

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

12 Victoria – Chapter 120

An Act to authorize the Trustees of the Montreal Turnpike Roads to purchase the St. Michel Road, and to open a Road to the Village of Sault-au-Récollet. 30th May, 1849.

Whereas the St. Michel Road Company, have petitioned the Legislature, praying that their Road, authorized to be made by an Ordinance of the Special Council, passed in the fourth year of Her Majesty's Reign, intituled, *An Ordinance to provide for the improvement of a certain part of the Road from the City of Montreal to the Côte St. Michel, in the Parish of Sault-au-Récollet*, may be purchased by the Trustees of the Montreal Turnpike Roads, and placed under their control and management; And whereas divers petitions have been presented to the Legislature, praying that a Turnpike Road may be made as far as the Church of the Parish of Sault-au-Récollet, and it is deemed expedient to give effect to the said Petitions by amending the Ordinances of the Legislature of the late Province of Lower Canada, and the Acts of the Legislature of the Province of 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 in addition to the Roads to and over which 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*,—and of another Ordinance 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*; and of an Act passed in the Session held in the fourth and fifth years of Her Majesty's Reign, intituled, *An Act to amend the Ordinances of the Legislature of the Province of Lower Canada, providing for the improvement of the Roads in the neighbourhood of the City of Montreal*; and the powers of the Trustees therein mentioned, now extend, the said provisions and powers shall be and are hereby extended to the Roads hereinafter mentioned, as fully as if the said Roads were expressly mentioned and included in the said Ordinances and Act, or as if the said powers and provisions in the said Ordinances and Act contained, were embodied in this Act and hereby re-enacted with reference to the said Roads, that is to say:

First. The Road made and macadamized by the aforesaid St. Michel Road Company, extending from the end of the Victoria Road, through and along the Côte de la Visitation and the Côte St. Michel, in the Parish of Montreal, and through and along a portion of the Côte St. Michel in the Parish of Sault-au-Récollet, to the front Road of the Côte St. Michel, in the Parish last mentioned;

Secondly. A Road to be opened and made from the front Road of the Côte St. Michel in the Parish of Sault-au-Récollet to the Village of Sault-au-Récollet at or near the Church of the said Parish.

II. And be it enacted, That the Trustees of the Montreal Turnpike Roads aforesaid, may and shall be authorized and empowered, and they are hereby authorized and empowered, to issue to the aforesaid St. Michel Road Company, Road Debentures to the extent of and not exceeding two thousand pounds currency, redeemable in ten years from the date of such Debentures, and bearing an interest not exceeding six per centum per annum, in full compensation and extinction of all the right, title, powers and interest of the said St. Michel Road Company, in and to the aforesaid portion of Road first above described, or the Tolls thereon, and such right, title, powers and the interest of the said Company shall cease accordingly upon their receiving the said Debentures.

III. And be it enacted, That the said Roads, that is to say: the Road extending from the end of the Victoria Road, in the Parish of Montreal, to the front Road of the Côte St. Michel in the Parish of Sault-au-Récollet, and the Road to be opened and made from the said front Road of the Côte St. Michel to the Village of the Sault-au-Récollet, shall, with regard to the tolls to be levied and collected thereon, be held and considered as forming one continuous Road with the nine several Roads mentioned in the seventh section of the Ordinance passed in the third year of Her Majesty's Reign, and hereinbefore referred to, and the two several Roads mentioned in the first section of the Ordinance herein before referred to, passed in the fourth year of Her Majesty's Reign; any thing in the said two Ordinances, or either of them, to the contrary notwithstanding.

IV. And be it enacted, That the Trustees of the Montreal Turnpike Roads shall and may demand, levy, exact and receive from all and every person or persons passing upon or using any part of the Roads, to be made and incorporated with the Montreal Turnpike Roads, under the authority of this Act, the same rates of toll, to be calculated in the same manner and by the same proportion as are set forth and contained in an Act of the Legislature of this Province, passed in the Session held in the fourth and fifth years of Her Majesty's Reign, intituled, *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*, and furthermore such rates of toll in addition to the above rates, as they shall consider sufficient to cover the annual interest of the capital expended, the collection of tolls, requisite repairs, and expenses of management; and shall also in all respects have the same powers for making regulations concerning the said Roads, and the tolls to be levied thereon, as they now have and possess under the Ordinances and Act aforesaid with regard to the other Roads under their control, and the tolls to be levied thereon.

V. And be it enacted, That in addition to the loan of thirty-five thousand pounds currency, mentioned in the sixteenth section of the said Ordinance passed in the Session held in the third year of Her Majesty's Reign, and to the farther loan of twelve thousand pounds currency, mentioned in the sixteenth section of the said Ordinance passed in the fourth year of Her Majesty's Reign, and authorized to be raised for the purposes of the said Ordinances, and to the further loan of twenty-seven thousand pounds currency, mentioned in the fourth section of an Act passed in the ninth year of Her Majesty's Reign, and intituled, *An Act to amend and extend the*

laics relative to the Turnpike Roads in the neighbourhood of Montreal, for the purposes in the said Act authorized and specified, the said Trustees may raise by way of loan on the security of the Tolls by the said Ordinances and Act authorized to be imposed, and of other moneys which may come into their possession, and be at their disposal, under and by virtue of the said Ordinances and Act and of this Act, and not to be paid out of or chargeable against the general revenue of this Province, any further sum of money not exceeding three thousand pounds currency, for the purposes in the said Ordinances and Act and in this Act authorized and specified, and the debentures for such further loan, and also the debentures authorized to be issued under and by virtue of this Act to the St. Michel Road Company, shall respectively bear interest at the rate to be therein mentioned, which interest shall not exceed the rate of six per centum per annum, and such interest shall be paid out of the tolls upon the roads, or out of any other moneys at the disposal of the said Trustees, for the purposes of the said Ordinances and Act and of this Act.

VI. And be it enacted, That over and above the sums which the said Trustees are authorized by the next preceding section of this Act and by the two Ordinances and the Act hereinbefore mentioned, to raise by way of loan, it shall be lawful for the said Trustees, at any time, and as often as occasion may require, to raise in like manner such further sum or sums as may be necessary to enable the Trustees to pay off the principal of any loan which they may have bound themselves to repay at any certain time, and which the funds in their hands, or which may be in their hands at such time and applicable to such payment, shall appear insufficient to enable them to repay: Provided always, that any sum or sums raised under the authority of this section shall be applied solely to the purpose herein mentioned, that no such sum shall be borrowed without the approval of the Governor or Person administering the Government of this Province, and that the whole sum due by the said Trustees, under Debentures then unredeemed and issued under the authority of the said Ordinances and Act and of this Act, shall in no case exceed seventy-seven thousand pounds currency; and all provisions of this Act and of the said Ordinances touching the terms on which any sum shall be borrowed under the authority thereof by the said Trustees, the rate of interest payable thereon, and the payment of such interest (except as to the payment of such interest by the Receiver General or out of any Provincial Funds) shall be extended to any sum or sums borrowed under authority of this section.