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No. 79.

2nd Session, 6th Parliament, 22 Victoria, 1859.

BILL.

An Act to enable certain Municipalities to
render aid to Railroads and Gravel Roads,
in certain cases.

Received and read, first time, Thursday, 24th
Feb., 1859.

Second reading, Wednesday, 2nd March, 1859.

HON. MR. CAMERON.

TORONTO :

PRINTED BY JOHN LOVELL, YONGE STREET.

Act to enable certain Municipal Corporations
 in Upper Canada to aid in the establishment of
 internal means of communication.

WHEREAS that section of the Peninsula of Western Canada lying north-westerly from the Town of Guelph, and embracing the greater part of the Counties of Wellington and Bruce as well as portions of the Counties of Grey, Perth, and Huron, is entirely destitute of proper facilities for communicating with the produce markets of the Province; And whereas the Reeves of the Municipalities of Fergus, Puslinch, Normanby, Brant, Elora, Minto, Pilkington, Saugeen, Arthur, Nichol, Kinloss, Howick, Greenock, Culross, and Kincardine, and many others, have by their petitions prayed that those Municipal Corporations desiring a means of communication may be enabled to aid in the establishment of the same, and may be empowered to distribute any liability which they may see advisable to incur thereby, over the various sections of each Municipality incurring such liability, in an equitable proportion to the benefits which they may derive from the improvements, or so far as it is practicable so to do; And inasmuch as the construction of Railways and of other roads has been found to enhance to the largest amount the value of property within easy access of these lines of traffic, and it is believed that the various degrees of additional value given to property within the influence of these works may be taken as a fair standard by which to measure the different degrees of benefit received from their establishment; And whereas it is expedient to empower the various Municipalities aforesaid to aid in the promotion of their own prosperity in accordance with the equitable principle expressed in the prayers of the petitioners: Therefore, Her Majesty, &c., enacts as follows:

- 25 I. On and after the passing of this Act, and so soon as a majority of the rate-payers in any section or sections of a Municipality have by a requisition (agreeable to form A setting forth in general terms the character of the improvement they desire, and the rate per cent. for assessment purposes they are willing to bear) requiring their Municipal Council or Councils to incur any such liability as by this Act they are empowered to incur, it shall be lawful for the County Council of Wellington, the Provisional County Council (or in process of time the County Council) of Bruce, and any lesser Municipal Corporations either in or adjacent to these Counties, to guarantee to give a yearly bonus to any 35 Company or Companies, party or parties who shall undertake to build and complete a railway, or a gravel or other improved road or roads through or along or across any of the Municipalities aforesaid: Provided always that such guarantee shall be limited as hereinafter pointed out.
- On a certain petition: Certain Municipalities may guarantee a bonus, by rate on the improved value of property, to Companies affording means of internal communication.*

To what amount such bonus shall be limited.

II. Any bonus guaranteed to be given under this Act shall be the aggregate proceeds of a rate to be prescribed by the ratepayers' requisition aforesaid, levied (except in the case provided for by the fifth section) on the future increase of the assessed value of real property in such Municipalities or sections of Municipalities as aforesaid, which rate is not to exceed one per cent. on the increase of the assessed value, and which increase is to be taken to mean the difference between the assessed value of real property in the year during which any such guarantee may be given, and the assessed value in any particular year after the contemplated improvements are in operation or in use.

When such communication is opened, rates to be levied according to the guarantee.

III. Each Municipal Corporation giving such guarantee as they are under this Act empowered to give, shall annually, so soon as the gravel roads or railways or both, shall be made and in use, assess and levy upon the rateable real property within the limits prescribed by the guarantee, situate within fifteen miles of the railway or of such part of it as may be in operation, or within five miles of any gravel road or roads which shall be made and fit for use, such rate or rates as may be determined upon as aforesaid, not exceeding one per cent. per annum on (except in the case provided for by the fourth section) the increase as aforesaid; but the rate or rates shall not be levied on any property situate more than five miles from any gravel road, nor more than fifteen miles from any railroad or such part of it or them as may be then in operation, whether or not the said property be within the Municipality or section of the Municipality which has concurred in giving the guarantee.

How the special rate for paying such bonus shall be assessed and levied.

IV. So soon as it shall be necessary to levy any special rate on the increase of the assessed value of any of the Municipalities which may under authority of this Act undertake to aid in carrying out internal improvements, it shall be the duty of the Clerk of the Municipality to procure a plan verified by some Provincial Land Surveyor, showing the exact position of the improvements then in use, and also the relative position thereto of all taxable real property situate within the limits prescribed as aforesaid; And he shall from this plan and from the Assessment Roll for the current year, make out a special Collector's Roll, or make an addition to the ordinary Collector's Roll, having opposite the names of all taxable persons and property within the specified distance of the improvements, the information mentioned in the Schedule B; and the various amounts calculated on the increase, at the special rate determined by the Rate-payers' requisition and the guarantee, and set down in the last column, according to Form B, shall be collected in addition to all other local rates and taxes in the manner provided by the Assessment Laws of Upper Canada, all the provisions of which, not inconsistent with this Act, shall be so applied as to carry out the true intent and meaning of this Act.

Provision if the increase in value be less than 50 per cent.

V. Should the total assessed value of real property within the limits prescribed as aforesaid in any Municipality aiding under the authority of this Act in the construction of such works, be found on their completion to have increased less than fifty per cent. over the total assessed value within the same limits at the time the guarantee was entered into, then and in that case one half the rate determined as aforesaid by the Rate-payers' requisition, shall be calculated on the whole assessed value of real property within the limits aforesaid and levied accordingly; and such half rate on the whole assessed value within the limits aforesaid

shall continue to be assessed and levied until the total assessed value within the limits referred to exceeds the original total assessed value by fifty per cent. thereof: But whenever the total assessed value of real property of a Municipality within the limits aforesaid exceeds by fifty per cent. or upwards the original assessed value within the same limits, then the whole rate shall be assessed on the increase only, as described in the previous section.

But if it afterwards amounts to 50 per cent.

VI. All gravel roads constructed by any Company, under the guarantee of an annual bonus from a Municipality, shall be kept in reasonably good repair and shall be free from toll or other charges within the limits of the Municipality, so long as the bonus continues to be paid; and it shall be competent to the Municipal Corporation to bargain and agree with the Company either for a reduction of the bonus or the rates aforesaid, or their suspension at a fixed period, for the transfer of the roads to the management of the Municipalities, or for their continuance free of toll and kept in repair by the Company, under a modified bonus; Provided always, that the rate to be levied shall not in any case exceed the maximum rate consented to by the rate-payers.

Good roads to be kept in repair:—Municipal Corporation may enter into certain arrangements with the Company.

VII. After a guarantee of a bonus has been given under authority of this Act, with the consent of the rate-payers obtained as aforesaid, and action taken towards the commencement of the improvements contemplated, it shall be valid and binding upon the Municipality; and when the works are sufficiently advanced towards completion, then the rates shall be levied as herein described, and the proceeds without deduction paid over as the first annual bonus to the parties who may make the improvements in good faith.

Guarantee to be binding on the Municipality, &c.

VIII. The powers conferred by this Act on the Municipalities herein mentioned, may be conferred upon other Municipalities in Canada West, that may petition His Excellency the Governor General in Council to be admitted to the benefits of the same, subject, however, to all the restrictions, provisions and limitations herein contained.

Act may be extended to other Municipalities.

IX. This Act shall be deemed a public Act.

Public Act.

SCHEDULE — FORM A.

Rate-Payers' Requisition.

County of _____ } We, the undersigned rate-payers of the Township
 TO WIT: } of _____, in the County of _____, being
 desirous of having established (*here describe in general terms the character of the improvements desired*) and approving of the general provisions and equitable principle of assessment embodied in the Act Vict., cap. _____, a copy of which is attached to this—hereby authorize and request our Municipal Council to guarantee an annual bonus to any Company or Companies who shall undertake to construct and carry out the improvements above referred to, agreeable to the provisions, conditions and limitations of the Act aforesaid; and we do further authorize and consent that a maximum rate of _____ per cent. on the increase, as explained in the 2nd clause of the Act aforesaid, subject to any reduction

that the Council may determine, shall or may be levied annually on real property in this section of the said bonus. for the purpose of paying the

Name of Rate-payer.	Concession.	Lot.	Witness to signature.

FORM B.

Additional columns to Collector's Roll for Special Assessment.

1	2	3	4	5
No. of miles from Railway or Gravel Road.	Original assessed value (being that of the year during which the Guarantee is given.	Correc'd assessed value for the current year.	Increase in value, being the difference between the amounts in the two next preceding columns.	Amount to be collected (this is to be calculated at the rate fixed by the Ratepayers' Requisition and the Guarantee on the sums set down in the next preceding column.)