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N. 249.

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

BILL.

An Act to provide for the disposal of Road Allowances in the Rural Municipalities of Upper Canada.

Received and read, first time, Tues day, 21st April, 1857.

Second reading, Thursday, 23rd April, 1857.

MR. BENJAMIN.

TORONTO:
PRINTED BY JOHN LOVELL,
YONGE STREET.

An Act to provide for the disposal of Road Allowances in the Rural Municipalities of Upper Canada.

WHEREAS it is expedient to provide for the disposal of road allow- Preamble.
ances not used for roads, and in lieu of which other roads have
been opened, and at the same time to protect individuals who have ac-
quired the right to use a road as a public highway, against any order for
5 closing up such road; Therefore, Her Majesty, &c., enacts as follows:

I. In all cases where a road shall be opened across the land of any per- Where a new
son, whether before or after the issuing of the Patent for such land, in lieu road shall be
of any original allowance for road, for which no compensation shall be opened on any
made to such person, then so much of the said original allowance for road lot without
10 as lies in front of or adjoining to the said land, shall be the property of compensation,
the owner or owners of the said land and appurtenant thereto, provided the said the owner of
owner or owners do and shall, within three months of the opening of the such lot shall
said road, procure a certified diagram shewing the position of such land, the have the al-
15 new road and the road allowance, from a Provincial Land Surveyor, under lowance on
his hand and seal, and shall file the same within the time aforesaid, with certain condi-
the Register of the said County, whose duty it shall be to file the same tions.
and endorse it, on the day on which he shall receive the same, and for
which he may demand and receive the fee of 2s. 6d. in each case. Fee to Regis-
trar.

II. In all cases where a new road shall so be opened in lieu of the ori- If compensa-
20 ginal road allowance, and for which compensation shall be paid, then the tion has been
Municipal Council of the County shall have power to sell such original made for the
road allowance to the party or parties next adjoining to whose land or new road,
lands the same shall have run, or in case of his, her or their refusal to be- County Coun-
come the purchaser or purchasers thereof, at such price or prices as such cil may sell
25 Municipal Corporation shall think reasonable, then to any other person or the allowan-
persons whomsoever.

III. Any money paid into the hands of the County Municipality, as the How monies
price of such original road allowance, shall, in all cases where the said received for
allowance is between any two Municipalities, be divided equally between road allow-
30 both, and in all other cases all monies received shall be paid over to the ances shall be
Municipality in which said original allowance so sold was situate; Provided dealt with.
always, that in no case shall any County Treasurer retain any portion of Proviso.
such sum as fees or per centage, but shall pay over the full amount received
by him to the Municipality or Municipalities, as the case may be.

35 IV. In all cases where persons previous to the passing of this Act, shall Persons hav-
have given lands for a road or roads through his, her or their farm or ing already
farms, in lieu of any original road allowance without any compensation given now
therefor, he, she or they shall be entitled to retain the land originally set road on their
land may re-
tain the al-
lowance.

apart for such road allowance, in lieu of the road set apart from the land of which he is owner at the time of the passing of this Act, and the County Council may convey such land so retained, in fee to the person or persons so entitled to retain possession, or to his, her or their heirs and assigns for ever.

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No road to be stopped up so as to shut off the ingress of any person to his land. V. It shall not be lawful for any Municipality, whether County or Township, after the passing of this Act, to close up any public road or highway, whether such road or highway be an original road allowance, or whether such road has been opened by the Quarter Sessions, County or Township Councils through any land, by which any person may be excluded from ingress or egress to and from his farm or place of residence, but all such roads shall remain open for the use of the said person who shall require the same : Provided always, that when the County Council, for all roads under its supervision, and any Township Council, for all roads under its supervision, shall declare such road no longer to be needed for a public road or highway, then such road and the repairs thereof shall no longer be at the charge of the public, but shall be kept in repair by the party requiring the same.

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Inconsistent enactments repealed. VI. All Acts or parts of Acts contrary to the provisions of this Act are hereby repealed.

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