

Laws of Her Majesty's Province of Upper Canada, passed in the year 1849. Montreal: Stewart Derbshire & George Desbarats, 1849.

12 Victoria – Chapter 115

An Act to authorize and enable the Trustees of the Quebec Turnpike Roads to acquire and assume the possession and property of the Bridge called Dorchester Bridge, and for other purposes. 30th May, 1849.

Whereas in and by an Act of the Parliament of the Province of Lower Canada, passed in the forty-eighth year of the Reign of His late Majesty King George the Third, intituled, *An Act for extending the duration of the Patent granted for erecting the Bridge over the River Saint Charles, now called Dorchester Bridge*, it was amongst other things in effect provided and enacted, That after the expiration of fifty years from the twenty-second day of April, in the year of Our Lord, one thousand seven hundred and eighty-nine, being the date of certain Letters Patent therein mentioned, it should be lawful for His said late Majesty, His Heirs and Successors, to assume the possession and property of the Bridge over the River Saint Charles near Quebec, called Dorchester Bridge, therein mentioned, upon paying to Nathaniel Taylor and others, therein designated as the Proprietors of the said Bridge, their Heirs, Executors, Curators or Assigns, the value which the same might at the time of such assumption bear and be worth; And whereas in and by a certain other Act of the Parliament of the said Province of Lower-Canada, passed in the fifty-ninth year of the Reign of His said late Majesty King George the Third, intituled, *An Act to authorize Anthony Anderson and others, Proprietors of Dorchester Bridge, to remove the same*, it was amongst other things in effect provided, That, if His said late Majesty should, after the expiration of fifty years from the date of the Letters Patent, in virtue of which Dorchester Bridge aforesaid had been constructed, to wit, the Letters Patent hereinbefore mentioned, assume the possession and property of the Draw-bridge, which the said Anthony Anderson and others, in the said last mentioned Act named and designated as the then Proprietors of Dorchester Bridge aforesaid, were thereby authorized to build and erect in lieu thereof, over the said River Saint Charles, nearer to the mouth of the said River, from the Suburbs of Saint Roch on the prolongation of Craig Street, to the Land belonging to or in possession of the above named Anthony Anderson on the opposite side of the said River Saint Charles (for which purpose he the said Anthony Anderson had voluntarily offered a sufficient space or portion of ground as well as for Roads of communication from the said Bridge with the main Roads leading to the Parishes of Beauport and Charlesbourg) with the Toll-House, Turnpike and the dependencies which might thereunto appertain and belong, and the ascent and approaches thereto, the Proprietors of the said Draw-bridge, their Heirs, Executors, Curators and Assigns, should be entitled to recover and have from His Majesty, His Heirs and Successors, the full and entire value which the same should bear and be worth at the time of such assumption, and the Tolls payable for passing over the same should from the time of such assumption appertain and belong to His Majesty, His Heirs and Successors, who should from thenceforward be substituted in the stead of the said Proprietors of the said Draw-bridge for all and every the purposes of the said last mentioned Act; And whereas in and by a certain Ordinance of the Legislature of the said Province of Lower Canada, passed in the fourth year of Her Majesty's Reign, 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, it was amongst other things ordained and enacted, That all property and estate, moveable and immoveable, acquired by the Trustees of the Quebec Turnpike Roads should be vested in Her Majesty for the public uses of the Province, audit is desirable that the said Trustees should accordingly be authorized and enabled to acquire and assume the possession and property of the said Draw-bridge, now called Dorchester Bridge, with the Toll-House, Turnpike and other dependencies, and the ascents and approaches thereto as aforesaid; And whereas it is also expedient to extend the provisions of the said last mentioned Ordinance to the Roads hereinafter mentioned: 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 it shall be lawful for the Trustees of the Quebec Turnpike Roads to raise by way of loan for the purposes of this Act, a sum not exceeding twenty-five thousand pounds currency; to which loan, and to the debentures to be issued in consequence thereof, and to all other matters incident to the said loan, all the provisions of the said last mentioned Ordinance touching the loan thereby authorized, are hereby extended and shall apply, excepting always, that the rate of interest on the loan to be raised under the authority of this Act shall not in any case exceed the rate of six per centum per annum, and that no money shall be advanced out of the Provincial Funds to pay such interest: and all debentures issued under this Act shall, so far as regards the interest payable thereon, take precedence and have priority of lien on the Tolls and other moneys which may come into the possession and be at the disposal of the said Trustees, over the interest payable on all debentures granted or to be granted by the said Trustees for any loan already authorized by law, as well as over all claims for repayment of any sums of money advanced or to be advanced to the said Trustees by the Receiver General of this Province.

II. And be it enacted, That it shall be lawful for the said Trustees, and they are hereby expressly authorized and required, as soon as possible after the passing of this Act, to acquire and assume the possession and property of the said Draw-bridge, now called Dorchester Bridge, with the Toll-house, Turnpike and dependencies which may thereunto appertain and belong, and the ascents and approaches thereto as aforesaid, first paying to the proprietors thereof the full end entire value which the same shall bear and be worth at the time of such assumption, to be offered, decided or estimated and paid, or lodged and distributed, as the case may require, according to the terms and provisions of the said last mentioned Ordinance.

III. And be it enacted, That if any shares in the said Bridge shall at the time of such assumption be vested in or belong to any child unborn, minor or interdicted person, or vacant estate, or the executor of the will of any person deceased, it shall be lawful for the Tutor or Curator of such child unborn, minor or interdicted person, or vacant estate, or for such executor, to sell and convey such shares to the said Trustees, and to become a party to and adopt all such steps and proceedings as may be necessary for that purpose, and that all contracts, agreements, sales, conveyances and other assurances made by any such tutor, curator or executor in pursuance of

this Act, shall be valid and effectual in law to all intents and purposes whatsoever; any law, statute, usage or custom to the contrary notwithstanding.

IV. And be it enacted, That from the time of the assumption of the said Draw-bridge by the said Trustees as aforesaid, all and every the provisions of the said Act hereinbefore secondly cited, in so far as the same may not be inconsistent with the provisions of the said Ordinance, or of this Act, shall apply to them as the proprietors thereof, and to the Tolls to be levied for passing thereon in virtue of this Act, save and except that it shall not from thenceforward be lawful for any person to pass any of the fords in the said river with horses, cattle or carriages, or other animals or vehicles subject to Tolls under the said Ordinance or any Act amending the same, or to cross any spell horses, cattle or carriages, animals or vehicles over the same in canoes or boats or otherwise, either with or without gain or hire, within the utmost limits of the exclusive privilege heretofore granted to or enjoyed by the proprietors of the said Bridge; and persons offending against this clause shall be subject to the penalty imposed by the thirty-third section of the said Ordinance.

V. And be it enacted, That the provisions of the said Ordinance, and the powers of the Trustees appointed under the authority thereof, shall extend to the roads and parts of roads hereinafter mentioned and described, as fully to all intents and purposes whatsoever, as if the said roads and parts of roads had been mentioned and described in the ninth section of the said Ordinance, as among those to which the said provisions and powers should extend, that is to say:

Firstly. The road leading from Dorchester Bridge aforesaid to the Church of the Parish of Charlesbourg;

Secondly. The road leading from the Bridge over the River Montmorency near the great fall on the said River, as far as the boundary line between the Parishes of l'Ange Gardien and Chateau Richer, in continuation of the road seventhly described in the said Ordinance;

Thirdly. The road leading from the said Church of the Parish of Charlesbourg to the Indian Village of Lorette;

Fourthly: The road leading from the said Village to the road commonly called Route de l'Eglise, in the Parish of Saint Ambroise;

Fifthly. The said Route de l'Eglise;

Sixthly. The road commonly called l'Ormière, from its intersection with the last mentioned road, to its intersection with the road leading from Champigny Hill to the Bridge commonly called the "Red Bridge" or "Commissioners' Bridge."

Seventhly. The road commonly called Saint Foy Road, from a point one hundred yards beyond the place where it is intersected by the road commonly called la Suede, to the top of the hill at Cap Rouge: Provided always, that the said Trustees shall have power, if they shall deem it expedient, to straighten the said Road from a Point about thirty-four chains to the north of the bend of the road

near the middle of the Cap Rouge Hill, so as to carry the road in as nearly a direct line as may be practicable from the said point to the said bend.

Eighthly. The road leading from the Saint Foy road near the Church of the Parish of Saint Foy to the road called Saint Lewis Road or La Grande Allée;

Ninthly. The Cove or Beach Road between the Cliff and the River Saint Lawrence for one mile and a half beyond the south-west extremity of Sillery Cove;

Tenthly. The road leading from the Church of the Parish of Charlesbourg to the Village of Saint Pierre, for one mile and a half only;

Eleventhly. The Road fifthly mentioned and described in the ninth section of the said Ordinance from the south-western side of the land known as Hough's farm, for one mile in the direction of the Church of the Parish of Saint Augustin; and the said roads and parts of roads, or such of the said roads and parts of roads as the balance which may remain of the Loan raised by the said Trustees under this Act, after paying the value of the said Bridge and premises, may enable the said Trustees to make, improve and repair, shall be made, improved and repaired by the said Trustees in the order in which they are mentioned in this Act: Provided always, that it shall be lawful for His Excellency the Governor General in Council from time to time to authorize the said Trustees to deviate from the said order in any respect in which it may be deemed advisable so to do, for the purpose of more speedily raising the said Loan or otherwise furthering the objects of this Act and the interests of the public in connection therewith.

VI. And be it enacted, That the fourth section of the Act passed in the eighth year of Her Majesty's Reign, intituled, *An Act to amend a certain Ordinance therein mentioned, relative to the Turnpike Roads near Quebec*, be and the same is hereby repealed; that as soon as the said Trustees shall have assumed the property and possession of the said Dorchester Bridge, the Toll-Gate, now placed near the entrance of the road leading to Beauport, shall be removed to the south end of the said Bridge, and the Tolls payable at such Gate for the use of the said Bridge and of either of the Roads leading to Beauport or Charlesbourg, shall not be greater by more than one half than the Tolls payable at any other Gate erected by the said Trustees, and the payment and commutation thereof shall be subject to the same regulations and provisions of law in every respect.

VII. And be it enacted, That if at any time it shall appear to the said Trustees to be advisable to change the direction of the said roads and parts of roads, or of any other roads or parts of roads subject to their management, the portions of ground acquired by them for that purpose shall become and be portions of the said roads or parts of roads respectively, in lieu and stead of the corresponding portions previously used as such, which shall vest in and belong to the several and respective owners of the adjoining lands from which the same were originally taken; and where such owners or any of them shall have been entitled to payment or compensation in respect of any portions of ground so required to be taken by the said Trustees, or of any damage suffered or to be suffered by reason of such change, the value of the ground about to revert to them as

aforesaid, may and shall be estimated and taken into account in deduction or discharge of such payment or compensation; but if such old roads shall lead to any land, house or place, which cannot in the opinion of such Trustees be accommodated with a convenient way and passage from such new road, then and in such case such old road and every part thereof shall remain subject to the right of way and passage to such land, house or place respectively.