

The Provincial Statutes of Canada, passed in the year 1841. Kingston: Stewart Derbshire & George Desbarats, 1841.

4 & 5 Victoria – Chapter 35

An Act to amend the Ordinances of the Legislature of the late Province of Lower Canada providing for the improvement of the Roads in the neighbourhood of the City of Montreal. 18th September, 1841.

Whereas it is expedient to amend the Ordinances of the Legislature of the late Province of Lower Canada, providing for the improvement of the Roads in the neighbourhood of the City of Montreal; Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled *An Act to Re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, that from and after the passing of this Act, the eighth, tenth and eleventh sections of the Ordinance of the Legislature of the said late Province of Lower Canada, passed in the third year of Her Majesty's Reign, and intituled *An Ordinance 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of, and leading to the City of Montreal, and to raise a fund for that purpose*, shall be, and the same are hereby repealed.

II. And be it further enacted, that the nine several Roads in the seventh section of the said Ordinance, and the two several Roads in the first section of the Ordinance of the Legislature of the said late Province of Lower Canada, passed in the fourth year of Her Majesty's Reign, and intituled *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*, shall, in regard to the tolls to be levied and collected thereon, be held and considered as forming one continuous Road; any thing in the said two Ordinances, or either of them, to the contrary notwithstanding: Provided always, that for the purpose of more easily levying and collecting the tolls hereinafter established, it shall and may be lawful for the Trustees appointed under the Ordinance first mentioned, at any time, with the consent of the Governor of this Province, to declare by public advertisement, any particular part or parts of the said continuous road, to be a distinct and separate Road, or distinct and separate Roads; and afterwards, with the like consent, and by like public advertisement, to repeal or alter any such declaration.

III. And be it enacted, that in lieu of the rates of toll authorized to be levied under the sections of the Ordinance first above mentioned, which are repealed by the first section of this Act, at the several Turnpike Gates or Toll Bars, erected or to be erected on the said continuous Road, at the several entrances leading into or out of the said City of Montreal, the said Trustees may demand, levy, exact and receive, from all and every person and persons passing upon or using any part of the said Road, for any distance not exceeding the length of the Upper Lachine Road from the limits or boundary of the said City of Montreal, to the other extremity of the said Road, and so in

proportion for any greater length or distance upon the said continuous Road, or upon such part or parts thereof as may be declared with the consent aforesaid, to be a distinct and separate Road, or distinct and separate Roads, the several rates of toll set forth in the Schedules A. and B, annexed to this Act, which rates shall be the highest rates of toll to be taken by the said Trustees.

IV. And be enacted, that the said Trustees may, and they are hereby authorized and empowered to make and establish regulations under which the tolls hereby established shall be levied and collected on the said Road or on any part thereof, and with the consent of the Governor of this Province, may from time to time alter, change and modify the said tolls, and the said regulations; and the said Trustees may and shall prevent the passing through any Turnpike-gate or Toll-bar, of any person, vehicle, animal or thing liable to the payment of toll, until such toll shall be paid: Provided always, that the said Trustees shall affix in a conspicuous place at each Turnpike-gate or Toll-bar whereat any toll is payable, a table whereon shall be legibly printed the name of the Gate or Bar at which the same shall be affixed, a list of the tolls to be taken thereat, and the regulations under which the same are to be levied; and that nothing herein contained shall authorize the said Trustees at any time, to establish, demand, levy, exact or receive any tolls exceeding the rates hereby established, as shewn in Schedule previously referred to: Provided always, that it shall be lawful for the said Trustees to lower the tolls on any part of the said Road or with regard to any class of persons, animals, or vehicles, and to augment the same, (so as not to exceed the rates shown in the said Schedule) without their being bound at the same time to lower or augment the tolls on the other part or parts of the said Road, or with regard to other classes of persons, animals or vehicles.

V. And be it enacted, that for all and every the purposes of the two several Ordinances before mentioned, and of this Act, the said Trustees shall be designated and known by the name of "The Trustees of the Montreal Turnpike Roads;" and by that name shall and may have continuous succession, and sue and be sued, answer and be answered unto, in all Courts of Justice and other places; and service of any summons at their office, or usual place of business, in the City of Montreal, in any action against them, or to which they may be a party, shall be sufficient to compel them to appear and answer accordingly.

VI. And be it further enacted, that this Act shall be taken and held to be a public Act, and shall be judicially taken notice of by all Judges, Justices and others, without being specially pleaded.

Schedule A.

Of the highest Tolls to be levied and paid at the several Turnpike Gates or Toll Bars, on the Road or Roads leading into or out of the City of Montreal, for passing and repassing within the hours of 12 P. M. of one day, and 12 P. M. of the next succeeding day, with the same Horse or Horses, or Beast or Beasts of draught, and the same Carriage or Vehicle.

	Breadth of tire of Wheels.						
		Under 2¼ Inches,		2¼ and under 3,		3 inches & above.	
	d.	s.	d.	s.	d.	s.	d.
1. For every Coach or other four wheel close covered private Carriage, or half covered and open, drawn by two Horses or other Beasts	"	1	6	1	0	"	"
Every additional Horse or Beast	3	"	"	"	"	"	"
2. For every four wheel private Carriage not covered drawn by two Horses or Beasts		1	0	0	8	"	"
Every additional Horse	3	"	"	"	"	"	"
3. For every Gig, Calash, Dennet, Spring Cart of other private two wheel Carriage, drawn by one Horse or Beast	"	0	9	0	6	"	"
Every additional Horse	3	"	"	"	"	"	"
4. For every Waggon, Wain, Cart, or other Carriage for loads, and not carrying goods for hire, with four wheels, and drawn by two Horses or Beasts . .	"	1	0	0	8	0	6
Every additional Horse	4	"	"	"	"	"	"
5. For every such Cart or other two wheel Carriage for loads, and not for hire, drawn by one Horse or Beast	"	0	9	0	6	0	3
6. For every Sleigh, Wain, Drag, Berlin or other Winter Vehicle, drawn by one or two Horses or Beasts	4	"	"	"	"	"	"
Every additional Horse	2	"	"	"	"	"	"
7. For every Horse, Mare, Gelding or Mule, with a rider	3	"	"	"	"	"	"
8. For every Horse, Mare, Gelding, Ass, Mule, Ox, Cow and head of other neat Cattle not drawing . .	2	"	"	"	"	"	"
9. For every Score of Sheep, Lambs, Hogs or Swine . .	5	"	"	"	"	"	"
Under and not exceeding half a Score	2½	"	"	"	"	"	"

Schedule B.

Of the highest Tolls to be levied and paid at the several Turnpike Gates or Toll Bars on the Road or Roads leading into or out of the City of Montreal, for every time of passing if loaded; Passing empty, half rate; repassing empty or going to return loaded, free.

	Breadth of tire of Wheels.						
	Under 2¼ Inches,		2¼ and under 3,		3 inches & above.		
	d.	s.	d.	s.	d.	s.	d.
1. For every Stage Coach, Diligence, Van, Caravan, Stage Waggon or other Stage Carriage for the conveyance of passengers, with four wheels, and drawn by one or two Horses or Beasts of draught	"	2	3	1	6	"	
Every additional Horse	6						
2. For every Gig, Calash, Dennet, Spring Cart, or other Carriage for passengers, with two wheels, and drawn by one Horse or other Beast of draught	"	0	9	0	6	"	
Every additional Horse	2	"		"		"	
3. For every Waggon, Train, Cart or other Carriage for passengers or goods, and carrying for hire, or conveying Stones, with four wheels, and drawn by two Horses or other Beasts of draught	"	0	9	0	6	0	4
4. For every Cart or other Carriage for do. do. or conveying Stones, with two wheels, and drawn by one or two Horses or Beasts of draught	"	0	6	0	4	0	2