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No. 191.

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3d Session, 3d Parliament, 13 & 14 Vict. 1850.

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## **BILL.**

An Act to make better provision with regard to the repairing of Roads within the limits of incorporated Cities and Towns, and of Roads and Bridges which having been under the control of the Commissioners of Public Works may hereafter be released from such control.

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Received and Read a First time, Wednesday,  
17th July, 1850.  
Second Reading, Friday, 19th July, 1850.

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Hon. Mr. HINCKS.

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TORONTO: PRINTED BY LOVELL AND GIBSON.

## BILL.

An Act to make better provision with regard to the repairing of Roads within the limits of incorporated Cities and Towns, and of Roads and Bridges which having been under the control of the Commissioners of Public Works may hereafter be released from such control.

**WHEREAS** it is expedient to remove all doubt on certain points with regard to the Roads and Highways within the limits of the several Cities and incorporated Towns in this Province: Be it therefore enacted  
5 &c.

Preamble.

And it is hereby enacted by the authority of the same, that all Roads, Streets and Public Highways within the limits of any City or Incorporated Town in this Province, and the Land occupied by the same (except in so far as the right of property or other right in such Land may have been expressly reserved by some private party when it was first used as such Road, Street or Highway) shall be vested in the Municipal Corporation of such City or Incorporated Town, and such Roads, Streets and Highways shall be maintained and kept in proper repair so long as they shall remain open as such, by and at the cost of such Corporation whether they were originally opened and made by such Corporation, or by the Government of this Province, or of either of the late Provinces of Upper or Lower Canada, or by any other authority or party; and if the Municipal Corporation of any such City or Incorporated Town shall fail to keep any such Road, Street or Highway within the limits thereof, such default shall be a misdemeanor for which such Corporation shall be punishable by fine in the discretion of the Court before whom the conviction shall be had; and such Corporation shall be also civilly responsible for all damages which may be sustained by any party by reason of such default, provided the action for the recovery of such damages be brought within after the same shall have been sustained, but not otherwise.

Roads, &c., in Cities or Towns vested in the Corporation, who shall keep them in repair.

Liability for failure to keep them in repair.

II. And be it enacted, That any public Road or Bridge made, built or repaired at the expense of the Province and now under the management and control of the Commissioners of Public Works may by Proclamation of the Governor

How Roads, and Bridges made by the Province, shall be kept in repair, if released

from the control of the Commissioners of Public Works.

12 V. c. 4.

issued by and with the advice and consent of the Executive Council, be declared to be no longer under the management and control of the said Commissioners, and upon, from and after a day to be named in such Proclamation, such Road or Bridge shall cease to be under the management and control of the said Commissioners, and no Tolls shall thereafter be levied thereon under the authority of the Act passed in the twelfth year of Her Majesty's Reign and intituled, "*An Act to make better provision with regard to the Tolls to be levied on the Public Provincial Works and for other purposes relative to the said Works,*" but such Road or Bridge shall be under the control of the Municipal authorities of the locality and of the Road officers thereof, in like manner with other public Roads and Bridges therein, and shall be maintained and kept in repair under the same provisions of law, which are hereby declared to extend and shall apply to such Road or Bridge.