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No. 197.

3rd Session, 5th Parliament, 20 Victoria, 1857.

(PUBLIC BILL.)

BILL.

An Act to enable Municipal Councils to dispose of Road Allowances under certain restrictions.

Received and read, first time, Wednesday, 1st April, 1857.

Second reading, Wednesday, 15th April, 1857.

MR. POWELL.

TORONTO:

PRINTED BY JOHN LOVELL, HONGER STREET.

An Act to make better provision for the stopping up of roads and the disposing of the sites thereof in Upper Canada.

WHEREAS it has become necessary to provide more fully for the stopping up of highways, roads and other communications, and the disposing of the sites thereof in Upper Canada: Therefore Her Majesty, &c., enacts as follows: Preamble.

5 I. So much of the one hundred and eighty-seventh section of the Upper Canada Municipal Corporations Act of 1849, as amended by the Upper Canada Municipal Corporations Law Amendment Act of 1850, or of the thirty-second section of the Upper Canada Municipal Corporations Law Amendment Act of 1853, as prevents the Municipalities of
10 Townships and the Municipal Councils of Counties in Upper Canada from passing By-laws for stopping up original allowances for roads in such Townships or Counties, or from selling and conveying any original allowance for road, shall be and the same is hereby repealed. Certain provisions of 12 V. c. 31, repealed.

15 II. It shall be lawful for the Municipality of each of the Townships of Upper Canada from time to time to make a By-law or By-laws for the stopping up of any original allowance for road, or part on any such allowance within such Township, and subject to the jurisdiction and control of the Municipality thereof, and therein and thereby to fix and declare the terms upon which such original allowance for road will be
20 sold and disposed of. Township Councils may stop up road allowances.

25 III. It shall be lawful for the Municipal Council of each County or Union of Counties in Upper Canada from time to time to make a By-law or By-laws for the stopping up of any original allowance for road within such County or Union of Counties, and subject to the sole jurisdiction and control of the Municipal Council thereof, not being on the limits
of any Village, Town, or City therein. County Council may stop up road allowances.

30 IV. No By-law for the stopping up of any highway, road, or other communication made in virtue of this Act or of the Act hereinbefore cited, shall have any force or effect whatever, unless or until it shall have been passed by two successive Municipalities or Municipal Councils, as the case may be, in two successive years; and it shall not be lawful for such second Municipality or Municipal Council to pass such By-law, except upon proof that written or printed copies thereof have been kept posted up for at least consecutive
35 next after its being first made and passed as aforesaid, on the outer door of the building in which the sittings of the said Municipal Council or Municipality are usually held, or other public place where notices in re-

lation to the acts or affairs of such Municipality or Municipal Council are ordinarily posted up.

Terms of sale &c., must be fixed in the By-law and not deviated from.

V. No original allowance for road shall, nor shall the site of any other highway, road or communication, be sold or disposed or conveyed under the provisions of the said Act or of this Act, unless the terms upon which it shall be intended to sell or dispose of the same shall have been fixed and declared in and by the By-law or By-laws for stopping up such highway, road or other communication, so made and passed as aforesaid, nor then for a less sum or on terms less favorable for the Municipality or Municipal Council than those fixed and declared in and by such By-law or By-laws, nor otherwise than subject to all the conditions, restrictions, limitations and provisions in that behalf contained in the said one hundred and eighty-eighth section of the Act first above cited, as amend d. 5 10

Interpretation.

VI. The term "original allowance for road" in this Act, shall include and apply to any part or parts of any such allowance as well as to the whole thereof. 15