

Proviso: sufficient access to be reserved.

that any other person is willing to pay for the same; Provided further, that in the enclosing or sale of any such old road, a part thereof for a sufficient public way over the same, shall be reserved to afford access from such new road to the lands adjoining the old Road to be sold as aforesaid; and the price shall be disposed of in the manner mentioned in such By-law. 5

Proceedings if any Road Bridge, &c., be out of repair.

II. After any Road or portion of a Road, Bridge, or other such work, in the said Act mentioned, constructed or acquired by any company or Municipality under the authority of the said Act or any previous Act of the Parliament, of this Province, shall have been completed, and tolls established thereon, it shall be the duty of the Company or Municipality owning the same, to keep it in good and efficient repair, and whenever any such Company or Municipality shall suffer any portion of their Road on which tolls shall have been taken, to go to decay or get out of repair, it shall or may be lawful for the engineer of the County in which such part of such Road lies, and he is hereby required, upon the requisition in writing of twelve freeholders residing within such County, stating that such Road is so much out of repair as to impede or endanger Her Majesty's subjects and others travelling thereon, to examine the said road immediately, and if upon such examination he shall find it so much out of repair as to impede or endanger Her Majesty's subjects and others travelling thereon, as stated in the requisition then he shall notify the President of such company, or head of such Municipality, by leaving a written notice with any of the keepers of the toll gates on such road, stating to the effect that in pursuance of a requisition of twelve freeholders of the County, he had examined their road, and found it to be out of repair, and requesting them to repair it within the time to be named in such notice, which notice shall also mention the part of the road so out of repair, and the disrepair complained of. And it shall not be lawful for the said Company or Municipality, or any other person, to ask, demand, or receive any toll from any person passing through the nearest toll-gates on either side of the portion or portions of road so reported to be out of repair, from the time such notice is given until the road is repaired to the satisfaction of such engineer. And in the event of there being no such County Engineer, or if he shall be a stockholder in such road, then it shall be the duty of the County Judge of such County, upon such requisition to him, to name a competent engineer, who is not interested in said road, and to direct him to examine the road; and the engineer so named shall immediately examine the Road and the grievances complained of, and faithfully discharge the duties hereinbefore mentioned in reference to the Engineer of the County, and the orders, acts and directions of the engineer so named made in the discharge of such duty, shall have the same force and effect as are hereinbefore given to the orders, acts and directions of the County Engineer. 10 15 20 25 30 35 40

County Engineer to examine and report on requisition of 12 Freeholders:

And forbid the taking of Tolls until the Road is repaired.

Provision, if there be no County Engineer or he be interested.

Penalty on persons taking Toll while the road is out of repair.

III. If any person shall from the time such notice is given until the Road is so repaired in the part or parts complained of, ask, demand, or receive any toll from any person travelling along such road, at the nearest toll-gates on either side of the portion or portions of Road so reported to be out of repair, or shall refuse to allow any person to pass through such gates, with or without any beast or vehicle, without paying toll, such person shall, on conviction before any justice of the peace for the County in which such toll-gate or toll-gates shall be situate, upon the oath of one credible witness, forfeit and pay a sum of not less than *five shillings* nor more than *one pound* for every such offence, to be collected and enforced in the manner prescribed in the said Act for the collection 45 50 55