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1st Session, 4th Parliament, 16 Victoria, 1852.

BILL.

An Act to amend the Act to authorize the formation of Joint Stock Companies for the construction of Roads and other works in Upper Canada, so as to compel them to keep their Roads in repair.

Received and Read a first time, Tuesday,
31st August, 1852.

Second Reading, Monday, 6th September,
1852.

MR. GAMBLE.

QUEBEC :

PRINTED BY JOHN LOVELL, MOUNTAIN STREET.

BILL.

An Act to amend the Act to authorize the formation of Joint Stock Companies for the construction of Roads and other works in Upper Canada, so as to compel them to keep their Roads in repair.

WHEREAS it is expedient to amend the Act passed in the twelfth year of Her Majesty's Reign, intituled "*An Act to authorise the formation of Joint Stock Companies for the construction of Roads and other works in Upper Canada,*" so as to compel such Companies to keep their 5 roads in repair; Be it therefore enacted, &c.,

Preamble.
12 Vic. chap. 84.

That from and after the passing of this Act, whenever any Company constituted under the before recited Act or any other Act of the Parliament of this Province, shall suffer any portion of their road or any bridge thereon, to go to decay or to get out of repair, it shall and may be lawful for 10 the Warden of the County wherein such road is situated, upon the requisition of twelve freeholders residing within the said County, stating that such road belonging to a Joint Stock Company is so much out of repair as to inconvenience, impede or endanger Her Majesty's subjects and others travelling thereon, to direct the County Engineer, upon receiving 15 said road; and it shall be the duty of the County Engineer, upon receiving such directions, immediately to inspect and examine the same, and if upon examination, the road shall be found so much out of repair as to inconvenience, impede or endanger Her Majesty's subjects and others travelling thereon as stated in the requisition, then he shall notify the 20 Directors of the Company to whom the road may belong, by leaving a written notice with any of the keepers of the toll-gates belonging to such Company, stating that in pursuance of Directions from the Warden of County, he has inspected their road and found it to be out of repair, requiring them to take notice thereof and cause the same to be repaired 25 within a certain limited time to be named in such notice, and which time shall be such, as in the opinion of the Engineer, will be ample and sufficient for making the required repairs.

Proceedings when any such Road shall be reported dangerously out of repair.

II. And be it enacted, That if the Directors of the Company after the service of the notice in the manner set forth in the preceding Section, 30 shall refuse or neglect to repair their road, in a good and sufficient manner, within the period limited in the said notice, then, from and after the expiration of such period, until such repairs shall be completed, it shall not be lawful for the Directors of such Company or any person authorized by them, to ask, demand or receive any toll from any person passing

No tolls to be taken by Company failing to repair their road as required under this Act.

through their toll-gates with or without any beast or vehicle on such road, any thing in the before recited Acts to the contrary notwithstanding.

Penalty on
gate-keepers
taking tolls
until the road
is duly re-
paired.

III. And be it enacted, That if any person acting as a keeper of a toll-gate on a road belonging to a Joint Stock Company, which shall have neglected or refused to make the necessary repairs within the period limited in the written notice before mentioned, shall after the expiration of such period and before the required repairs shall have been completed, ask, demand or receive any toll from any person travelling with or without any beast or vehicle along such road or shall refuse to allow them to pass through such toll-gate without payment thereof, such person shall upon conviction before any Justice of the Peace for the County, 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 or enforced in the manner prescribed for the collection or enforcement of penalties in the twenty-third Section of the Act passed in the Session held in the fourth and fifth years of Her Majesty's Reign, and intituled "*An Act for consolidating and amending the Laws in this Province relative to malicious injuries to property.*"

Extent of
Act.

IV: And be it enacted, That this Act shall apply and be in force only in that Section of this Province known as Upper Canada.