

CHAP. 3

An act to ratify a contract between the city of Quebec the Government and the North Shore Turnpike Trustees respecting the Dorchester bridge.

[Assented to 24th March, 1911]

Preamble.

WHEREAS the Dorchester bridge which crosses the river St. Charles between the city of Quebec and the former municipality of Limoilou has become a hindrance to the development of the city of Quebec, and to commerce and travel ;

Whereas, the Government has been requested by the council of the city of Quebec to remove the said bridge and to obtain from the North Shore Turnpike Trustees a renunciation of their exclusive privilege of building bridges on the said river St. Charles ;

Whereas, by reason of the above, a contract was passed on the 25th day of October, 1910, before J. Allaire, N. P., between the Government, the city of Quebec, and the said trustees, providing for the abolition of the said bridge and of the privileges of the said trustees at the place in question, which contract is contained in the deed, schedule A to this act ;

Whereas the Turnpike Roads and Toll Bridges Commission, created by the act 9 Edward VII, chapter 9, has made a report in favour of such contract ;

Whereas, however, it is expedient to indemnify certain holders of debentures secured by the revenues of the said bridge, in order to obtain from them the renunciation of their privileges, and to allow of the city of Quebec building modern iron bridges free of tolls ;

Therefore, His Majesty, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows :

Certain deed ratified.

1. The deed passed between the Government, the city of Quebec and the North Shore Turnpike Trustees, on the 25th day of October, 1910, before J. Allaire, N. P., and set forth as schedule A to this act, is ratified for all legal purposes and declared legal and binding.

Payment by Prov.-Treas. of certain debentures.

2. The Provincial Treasurer may pay out of the consolidated revenue fund of the Province, the sum of one hundred thousand dollars, in payment of the debentures to the amount of twenty-five thousand pounds currency mentioned and described in the said deed, with interest at 6 per cent from the 1st day of Janua-

ry, 1911, until the date when each of the said debentures is redeemed.

3. The trustees are discharged from the obligation of paying the principal of the said debentures, and the interest accrued since the 1st day of January, 1911 ; but nothing in this act shall be interpreted as relieving them from payment of any sum which they may legally owe for interest before the said first day of January.

Trustees discharged from certain payments, &c.

4. All debentures redeemable by the Government in pursuance of the said contract and this act, shall be presented for redemption at the office of the Provincial Treasurer, within thirty days following the coming into force of this act, after which date the capital thereof shall be payable by the Government, but no interest shall be exigible from the Government or from the trustees.

Redemption of certain debentures.

5. The city of Quebec shall perform all the obligations which it has undertaken by the said contract.

Obligations of city of Quebec.

6. All privileges with respect to toll bridges or tolls possessed by the said trustees, on the river St. Charles within the territory mentioned in the said deed, as well as all liens, hypothecs, and other like rights, belonging to or conferred upon the debenture holders, are abolished and declared null and of no effect.

Certain privileges abolished, &c.

7. This act shall come into force on the day of its sanction.

Coming into force.

SCHEDULE A

The 25th day of October 1910.

BEFORE the undersigned MR. JOSEPH ALLAIRE, a notary public in and for the Province of Quebec, residing in the city of Quebec.

APPEARED :

THE HONOURABLE L. ALEXANDRE TASCHEREAU, of the city of Quebec, advocate and King Counsel, in his quality of Minister of Public Works and Labour in the Government of this Province, and as such representing His Majesty and his said Government, authorized for the purposes of these presents by order of the Lieutenant-Governor in Council, bearing the number eight hundred and sixty-eight, of date the twenty-second day of October instant,

a copy whereof is annexed to the minutes of these presents, party of the first part, hereinafter called "the Government" ;

HIS HONOUR NAPOLÉON DROUIN, of the city of Quebec, merchant, in his quality of mayor of the said city, authorized for the purposes of these presents by a resolution of the municipal council of such city, of date the 14th of October instant, a copy whereof is annexed to the minute of these presents, party of the second part, hereinafter called "the city" ;

AND

THE TRUSTEES OF THE NORTH SHORE TURNPIKE ROADS, at Quebec, a body politic and corporate in virtue of the act 4 Victoria, chapter 17, of the 30th January, 1841, and of the act 20 Victoria, chapter 125, of the 10th June, 1857, the said trustees being hereby represented by Gustavus G. Stuart, of Quebec, president of the said trust, and George H. Burroughs, secretary of the said trust, authorized for the purposes of these presents by a resolution of the said trustees passed on the 10th of September last, a copy whereof remains annexed to the minute of these presents, and also authorized by order of the Lieutenant-Governor in Council, of date the 22nd day of October instant, party of the third part, hereinafter called "the trustees."

Who have declared as follows :

Whereas by the act 12 Victoria, chapter 115, of the 30th May 1849, and by the act 13-14 Victoria, chapter 102, of the 10th August, 1850, the trustees were authorized and required to acquire a toll-bridge existing on the river St. Charles, the south end of which abuts on Bridge street, formerly Craig street, in the said city, and generally known as "the Dorchester bridge."

Whereas to enable the trustees to acquire the said bridge, the said act 12 Victoria, chapter 115, authorized them to issue debentures to the amount of twenty-five thousand pounds currency, equal to one hundred thousand dollars present currency, to pay for the price of the said bridge and of its dependencies, and to improve and repair the same, as forming part of the turnpike roads under their control and administration, and it was, by the said act, enacted that the interest on the said debentures should be a privileged claim and a first lien on the tolls and other moneys which should thereafter come into the hands of the trustees ;

Whereas in the year 1850, the trustees acquired, and they have since maintained, the bridge and its dependencies, and the debentures issued by them have been sold to different persons, and the amount of one hundred thousand dollars is still due to the present holders of the said debentures ;

Whereas the toll gate on the Dorchester bridge has become a hindrance to travel between the city and the neighbouring counties, and the bridge no longer suffices for traffic requirements ;

Whereas by the act 1 George V, chapter 47, section 30 the city was authorized to borrow a sum of money to provide for the building of bridges over the river St. Charles, within the city limits, but that the Legislature permitted the building of such bridges only on condition that the consent of the trustees should be obtained therefor on account of their exclusive privilege of building and maintaining bridges on the river St. Charles within the city limits ;

Whereas the trustees claim that they cannot abandon the bridge and the toll-gate unless the holders of the said debentures are in some other way protected and secured ;

Whereas the city has requested the Government, in the interest of the said city of Quebec, and of the neighbouring counties, to devise means to enable the trustees to abandon to it the said bridge and the privileges of the trustees, and the parts of the roads which are now within the city limits ;

The parties have made the following agreements, to wit :

1. The Government undertakes to redeem at par, the said debentures to the amount of one hundred thousand dollars ;

2. The trustees assign and abandon to the city of Quebec, the said Dorchester bridge, its equipment and accessories, as well as such part of the lot designated by the number 575 of the official cadastre of St. Roch's ward in the city of Quebec, which shall be necessary for the rebuilding of the bridge and of its approaches, less, however, the house built thereon, which the trustees may take away ;

3. The trustees also transfer to the city of Quebec all parts of their roads now within Limoilou ward of the city of Quebec, the city assuming all liabilities which the trustees may have incurred with reference to the work done on lands claimed by the Quebec Land Company ;

4. The trustees shall have the right to place toll-gates on the Beauport road and on the Charlesbourg road at the boundaries of the said Limoilou ward, and to collect there the tolls authorized by their charter only ;

5. Immediately after the first day of January next, the trustees shall take away the gate which is now at the south end of the Dorchester bridge, and may from and after that time, place the toll-gates hereinabove mentioned in Limoilou ward ;

6. To indemnify the trustees for the cost of removal of the said gate and the erection of new gates, the city undertakes to pay them the sum of six hundred dollars;

7. After the first of January next the present Dorchester bridge shall become a free bridge and under the control of the city of Quebec ; and the trustees will be relieved from the maintenance of the said bridge in future;

8. The city undertakes to build, on the river St. Charles, modern iron bridges, according to plans approved by the Government. One of such bridges, to the west of the present Dorchester bridge, shall be begun forthwith. The Dorchester bridge shall be rebuilt in the same way, during the year, 1911. A third shall be built to the east of the Dorchester bridge, when it is needed. Such bridges shall be maintained in good order, forever, by the city, and shall be free of all tolls;

9. The trustees shall pay on the first of January next, the interest on the said debentures of one hundred thousand dollars then due ; but the Government undertakes to pay such interest, at the rate of six per cent until it redeems the said debentures;

10. This deed shall be subject to ratification by the Legislature of Quebec at its next session ; the Government undertaking to submit a bill for that purpose;

11. The costs of the execution of this deed shall be borne by the city.

Done and passed at Quebec, the day month and year aforesaid, under the number 14,898 of the minutes of the undersigned notary, and after reading of the deed, the parties appearing have signed in the presence of the undersigned notary.

(Signed) NAP. DROUIN,
" GUSTAVUS G. STUART, *Chairman*,
" G. H. BURROUGHS,
" L. A. TASCHEREAU,
" JOS. ALLAIRE, N. P.

True copy of the original remaining of record in my office.

(Signed) JOS. ALLAIRE, N. P.
