

### The Toll Roads Expropriation Act.

Toll roads now exist in comparatively few of the forty counties of Ontario, and the present indications are that these will, in a short time, vanish. The County of Wentworth was the first to take steps, and under the recent Toll Roads Expropriation Act, and the Highway Improvement Act, it has done away with practically all toll roads within the county, has established a system of county roads, and is now making application for its portion of the Provincial grant. Other counties in which steps are being taken towards the abolition of tolls are Carleton, Elgin, Frontenac, Middlesex and Oxford.

The roads owned, as a general thing, by private companies, are roads subjected to much travel, and usually accommodate the people of more than one township. For this reason it is generally difficult to have these roads freed by mutual consent. Foreign townships are averse to being taxed for keeping up what they consider a road in another township, although, in practice, through the payment of tolls, many of them are doing so.

Again, a large section of the people in the township through which the toll road is located may be averse to assuming the responsibility of keeping up that road within their limits when, as they now contented, it is being largely maintained by tolls collected from outsiders. When these roads are not used exclusively by the township in which they are located, it is hardly fair to impose upon them the expense of keeping up these main arteries for the accommodation of heavy and extensive traffic collected from elsewhere.

The weight of this theory, however, is much less than is generally supposed, as the cost of maintaining a toll gate and keeper, and the dividends paid to owners of the road, usually amount to considerable, so that a toll road, even for one township, is apt to be an expensive matter.

The collecting of tolls for the purpose of maintaining the road at the cost of the users, may have some argument in its favor. The principle involved is that the users only are benefited, and that it matters not from whence the traveller comes, he must pay, whether he is from the township in which the road lies, an adjacent township or another county.

That the users of the road are the only ones benefited cannot be supported, because every individual in the community is affected by the uses made, and the users of the road.

Generally speaking, a distinction cannot be drawn between the user of the road and those whom he serves. But the maintaining of a road by tolls may in certain cases relieve municipalities from the injustice that they would suffer by obliging each township to maintain its own roads regardless of location, conditions, or who the users may be. For these reasons, where roads have been freed of tolls, their condition, which is usually moderately good, has often been

neglected and allowed to go out of repair. All these objections and difficulties may be overcome, a proper system of economically maintaining these roads in good condition, an equitable system for adjusting the cost of maintenance, can be established through the county council.

The many reasons, profitable to the rate-payers, that may be given in support of a county council's maintaining certain roads in every part of the county, are so convincing to the student of the question that one is surprised to find that there should be any hesitation in adopting the county system. Much is often sacrificed by considering these matters, not from the standpoint of the whole community, but from that of the individual township. The county, as a whole, has duties and responsibilities, such as the maintenance of large bridges on certain lines, the maintenance of roads for joint use, etc., while it is fair to rest the responsibilities for minor roads upon the townships.

It should be more agreeable to place main roads in the care of a county council, a representative body of the rate-payers, than to hand them over to the care and management of private corporations. There is no good reason why a certain few of the roads in a county should be controlled by private companies, and supported by tolls, while all the other roads are free. We boast of our free institutions, we could not think of passing roads generally into the hands of companies. All the roads should be free, and the day for allowing a private company to place a bar across the highway in the face of any citizen is something that is permitted only because it effects so few. Few counties, fortunately, bear the distinction of being those that still permit this treatment of a section of their people. Roads should be free—tolls should be abolished. Main arteries should be maintained by the county council. To do this little difficulty should be experienced. The Toll Roads Expropriation Act provides an easy method of fixing a fair valuation of the roads. It also provides for an equitable adjustment of the cost by assessing it against the whole county, if the whole county is interested; by confining the assessment to a section of the county, if only a section will be benefited; or by paying over to any townships not materially or only slightly benefited by the purchase of these roads, such a sum by way of bonus, as may be deemed a fair equivalent for the amount which such municipality or municipalities will be required to pay towards the purchase of the roads.

The Act appropriating one million dollars, to aid in the improvement of highways, provides for the county council laying down a system of main roads, which will fairly serve every part of the county. This plan may comprise the toll roads and such other roads throughout the county, as the county and township councils may agree upon as being the roads that will best serve the requirements of

traffic. The system does not require to be a connected one, nor must it be designed to lead the traffic in any fixed direction, but may be the particular road or roads in the township upon which the councils think the money should be spent to serve the best purpose. The Act does not attempt to define the roads, but leaves this entirely in the hands of the councils, and whatever roads they agree upon as being the roads upon which the money should be expended, such plan will be accepted.

Even the mileage is not limited, except in this, that the mileage assumed in each township must be as nearly as practicable in proportion to the area. This is done for the purpose of providing that each township will receive its fair share of the good roads.

The two acts may be united in one by-law, as was done in the County of Wentworth, where they have framed their by-law laying down a system of county roads, taking over all the toll roads, and providing for the improvement of others. Similar by-laws are now before the people of Frontenac and Carleton counties.

Under the Toll Roads Expropriation Act, the first step is for the council to procure a valuation of each road, and to submit an offer to the owners. If a price cannot be agreed upon, the council may then pass a by-law appointing an arbitrator, a copy of which is to be served on the Toll Road Company.

Having fixed a price for the roads by arbitration, the council can pass a by-law for raising the necessary amount by the issue of 30-year debentures. This by-law may or may not be submitted to the people.

In the case of townships which would not be benefited by the abolition of tolls, amounts may be agreed upon to be paid to each as compensation for the amount they will be assessed in the county rate. Or the arbitrators may determine whether or not the by-law should be sectional, only certain townships or parts of townships being assessed.

Under section 12 the council may collect tolls for a period of not more than ten years, the amount so received to be applied to the payment of the debentures.

In Wentworth, the abolition of toll roads was combined with a plan of county roads under the Highway Improvement Act, whereby a provincial grant is made towards road improvement.

The matter was first taken up for discussion in 1901, and a Good Roads Committee was appointed to deal with it. This committee reported at the session of December, 1901. At a session in January, 1902, and at a session in March, 1902, held for this special purpose, at which the first by-laws were passed—those dealing with the expropriation of certain roads—the case of three townships called for a good deal of consideration, these having recently bought a toll road within their limits, which they were maintaining. This matter was arranged by