shall have the same powers, duties, rights and liabilities with regard to the Roads, Bridges and other works under their control, as are now vested in the *Trustees of the Quebec Turnpike Roads* with regard to the same; and all the provisions of the Ordinance and Acts hereinbefore mentioned shall apply as they now do, except in so far as they are altered by or may be inconsistent with this Act.

IV. All property moveable or immoveable vested immediately before the day last mentioned in the *Trustees of the Quebec Turnpike Roads*, and being on the North shore of the River St. Lawrence, shall, upon and after the said day, be transferred to and vested in the *Quebec North Shore Turnpike Road Trustees*, and all such property lying on the South shore of the said River, shall then be transferred to and vested in the *Quebec South Shore Turnpike Road Trustees*; and each of the said Corporations shall have full power and authority to receive or recover from any former Trustee or other person or party whomsoever, any property hereby vested in it.

V. The *North Shore Trustees* shall be liable for the principal and interest of all Debentures issued by the *Trustees of the Quebec Turnpike Roads*, and for all debts and liabilities of the said Trustees contracted before the day to be appointed as aforesaid for the separation of the Trusts; and all suits and proceedings then pending by or against the *Trustees of the Quebec Turnpike Roads*, or to which they shall be parties, shall be continued to judgment or after judgment until finally completed, by or against the said *North Shore Trustees*, and they shall be parties thereto, and their corporate name shall be substituted therein for that of the former Trustees, as of course, without any formality or proceeding whatever; Provided always, that whenever the said *South Shore Trustees* shall have any balance remaining in their hands out of the Revenues arising from the roads and works under their control, after paying the expenses of completing, maintaining and managing the said roads and works, and the interest on the Debentures they shall have issued under the authority of this Act, and the principal thereof, they shall pay over such balance to the said *North Shore Trustees*, as an aid towards enabling them to pay the interest and principal of the Debentures issued by the said *Trustees of the Quebec Turnpike Roads*, before the passing of this Act; And provided further, that nothing herein contained shall prejudice or affect any hypothec or lien which any creditor of the *Trustees of the Quebec Turnpike Roads* may have upon any property hereby vested in the South Shore Trustees, for any debt contracted before the separation of the Trusts, but the same may be enforced against such property under any judgment against the said *North Shore Trustees*, as if the property were vested in that Trust.

VI. The Roads and works aforesaid, shall remain under the charge of the said Trusts respectively, — those on the North shore of the St. Lawrence under that of the *North Shore Trust*, and those on the South shore under that of the South Shore Trust; Provided always, that either of the said Trusts may, with the consent of the Governor in Council, place for repair and maintenance any of the said roads and works, or any part thereof, under the control of the Municipalities in which they lie, either altogether, or during the Winter season, or during the Summer season; and such Roads shall then,

either altogether or during the period of the year for which they shall be so given up, be under the control of such Municipalities, and shall be maintained by the persons who are or shall be bound by *procès-verbal* made or to be made by the said Municipalities, and which the said Municipalities shall be bound to make, to maintain the same; and no tolls shall be paid to the respective trusts on the Roads or part thereof so placed for repair and maintenance under the control of the said Municipalities, during the period for which they shall be abandoned to the Municipality; but such roads and works or any of them, so abandoned for the purposes aforesaid, may be again placed under the control and management of the Trustees for that shore of the St. Lawrence on which they lie, by any Order or Orders in Council to be made for that purpose, and Tolls shall be levied thereon, and they shall be otherwise dealt with as if they had never been abandoned; Provided always, that in no case shall such roads or works, or any part thereof, cease to be the property of the said Trusts respectively, as the case may be.

VII. The said Trusts, respectively, may place the Turnpike Gates on the Roads under their control, at such places as they shall think fit, and may place Preventive Gates at such places as they may deem expedient; Provided that those persons who reside between the principal Turnpike Gates and the Preventive Gates shall not be bound to pay toll at such Preventive Gates, and the Trustees may enter into any equitable arrangement with any person living between two Gates, or close to any Gate, as to any exemption from or reduction of tolls in his favour at any Gate or Gates, which they may deem right to prevent injustice or hardship; Provided also, that any person living between the Montmorency Bridge or River and any Turnpike Gate on the Beauport Road at which Tolls shall be levied for passing the said Bridge, shall not be liable to Toll on passing the said Gate; and the exemption from Toll under this section shall include ail carriages, animals and things belonging to the persons so exempted.

VIII. The *North Shore Trustees* are hereby empowered to borrow a sum not exceeding four thousand five hundred pounds currency, for the purpose of repairing the Bridge over the River Montmorency or building a new one, and to issue Debentures for the sum so borrowed, the principal and interest whereof shall be payable out of and be the first charge upon the Tolls and Revenues of the said Bridge, after the payment hereinafter mentioned to the minor children of Ignace Côté and Magdeleine Drouin.

IX. The said *North Shore Trustees* are hereby empowered to borrow a sum not exceeding five thousand five hundred pounds, currency, for the purpose of paying Charles Rhéaume the sum due to him, and the interest due in July, 1857, on Debentures heretofore issued by the *Trustees of the Quebec Turnpike Roads*, and other expenses incurred or to be incurred by them; but the Debentures to be issued under this section shall have no preference over any Debentures issued by the *Quebec Turnpike Road Trustees*, nor shall this issue thereof affect or impair any privilege or preference attached to any former Debentures.

X. The said *North Shore Trustees* shall, out of the Tolls and Revenues of the Montmorency Bridge, or in default thereof out of any other moneys that may come into their hands not specially appropriated by law to any other purpose, pay to each of the six minor children of Ignace Côté and Magdeleine Drouin, his wife, the sum of ten pounds yearly, from the day of the death of their said father and mother by the fall of the Montmorency Bridge, until they shall respectively attain the age of majority.

XI. The said *South Shore Trustees* are hereby empowered to borrow a sum not exceeding seven thousand pounds, for the purpose of completing the Roads and improvements now actually commenced, and which will be under their control; and to issue Debentures for the sums so borrowed, the principal and interest whereof shall be payable out of the Tolls and Revenues of the Roads and works under the control of the said Trustees, after paying the expenses of maintaining and managing the said Roads and works.

XII. The said *South Shore Trustees* are hereby empowered to borrow a sum not exceeding five thousand pounds, for the purpose of building a Bridge over the River Chaudière, and to issue Debentures for the sum so borrowed, the principal and interest whereof shall be payable out and be the first charge upon the Tolls and Revenues of the said Bridge.

XIII. The principal and interest of Debentures to be issued under the authority of this Act, may be made payable either in sterling or currency, and either in this Province or elsewhere, and the said Debentures may be negotiated and disposed of by the said Trustees with the consent of the Governor in Council, in such way and on such terms as may seem most advantageous to the interests of the said Trusts; but the interest thereon shall not exceed the rate of six per cent per annum; And all provisions of the Acts hereinbefore mentioned, applicable generally to Debentures issued by the *Trustees of the Quebec Turnpike Roads*, shall apply to Debentures to be issued under this Act, in so far as they may not be inconsistent herewith; Provided always, that the Province shall not guarantee or be liable for the principal or interest of any debentures issued under this Act, nor shall any money be advanced or paid therefor out of the Provincial Funds.

XIV. The Trustees to be appointed under this Act shall be deemed officers accountable for public moneys under the Act to secure the more efficient audit of Public Accounts, and shall lay their accounts before the Board of Audit in such form and at such time and with such vouchers, as the said Board shall direct, and shall be subject to all the provisions of the said Act.

XV. This Act shall be deemed a Public Act.