

Laws of Her Majesty's Province of United Canada, passed in the year 1852. Quebec: Stewart Derbyshire and George Desbarts, 1852.

16 Victoria – Chapter 235

An Act to authorize the Trustees of the Quebec Turnpike Roads to issue Debentures to a certain amount, and to place certain Roads under their control. Assented to 14th June, 1853.

Whereas it is expedient to extend the provisions of the Ordinance hereinafter mentioned, to certain roads other than those to which they now extend, and to make further improvements in the vicinity of Quebec, through the Trustees of the Turnpike Roads established under the said Ordinance and for that purpose; And whereas, in order to the construction and completion of the works now undertaken by the said Trustees, or required by law of the said Trustees, it is expedient to provide for the raising of the necessary funds by the issue of Debentures by the said Trustees: 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 provisions of the Ordinance of the Governor and Special Council of the late 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*, and the provisions of all Acts and Statutes now in force amending the said Ordinance, and the powers of the Trustees appointed under the said Ordinance, and to be appointed under this Act, shall extend or apply to the Roads hereinafter mentioned, in the same manner as if the said Road had been mentioned and described in the said Ordinance, that is to say: the road leading from the Parish Church of St. Ambroise of la *Jeune Lorette* to the place called Valcartier, commencing at the place at which the said road begins, near the Church of St. Ambroise of la *Jeune Lorette*, and extending to the river Jacques Cartier, near the Roman Catholic Church known by the name of the Church of St. Gabriel de Valcartier.

II. And be it enacted, That it shall be the duty of the Trustees so soon as they shall have begun to macadamize the said road, to cause a Turnpike to be erected upon the said road, at or near the place where the said road approaches the building constructed for the Water Works constructed in the said place by the City of Quebec; at which said Turnpike the tolls provided by the tariff now in force shall be levied in the same manner as at other Turnpikes erected upon the roads under the control of the said Trustees, and the revenues of the said Turnpike after the first year of its erection, shall be farmed out in the same manner as those of other roads under the control of the said Trustees: Provided always, that any proprietor of land, residing in the Parish of St. Ambroise of la *Jeune Lorette*, who shall be obliged to pass through the said Turnpike Road to go from his own residence to any land belonging to him situated beyond the said Turnpike, and which shall not be rented or leased as a farm to any other person, shall be exempted from paying any toll at the said Turnpike.

III. And be it enacted, That so soon as the said road shall have been completed as far as the river Jacques Cartier, it shall be the duty of the said Trustees to erect a Toll-bridge upon the said river Jacques Cartier at the place at which the said road shall terminate, at which bridge the same tolls shall be levied as at the Turnpikes above mentioned.

IV. And be it enacted, That from and after the passing of this Act, the provisions of the said Ordinance, and the powers of the said Trustees shall also in like manner extend to the road called the *Chemin des Foulons*, and in English, "the Cove Beach Road," commencing at the place to which it is now planked and improved, and extending to the foot of Cap-Rouge Road, being a distance of about three miles; provided always, that from the period of the commencement of the said works for the improvement of the said section of the road hereinabove described, the Tolls levied at the Turnpike upon the said Cove Beach Road shall be increased by one half.

V. And be it enacted, That from and after the passing of this Act, the provisions of the said Ordinance and of the Statutes amending the same, and the powers of the said Trustees shall also extend—

First. To the Mail Road between Quebec and Montreal, in the direction of St. Augustin, for a distance of five miles beyond the place to which it is now provided that the said road shall be macadamized;

Secondly. The by-road called the Belvidere Road, which leads from the road called the *Grande Allée* to the St. Foy Road;

Thirdly. A by-road which the said Trustees shall have power to open between the said St. Foy Road and the road along the little river St. Charles;

Fourthly. The by-road called the St. Claire Road, commencing at Scott's Bridge, as far as the St. Joseph Road;

Fifthly. The by-road, known as the Bourg Royal Road, and also *Route de la Commune*, commencing at the Beauport highroad, for a distance of two miles;

Sixthly. The by-road which leads to Laval, commencing at the Beauport highroad, for a distance of three miles;

Seventhly. The road leading from the St. Louis highroad to the Cove Beach Road, passing by the Church of St. Richard;

Eighthly. A road which the said Trustees shall be empowered to open to connect the north road of the little river St. Charles with the Charlesbourg highroad;

Ninthly. To the highroad in the County of Montmorency, commencing at the *Petit Pré* and extending to the place called the *Saut à la Puce*, and also to the approaches to the new bridge to be constructed over the river Montmorency, as hereinafter provided;

Tenthly. To the road continuing the road from the Church in the Parish of St. Foy, to the Cove Beach Road:

Provided always that the roads herein thirdly and eighthly in this Section mentioned, shall not be opened and improved unless the lands necessary for the making of the said roads be furnished gratuitously by the parties interested.

VI. And be it enacted, That it shall be lawful for the said Trustees, at such place as they shall think proper, to construct another bridge over the river Montmorency, in lieu of the one at present existing, and which they may dispose of as also of the parts of roads leading thereto, and they shall for ever enjoy, with respect to the said bridge to be so constructed and the approaches leading thereto, all the same rights and privileges as they now enjoy with respect to the present bridge and its approaches; and it shall be lawful for them to apply to the construction of the said bridge, a sum not exceeding Three Thousand Pounds currency, over and above the balance arising from the loan authorized by the Act passed in the ninth year of Her Majesty's reign, chapter one hundred and thirty-three; and the provisions of the Act last above cited, under which the revenues of the bridge over the River Montmorency are to be applied to the extension of the *Côte de Beaupré* road, are hereby repealed; and the Toll-Gates hereinafter mentioned shall in every respect be subject to the provisions of the Ordinance first above cited and of the Statutes amending the same, and it shall be lawful for the said Trustees to erect a Toll-Gate at the entrance to the new bridge, at which a Toll shall be levied, not exceeding One Penny for every person crossing the same; and another Toll-Gate at a distance within half a mile to the west of the said river, at which Toll-Gate the same Tolls shall be levied on all vehicles or animals as are now levied at the bridge over the said river Montmorency; Provided always, that in no case shall there be levied at the said Toll-Gate for one single Toll, a sum exceeding One Shilling and Three Pence; And provided also, that persons residing to the east of the said river Montmorency or in the Parish of Beauport shall be exempt from personal Toll on crossing the said bridge.

VII. And be it enacted, That in order to the making and completion of the several roads described and mentioned in the Act passed during the last Session of the Provincial Parliament, chapter one hundred and thirty-two, and also to the improving and macadamizing of the roads hereinbefore mentioned, and the making of the various improvements hereinabove mentioned, it shall be lawful for the said Turnpike Road Trustees to raise by loan a sum not exceeding Thirty Thousand Pounds currency, and this loan, and the Debentures which shall be issued to effect the same, and all other matters having reference to the said loan, shall be subject to the provisions of the Ordinance above cited with respect to the loan authorized under it; Provided nevertheless, that the rate of interest to be taken under this Act shall in no case exceed the rate of six per cent, per annum, and no moneys shall be advanced out of the Provincial Funds for the payment of the said interest, and all the Debentures which shall be issued under this Act, so far as relates to the interest payable thereupon, shall have a privilege of priority of lien upon the tolls and other

moneys which shall come into the possession and shall be at the disposal of the said Trustees, in preference to the interest payable upon all debentures which shall have been issued under the Provincial Guarantee, or which shall hereafter be issued by the said Trustees under the Provincial Guarantee, and also to all other claims for the reimbursement of any sums of money advanced or to be advanced to the said Trustees by the Receiver General of this Province, and the said debentures, as respects the payment of the principal and interest thereof, shall rank after those issued under the Act passed during the last Session of the Parliament of this Province and hereinbefore cited.

VIII. And be it enacted, That from and after the passing of this Act, the provisions of the said Ordinance and the Statutes amending the same, and the powers of the said Trustees shall also extend to the Roads hereinafter designated, to wit:

First. The Road commencing on the bank of the River St. Lawrence opposite to the City of Quebec, at the place called the *Passage de Bégin*, and extending to the Parish of Beaumont, passing by the Road called *La Petite Route*, for the distance of three leagues and a half.

Secondly. The Road commencing on the bank of the said River opposite the City of Quebec, ascending towards St. Anselme and passing by the road called the *Trente Sous Road*, and by the Church of St. Henri, for the distance of four leagues and a half.

Thirdly. The road commencing on the bank of the River St. Lawrence, opposite the City of Quebec, and extending to St. Nicolas, leading along the shore a distance of three leagues.

Fourthly. Lastly, the road commencing from the Lauzon wharf on the bank of the said River, opposite to the City of Quebec, ascending along the River St. Lawrence, a distance of three leagues.

Provided always, that so soon as the said Trustees shall have commenced to improve the said roads, a first Toll-Gate shall be erected upon each of the said roads at a distance of not more than two miles from the point of departure of each road, and so soon as any of the said roads shall have been macadamized and improved for a space and distance of three leagues, a second Toll-Gate shall be erected, not less than three leagues from the point of departure upon each of the said Roads, which shall have been so improved to such distance, at which Toll-Gates a Toll shall be taken, which shall be greater by one half than that at present prescribed by the tariff now in force; Provided also that the revenues of the said Toll-Gates shall in all other respects be subject to all the provisions of the laws now in force in relation to the revenues of the said Toll-Gates, but none of them shall be farmed out until after the expiration of one year from the date of the first going into operation thereof.

IX. And be it enacted, That it shall be the duty of the said Trustees so soon as they shall have improved the road leading to St. Nicolas as far as the River Chaudière, to construct a bridge over the said River at such place as the said road so improved shall meet the said river, and all the rights and privileges belonging to Her Majesty with respect to the bridge formerly over the said river,

shall belong to the said Trustees: Provided always, that the said Trustees, so soon as they shall have constructed the said bridge, shall erect a Toll-Gate at the entrance to the said bridge, at which Toll-Gate the same tolls shall be collected as are prescribed by the sixth Section of this Act.

X. And be it enacted, That for the completion of the roads, bridges and improvements mentioned in the two next preceding Sections, it shall be lawful for the said Trustees to issue debentures to the amount of Forty Thousand Pounds currency, which debentures shall be wholly subject to the provisions of the Ordinance hereinbefore cited, shall take precedence of those issued under the Provincial Guarantee, and of the claim by the Government, to be repaid out of the revenues of the said Toll-Gates, and shall take order and precedence and rank concurrently with those to be issued by and under the seventh Section of this Act.

XI. And be it enacted, That from and after the passing of this Act, it shall be lawful for the Governor General of this Province, to nominate and appoint three fit and competent persons to be Trustees of the said Quebec Turnpike Roads in addition to the Trustees now appointed, and the Turnpike Road Trust shall, by virtue of the said Ordinance, be composed of twelve Trustees instead of nine.

XII. And be it enacted, That it shall be lawful for the said Trustees, in order to prevent parties from passing upon the roads under their control, without paying tolls, to erect upon any of the roads under their control, Check Toll-Gates, through which it shall be permitted to pass, by means of Checks which shall be given at the other Toll-Gates to those parties who shall have passed through them on the same day, and at which shall be taken the same tolls as those required at the nearest Toll- Gate, entitling persons paying the same to receive a Check by means of which they shall be entitled to pass through the nearest Toll-Gate during the same day without paying tolls.

XIII. And be it enacted, That it shall be the duty of the said Trustees to proceed to the making and improvement of the roads described in the eighth Section of this Act, at the same time as and conjointly, and as nearly as possible in equal proportion, with those mentioned and described in the Act passed during the last Session of Parliament, chapter one hundred and thirty-two, and after the completion of the roads, described in the said Act conjointly with and at the same time, and as far as possible in the same proportion as those mentioned and described in the other clauses of this Act.