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

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**BILL.**

An Act to amend and consolidate the several Acts for the construction of Plank and other Roads by Joint Stock Companies in Upper Canada.

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Received and Read a first time, Thursday, 21st October, 1852.

Second Reading, Friday, 22nd October, 1852.

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**MR. SMITH of Durham.**

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QUEBEC:

( 186 )

## BILL.

An Act to authorize the formation of Joint Stock Companies for the construction of Roads and other Works in Upper Canada.

**W**HEREAS it is expedient to encourage the construction of sawed, hewed, or split plank, macadamized or gravelled Roads, and also bridges, piers, wharves, slides and dams connected therewith, in Upper Canada, by Companies who may be disposed to subscribe the necessary capital for the completion thereof; and whereas the delay and expense incident to obtaining a special Act of incorporation from the Legislature, for each separate Company, operate as a great discouragement to persons desirous of embarking capital for the formation of such Companies; and whereas several Acts have been passed by the Parliament of this Province for the accomplishment of this purpose, in particular an Act passed in the second Session of the third Parliament of this Province, intituled, "*An Act to authorize the formation of Joint Stock Companies for the construction of Roads and other Works in Upper Canada*;" also an Act passed in the fifth Session of said Parliament, intituled, "*An Act to amend an Act, intituled 'An Act to authorize the formation of Joint Stock Companies, for the construction of Roads and other Works in Upper Canada, and to extend the provisions thereof*,'" which Acts have been defective in various points, as well as exceedingly ambiguous in many of their provisions; and whereas it is expedient, in order to supply these defects, and to do away with all doubts as to the meaning of many of the sections of said Acts which are ambiguous, and so to prevent all confusion in the management of Companies formed for the purposes hereinbefore mentioned, that these before mentioned Acts, together with an Act passed in the second Session of said Parliament, intituled, "*An Act to exempt Naval and Military Officers, and others, on duty in Her Majesty's Service, from the payment of toll upon any Turnpike Road in this Province*," and also the second, third, fourth, fifth, sixth, seventh and eighth Sections of an Act passed in the Session held in the fourteenth and fifteenth years of Her Majesty's Reign, intituled, "*An Act to remove doubt as to Municipal Corporate Bodies acquiring public works without the limits of such Municipalities*" should be repealed, and that a new Act should be passed, admitting of no doubtful interpretation, and placing all Roads, whether constructed by Companies formed

Preamble.

12 Vic. cap. 34.

14 & 15 Vic. cap. 122.

12 Vic. cap. 25.

Repeals—

12 Vic. cap. 84.  
12 Vic. cap. 25.  
14 & 15 Vic. cap.  
122.

16 Vic. cap. 4.

under authority of any of the aforesaid Acts, or to be formed under authority of this Act, or acquired by Companies by purchase from the Government, or otherwise, or constructed or acquired by Municipalities, under one uniform rate of tolls and set of rules for their management, so far as practicable: Be it therefore enacted, by the Queen's most excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, 5  
"An Act to re-unite the Province of Upper and Lower Canada, and for the Government of Canada," and it is hereby enacted by the authority of the same, that the three several Acts hereinbefore mentioned, and the titles of which have been hereinbefore recited, and the Act passed during the present Session, intituled, "An 15  
"Act to confer certain powers on Municipal Corporations and Companies to take materials to repair Roads," be, and the said Acts are hereby repealed.

Companies may be formed for the construction of plank and other roads, &c.

Proviso as to taking property.

Grade of road

Proviso as to lines for which other companies have been chartered.

That any number of persons, not less than five respectively, may in Upper Canada, in their discretion, form themselves into a Company or Companies, under the provisions of this Act, for the 20  
purpose of constructing in and along any public road or highway, allowance for road or otherwise, any road or roads of the kind mentioned in the preamble to this Act, not less than two miles in length, and also any bridge or bridges, pier or piers, wharf or wharves, slide or slides, and dam or dams connected therewith, in 25  
Upper Canada; Provided always, that no such Company shall construct any such road or other such works aforesaid, through, over, along or upon any private property or property of the Crown, without having first obtained the permission of the owner or owners, occupier or occupiers thereof, or of the Crown, so to do, except 30  
as hereinafter provided, nor shall any such road be made of a higher grade than one foot elevation to twenty feet along the road, without the sanction of the Chief Commissioner of Public Works for the time being, or of some other person appointed by him for that purpose: And provided, also, that no such Company shall 35  
be formed under the provisions of this Act, to construct any line of road for which a charter shall have been heretofore granted, provided such chartered Company shall have its stock subscribed, and be in a course of completing the work for which such charter shall have been granted within one year from the passing of this 40  
Act; nor shall any private property be taken, for any other such work as aforesaid, without the consent of the owner, if such owner shall himself commence such work within one year, and shall complete the same within two years, from the time he shall be notified that a Company has been formed for constructing the same, nor 45

shall any property of the Crown be so taken without the approval of the Governor in Council: And provided also, That no such road shall be constructed or pass within the limits of any City, or the liberties thereof, or within the limits of any incorporated Town or Village, except by special permission, under a By-law of such City, Town or Village, to be passed for that purpose: Provided also, that all bridges in the line of road between the termini of any such road, which shall not be within the limits of any City, incorporated Town or Village, shall be deemed part of such road to all intents and purposes whatever, unless specially excepted in the instrument of associatton of such Company; but all bridges, within such limits as aforesaid shall not be held to belong to any such Company, but shall be the property of the said City, incorporated Town or Village, within whose liberties such bridge or bridges may be situated, and such City, incorporated Town or Village, shall be bound to keep and maintain the same in proper repair, and to rebuild the same in the event of their being destroyed at the expense of their incorporation.

Proviso as to Towns.

Proviso as to bridges on any road.

II. And be it enacted, That no Company to be formed under the provisions of this Act shall commence any work until ten days after the Directors shall have served a written notice upon each Municipal Councillor, or at the dwelling house of such Councillor, for any Township through which such road or other work shall be intended to pass, or to be constructed; and that if the Municipal Council of such locality, as aforesaid, shall pass any By-law prohibiting, varying or altering, any such intended line of road, or plan of any such other works, such By-law shall have the same force and effect, and be as binding, effectual and obligatory, upon all persons whomsoever, and upon any such Company, as if the provisions thereof had been inserted in the body of this Act: Provided always, that if no such By-law shall be passed within

Notice to be served prior to any company commencing any work.

Proviso limiting By-law of municipal council to first sitting after service of notice.

days after such service shall have been made upon such Councillor, or at the dwelling-house as aforesaid, then the said intended road or other work may be proceeded with without being liable to any interruption or opposition from any source whatever: Provided also, That when any new road shall have been or be opened, or the line of any old road changed, it shall be lawful for the Municipality having such jurisdiction, as aforesaid, to pass a By-law permitting or directing the old road, or part of a road, to be closed up and embraced within the enclosure of the person or persons from whom ground shall have been taken to form such new road, provided it shall not exclude any person residing on or near the line of the old road from a convenient access to the new road.

Proviso as to closing up of old roads.

III. And be it enacted, That before any such Company shall be

Companies

to be incorpo-  
rated on cer-  
tain con-  
ditions

entitled to commence the construction of any such road, or other work, as aforesaid, and in order to afford a sufficient guarantee to the public that such Company is not a fictitious one, and that such road or other work is intended to be proceeded with, such Company shall, after they shall have subscribed a sufficient quantity of 5 stock to amount to a sum adequate in their judgment to the construction of any such road, or other work, execute an instrument according to the form in the Schedule to this Act contained; and the said Company, or any one of their number, or the Directors 10 named in the said instrument, shall pay to the Treasurer of such Company six per cent upon the amount of the capital stock of the Company mentioned in the said instrument, and shall register such instrument, together with a receipt from the Treasurer of such Company for such payment or instalment of six per cent, which 15 registration shall be made by leaving the original instrument and receipt with the Registrar of any one County in which such road or other works shall be wholly or partly situated, or intended to be made, who shall register the said instrument and receipt in a Register Book to be provided by each Registrar for that purpose, and afterwards retain the said original documents in his custody, and 20 shall be bound to produce the same upon all occasions when legally required to do so by the Directors or Treasurer of the said Company: Provided always, That in all cases where each individual Stockholder does not pay six per cent on the share or shares held by him, but other parties shall pay the same on his behalf, as 25 before provided, the party so paying on his behalf shall be entitled to recover the amount as a debt, in any competent Court, and the Stockholder so sued shall not be entitled to object to the action or suit on the ground of not having authorized the Plaintiff in the action to pay the money on his behalf. 30

Six per cent  
of capital to  
be paid up.

Registration  
of instrument  
and receipt  
how made.

Proviso as to  
recovery of  
six per cent  
from any  
Stockholder.

Their corpo-  
rate powers.

Common seal.

Holding lands.

IV. And be it enacted, That when the requirements contained in the preceding Section of this Act shall have been complied with, such Company shall henceforth become and be a chartered and incorporated Company, by such name as shall be designated in the instrument so to be registered as aforesaid; and by such name 35 they and their successors shall and may have perpetual succession, and shall be capable both at law and in equity of suing and being sued, of impleading and being impleaded, answering and being answered unto, defending and being defended, in all Courts of Law and Equity and places whatsoever, in all manner of actions, 40 suits, complaints, matters and causes whatsoever, and they and their successors may have a common seal, and the same may make, alter and change, at their will and pleasure; and that they and their successors, by their corporate name, shall be capable of purchasing, taking, having, holding and conveying, selling and depart- 45 ing with, any lands, tenements and hereditaments whatsoever,

which may be or have been thought to be useful and necessary for the purposes of such Corporation.

V. And be it enacted, That any such Company, or any other Company, heretofore chartered by Act of the Legislature for a like purpose, shall have full power and authority to explore the ground or the country lying between the termini of any road, or supposed to be adapted for the site of any other such work as aforesaid, intended to be constructed by any such Company, and to designate and establish, take, appropriate, have and hold, to and for the use of them and their successors, the requisite lands upon the line and within the limits of any such road, or for any such other work as aforesaid, according to the provisions hereinafter contained for acquiring the same, and to dig, take and carry away stone, gravel, sand, earth and other like materials, from any adjoining or neighboring lands, and also to cut, make and keep in repair, upon such adjoining or neighboring lands, such ditches, drains and water courses, as may be necessary for effectually draining or carrying off the water from any such road or other work; and whenever any such road passes through or by any wood or standing timber, to cut down the trees and underwood for one hundred feet on each side of the said road, making compensation therefor as hereinafter provided; and for the purpose aforesaid, the said Company and their agents, servants and workmen, are hereby authorized and empowered to enter into and upon the lands and grounds of any person or persons, body or bodies corporate or politic.

Powers of company to explore the country, and to take lands and materials.

Drainage.

Cuttings.

Entering upon lands.

VI. And be it enacted, That the affairs, stock, property and concerns of every such Company which shall or may be formed under the provisions of this Act, or which shall have been formed under any of the provisions of the Acts mentioned in the preamble hereof, shall for the first year be managed and conducted by five Directors, to be named in the instrument so to be registered as aforesaid, and thereafter to be annually elected by the Stockholders, on the second Monday of December in each and every year, according to the provisions of a By-law to be passed by the Directors for that purpose; which By-law shall regulate the manner of voting, the place and hour of meeting for the election, the qualification of voters and of candidates for the Direction, and any other matters, except the day of election, which the Directors may see to be necessary to carry out the provisions of this Section of this Act; which By-law shall be published in the newspaper, or one of the newspapers, nearest the place where the Directors of the said Company shall usually meet for conducting the business of the Company, for three successive weeks; and the said Directors shall have full power to alter, change or amend said By-law, whenever they shall see proper, they being always bound to publish

Affairs of the company to be managed by five directors

Provisions of By-laws.

Notice of By-law to be published.

Power to amend.

Proviso as to failure to elect Directors at any time.

said amended By-law in the manner above provided, and any majority of such Directors to be a quorum for the transaction of business. Provided, however, that if the annual Election of Directors for any Road Company, shall for any cause not take place regularly at the time appointed, such Company shall not thereby be dissolved, but the Directors thereof for the time being, shall in that case continue to serve until another Election of Directors shall be held, and such other Election shall in such case be held at such time within one month thereafter, as shall have been or shall be provided for by any By-law passed or to be passed by the Directors of such Company for that purpose.

Case of any company wishing to extend their works provided for.

Issuing debentures.

Borrowing money:

New Stock.

Registry of new subscribers.

Rights and liabilities of new subscribers.

VII. And be it enacted, That if at any time after the formation of any such Joint Stock Company, the Directors shall be of opinion that it would be desirable to widen, extend or alter the projected line of road, to construct any side-roads to intersect the original main road, or that the original capital subscribed will not be sufficient to complete the work contemplated by such Company to be executed, or to be extended or altered, it shall and may be lawful for the said Directors, under a Resolution to be passed by them for that purpose, either to issue debentures, signed by the President and 20 countersigned by the Treasurer of said Company, not exceeding in amount in whole one-fourth of their Capital Stock, or to borrow upon security of the said Company, by bond or mortgage of the road and tolls to be collected thereon, a sufficient sum of money to complete the same, or to authorize the subscription of such 25 number of additional shares as shall be named in their Resolution, a copy whereof, under the hand of the President and seal of the Company, shall be engrossed at the head of the Subscription List to be opened for subscribers, to the additional number of shares thereby authorized to be subscribed; and that when such a number of new shares shall have been subscribed as the Directors shall 30 deem it desirable to have registered, and six per cent upon the amount of shares subscribed shall have been paid, either by the subscribers themselves, or by any other parties on their behalf, and which shall in such cases be held to be a debt, and recoverable in 35 the manner provided for in the third section hereof, the President shall deliver such new list of subscribers, together with the Treasurer's certificate of payment of six per cent., to the Registrar having the custody of the original instrument, who shall attach such new list of subscribers and certificate thereto, which shall thenceforth 40 be held and taken to be part and parcel of the said instrument; and all the subscribers thereto, and those who may thereafter enter their names as subscribers thereon, with the consent of such Directors, to be signified by producing a receipt from the Treasurer of such Company that six per cent. has been paid by the 45 person desiring to subscribe to the said new stock list, on his or

her shares, or by some other person on his or her behalf, shall be subject to all the liabilities and entitled to all the rights, benefits, privileges and advantages, to which the original subscribers shall thenceforth be entitled, and as well to the first line of road as to  
 5 any widening, extension or alteration thereof as aforesaid, and which the said Companies are hereby authorised to widen, make and construct, and which shall thenceforth be considered as part and parcel of the original line; and such additional shares and stock shall and may be called in, demanded and recovered, in the  
 10 same manner and under the same penalties as is or are or may be provided or authorized in respect of the original shares or stock of any such Company.

VIII. And be it enacted, That each share in every such Company shall be five pounds, and shall be regarded as personal property, and shall be transferable upon the books of such Company, in such manner as shall be provided by any By-law to be made by the Directors in that behalf.

Shares to be five pounds each, and how transferrable.

IX. And be it enacted, That any such Company so to be incorporated as aforesaid, or that may have been incorporated previous  
 20 to the passing of this Act, may, in any Court having jurisdiction in matters of simple contract, to the amount demanded, sue for, recover or receive of or from any Stockholder in such Company, the amount of any call or calls of stock which such stockholder may neglect to pay, after public notice thereof for two weeks in  
 25 the newspaper, or one of the newspapers, published nearest the place where the directors of the said Company usually meet for conducting the business of the said Company, or after a personal demand for payment shall have been made from such defaulting Stockholder by the Treasurer of such Company; and the oath of  
 30 said Treasurer shall be deemed sufficient proof of said notice or of such demand, a copy whereof shall be filed in the office of the Clerk of the Court where such trial shall take place.

Companies may sue for amount of costs unpaid.  
Notice.

X. And be it enacted, That if the owner or owners, occupier or occupiers of any land, over, through or upon which any such  
 35 Company as aforesaid may be desirous of constructing any such road or other work, or from which materials are to be taken, or upon which any power given by this Act to the Company is intended to be exercised, shall upon demand made by the Directors of any such Company neglect or refuse to agree upon the price or  
 40 amount of damages to be paid for or for passing through or over such land, and appropriating the same to and for the uses of any such Company or for the exercise of any such power as aforesaid, it shall and may be lawful for the said Company to name one Arbitrator, and for the owner or occupier of such land so required,

Arbitrators to be appointed in case of owners of property through which the road may pass, &c., disagreeing with the company.

or with regard to which such power is intended to be exercised as aforesaid, to name another Arbitrator, and for the said two Arbitrators, to name a third, to arbitrate upon, adjudge and determine, the amount which the said Company shall pay, before taking possession of such land or exercising such power as aforesaid, and upon such sum being ascertained, due attention being had by the Arbitrators, in ascertaining the same, to the benefits to accrue to the party demanding compensation, by the construction of the said road or other work, it shall be lawful for the said Company to tender such sum to the said party claiming compensation, who shall thereupon be bound to execute a conveyance, or such other document as may be requisite, and the said Company shall, after such tender, whether such conveyance or other document be executed or not, be fully authorized to enter upon and take possession of such land, to and for the uses of the said Company, and to hold the same, or to exercise such power as aforesaid in such and the like manner as if such conveyance thereof or other document had been executed as aforesaid: Provided always, that if any such owner or occupier shall neglect to name an Arbitrator for the space of twenty days, after having been notified so to do by the Company, or if the said two Arbitrators do not within the space of twenty days after the appointment of such second Arbitrator agree upon such third Arbitrator, or if any one of said Arbitrators shall refuse or neglect, within the space of ten days after their appointment, to take upon him the duties thereby imposed, then, upon the application of the said Company, or of the other party, it shall be lawful for the Judge of the County Court of the County within which the land lies to nominate any disinterested competent person or persons, from any Township adjoining the Township in which such land shall be situate, to act in the place of such Arbitrator or Arbitrators so refusing or neglecting as aforesaid, and that every Arbitrator so appointed by the Judge of the County Court, as aforesaid, shall and he is hereby required to hear and determine the matter to be submitted to him, with all convenient speed, after he shall have been so nominated as aforesaid; and any award made by a majority of the said Arbitrators shall be as binding as if the three Arbitrators had concurred in and made the same: Provided, that no road or other such work as aforesaid shall be made through or upon any pleasure ground, garden, yard or orchard, or materials taken therefrom, nor shall any timber be taken from any enclosed lands, without the consent of the owner; Provided also and nevertheless, that it shall not be competent for any owner or occupier of land through or along which such road is intended to pass, after a survey of such road is made, to enclose any part of such surveyed land as a yard, or plant fruit trees thereon, so as to form an orchard, with a view to prevent such Company taking possession of such land.

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Mode of computing damages, &c.

Tender of payment.

Proviso if the party shall neglect to name an arbitrator, or the arbitrators cannot agree on a third.

Award may be made by any two. Proviso as to gardens, yards, &c.

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XI. And be it enacted, That whenever any lands or grounds, required by any such Company for the purpose of any road or other such work, or with regard to which any such power is to be exercised as aforesaid, are held or owned by any person or persons, bodies politic, corporate or collegiate, whose residence may not be within this Province or unknown to the said Company, or where the titles to any such lands or grounds may be in dispute, or where such lands may be mortgaged, or when the owner or owners of such lands or grounds are unable to treat with the said Company for the sale thereof, or the exercise of any such power as aforesaid by the Company, or to appoint Arbitrators as aforesaid, it shall and may be lawful for the said Company to nominate one indifferent person, and for the Judge of the County Court where such lands are situate, on the application of the said Company, to nominate and appoint one other disinterested competent person, from any Township adjoining the Township in which such lands are situate, who, together with one other person to be chosen by the persons so named before proceeding to business, or, in the event of their disagreeing as to the choice of such other person, to be appointed by any such Judge as aforesaid, before the others proceed to business, shall be Arbitrators to award, determine, adjudge and order, the respective sums of money which the said Company shall pay to the respective parties entitled to receive the same, for the said lands or grounds, or damages, as aforesaid, and the decision of a majority of such Arbitrators shall be binding; which said amount so awarded the said Company shall pay or cause to be paid to the several parties entitled to the same, when demanded; and also that a record of such award or arbitration shall be made up and signed by the said Arbitrators, or a majority of them, specifying the amount awarded and the costs of such arbitration, which may be settled by the said Arbitrators, or a majority of them; which record shall be deposited in the Registry Office of the County in or along which such lands or grounds are situated, and that the expenses of any Arbitration under this Act shall be paid by the said Company, and by them deducted from the amount of such award on payment thereof to the parties entitled to receive the same, if the Company shall, before the appointment of their Arbitrator, have tendered an equal or greater sum than that awarded by the Arbitrators, and otherwise by the opposite party; and the Arbitrators shall specify in their award by which of the parties the said costs are to be paid: And provided also, that all lands or grounds which shall hereafter be taken by any such Company, for the purpose of any road or other such work, and which shall have been purchased and paid for by any such Company, in the manner hereinbefore provided, shall become and thenceforward shall continue to be the property of such Company, free from all mortgages, incumbrances and other charges.

How Arbitrators shall be appointed when the owners of the lands are absent or unable to sell, or the lands are mortgaged, &c.

Award to be paid forthwith.

Award to be registered.

By whom the costs shall be paid.

Lands taken to be free of incumbrances.

Case of lands  
belonging to  
Indians pro-  
vided for.

XII. And be it enacted, That if any such road shall pass through any tract of land or property belonging to or in possession of any tribe of Indians in this Province, or if any property belonging to them be taken, or any act occasioning damage to their properties or their possessions shall be done, under authority of this Act, compensation shall be made to them therefor, in the same manner as is provided with respect to the property, possession or rights of other individuals, and that whenever it shall be necessary that Arbitrators be chosen by the parties for settling the amount of such compensation, the chief officer of the Indian Department within this Province is hereby authorized and required to name an Arbitrator on behalf of the said Indians; and the amount which shall be awarded in any case shall be paid, where the said lands belong to any tribe or body of Indians, to the said chief officer, for the use of such tribe or body.

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Meetings and  
proceedings of  
the Arbitra-  
tors.

XIII. And be it enacted, That the Arbitrators so appointed shall fix a convenient day for hearing the respective parties, and shall give eight days notice at least of the day and place, and having heard the parties or otherwise examined into the merits of the matter so brought before them, the said Arbitrators or a majority of them shall within thirty days of their appointment, make their award or arbitrament thereupon in writing, which award or arbitrament shall be final as to the amount so in dispute as aforesaid.

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Election of  
President and  
appointment  
of Officers.

XIV. And be it enacted, That it shall and may be lawful for the Directors of any such Company to elect one of their number to be the President, and to nominate and appoint such and so many officers and servants as they shall deem necessary for performing the duties required of them by the said Company; and in their discretion, to take security from them or any of them for the due performance of his or their duty, and that he or they shall duly account for all monies coming into his hands to the use of any such Company.

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Vacancies oc-  
curring among  
Directors how  
to be filled  
up.

XV. And be it enacted, That if any vacancy or vacancies shall at any time happen amongst the Directors of any of the said Companies during the current year on their appointment, by death, resignation or permanent residence without the County or Counties in which the road is situated, in respect of which such vacancy or vacancies shall occur, or by any other cause, such vacancy or vacancies shall be filled up for the remainder of the year in which they may so happen, by a person or persons to be nominated by a majority of the remaining Directors, unless otherwise provided by some By-law or regulation of the Company in which such vacancy may occur.

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XVI. And be it enacted, That it shall and may be lawful for any two Companies formed for the construction or purchase of roads, which may intersect or be contiguous to each other, to unite and form one consolidated Company on such terms as to them  
 5 may seem meet; and the name of such united Companies to be then assumed, shall thenceforth be the corporate name thereof, and such united Companies shall be then entitled to and have, exercise and enjoy all the rights, and be subject to all the liabilities of other Companies formed under the provisions of this Act, and  
 10 which the separate Companies had and enjoyed before the passing thereof.

When two companies may unite and be formed into one.

XVII. And be it enacted, That it shall and may be lawful for the President and Directors of any such Company from time to time to fix, regulate and receive the tolls and charges to be received  
 15 from all persons passing and repassing with horses, carts, carriages, and other vehicles, and for cattle, swine, sheep or other animals, driven upon, over and along any road, or from all persons passing over any bridge with or without any such carriages or  
 20 animals as aforesaid, or using any work constructed, made and used by such Company under and by virtue of the provisions of this Act; Provided always, that so soon as two or more miles of any such road or extension thereof shall have been completed, tolls may be taken therefor, but on no other work shall tolls be taken until the same be completed.

Tolls how to be fixed, paid and levied.

Provide.

XVIII. And be it enacted, That every such Company shall have full power and authority to erect such number of toll gates, check gates, and side bars in, along or across the said roads, and upon any work constructed under this Act respectively, and fix such  
 25 tolls not exceeding the rates hereinafter provided to be collected at each gate, check gate, or side bar as they may deem fit and expedient (which tolls, toll gates, check gates and side bars may be altered from time to time as circumstances may require), and to erect and maintain such toll houses, toll gates, check gates, side bars and other buildings and erections which may seem necessary  
 30 and convenient for the due management of the business of every such Company respectively; Provided always, that no tolls shall be taken for merely crossing any road.

Companies authorized to erect toll and check gates, &c., and to fix the rates of tolls to be collected.

Provide.

XIX. And be it enacted, That tolls may be taken on an any such Company at each time of passing such gate upon any road constructed by such Company, for any portion of such road on either  
 40 side or on both sides of such gate, not being more than half way to the next gate or gates on the same road if any, and not exceeding five miles in the whole, or for the whole of such road if the length thereof do not exceed five miles, and there be only one

Rates of tolls to be collected.

gate thereon, at the following rates, that is to say : for every vehicle, whether loaded or otherwise, and for the horse or other beast, or one of the horses or other beasts drawing the same, one penny per mile; and for every additional horse or other beast drawing any such vehicle, one halfpenny per mile; for every horse and rider, one halfpenny per mile; for every one horse, one halfpenny per mile; for each head of neat cattle, one halfpenny per mile for every score or number less than a score, of sheep or swine, two pence halfpenny per mile: Provided always, that any Company shall have full power and liberty to charge over and above these rates the sum of one halfpenny for every 100 lbs. over and above 3000 lbs. each loaded vehicle may weigh: Provided also, that in order to exact the above rates of toll it shall not be necessary to pass through the gate, but every vehicle, horses or other beasts liable to pay toll for passing through the gate as above provided, shall be equally liable if they shall travel along or upon any such road within one hundred yards of any gate, check gate, or side bar at which tolls may be demanded.

Proviso: additional rates on loads weighing over 3000 lbs. Proviso: tolls may be levied on vehicles, &c., approaching within 100 yards of the gate.

Gate-keeper not bound to give change.

XX. And be it enacted, That no Gate-keeper shall be bound to give change, but the exact amount of the toll shall be paid or tendered to him by the party desiring to pass any gate, in current coin of this Province.

Tickets to be given at check gates to pass principal gates, and vice versa.

XXI. And be it enacted, That where any such Company shall deem it necessary or convenient to erect a check gate on any part of such road, it shall not be competent for them to demand toll at both the check gate, and the gate to which it acts as a check; but tickets shall be issued at the check gate, on payment of the toll demanded, clearing the principal gate and *vice versa*; neither shall the distance regulating the rates of toll be calculated between any of the check gates and the principal gates on such roads, but only between the principal gates themselves.

Shares of Stockholders forfeited if call of company be not paid after ninety days notice.

XXII. And be it enacted, That it shall and may be lawful for the Directors of any such Company, to call in and demand from the Stockholders of the said Company respectively, all such sum or sums of money by them subscribed at such time and in such payment or instalments as the said Directors shall deem proper, under the penalty of forfeiting the shares of stock subscribed for, and all payments made thereon, provided payment of the said shares or arrears due thereon shall not be made to the Treasurer of the said Company, by the said Stockholders within ninety days after a notice requiring such payment under pain of forfeiture, shall have been published for six successive weeks, in the newspaper or one of the newspapers nearest the place where the Directors of the said Company usually meet, for conducting the business of the said Company.

XXIII. And be it enacted, That every such road or other work as aforesaid, and all the materials which shall from time to time to be got and provided for constructing, building, maintaining or repairing the same, and all toll houses, gates and other buildings, 5 constructed and acquired by or at the expense of any Company acting under the provisions of this Act, and used for their benefit and convenience, shall be vested in such Company, and their successors.

*Roads or other works and materials for the same vested in companies and their successors.*

XXIV. And be it enacted, That every such Company so to be 10 incorporated as aforesaid, shall be bound and is hereby required to complete each and every road or extension thereof, not more than five miles in length, and any other work undertaken by them, and for the completion whereof they shall have become incorporated 15 as aforesaid within two years from the day of their becoming incorporated under this Act, in default whereof they shall forfeit all the corporate and other powers and authority which they shall have in the meantime acquired, and all their corporate powers shall thenceforth cease, and determine, unless further time be granted 20 by a By-law of the County or United Counties in which said road or the greatest portion thereof shall be situate; and if such road or extension thereof shall exceed five miles in length, then such Company shall be bound to complete in each and every year after the expiry of the first two years as aforesaid, not less than five 25 miles of said road until the same be entirely finished, under pain of forfeiture of their charter and corporate powers and authority thereby acquired, so far as concerns the portion of such road which shall remain unfinished, and not otherwise, unless further time be granted as aforesaid.

*Roads, &c., to be completed within a certain period after incorporation of companies.*

*Penalty for default.*

XXV. And be it enacted, That if any person shall wilfully and 30 maliciously burn, break down, injure, cut, remove or destroy in whole, or in part, any toll house, turnpike gate, wall, lock, chain, or other fastening, rail, post, bar or other fence, belonging to any toll gate or toll house, set up, erected or used for the purpose of preventing the passing by such gate of persons, carriages or 35 other property liable to the payment of toll, at such gate, or any house, building, engine or weighing machine erected or used for the better ascertainment or security of any such toll, every such offender shall be guilty of a misdemeanor, and on conviction thereof, shall be punished by either imprisonment in the provincial penitentiary, for a term not exceeding three years, or by fine and imprisonment in the common gaol for any term not exceeding two years, 40 at the discretion of the Court, before whom the offender shall be convicted; and if any person or persons shall remove any earth, stone, plank, timber or other materials used or intended to be used in or upon the said road for the construction, maintenance:

*Penalty on persons injuring Roads or other works of any company.*

and repair thereof, or shall drive any loaded wheel carriage or other loaded vehicle, upon that part of any of the roads constructed under the authority of this Act, or by any other incorporated Company under the authority of any other Act of the Legislature of this Province, between the stones, plank or hard road and the ditch further than may be necessary in passing any other vehicle, or in turning off or upon such road or shall cause any injury or damage to be done to the posts, rails or fences, or shall haul or draw, or caused to be hauled and drawn upon any part of the roads constructed as aforesaid any timber, stone or other thing which shall be carried principally or in part, upon wheeled carriages or upon sleighs, so as to drag or trail upon such road to the prejudice thereof; or if any person shall leave any waggon, cart or other carriage whatsoever upon such road without some proper person in the custody or care thereof, longer than may be necessary to load and unload the same, except in case of accident, and in cases of accident for any longer time than may be necessary to remove the same, or shall lay any timber, stones, rubbish or other thing whatever, upon the said road to the prejudice, interruption and danger of any person travelling thereon, or if any person shall after having blocked or stopped any cart, waggon or other carriage in going up a hill or rising ground, cause or suffer to remain on such road any stone or other thing with which such cart or carriage shall have been blocked or stopped; or if any person shall pull down, damage, injure or destroy any lamp or lamp posts put up, erected or placed in or near the side of such road or toll houses erected thereon, or shall wilfully extinguish the light of any such lamp; or if any person shall wilfully pull down, break, injure or damage any table of tolls put or fixed at any gate, check gate or bar, or any part of said road, or any sign board erected by any company upon any road or bridge constructed by them, or shall wilfully or designedly deface or obliterate any of the letters, figures or marks thereon, or on any finger post or mile post or stone; or if any person shall throw any earth, rubbish or any other matter and thing into any drain, ditch, culvert or other water course made for draining such road; or if any person shall without permission carry away any stones, gravel, sand or other materials, dirt or soil from any part of any such road, or dig any holes or ditches on the allowance for the same; or if any person or persons shall allow any swine to run at large to the injury of the said road; every such person shall, upon conviction thereof in a summary way before any Justice of the Peace in or near the place where the injury shall have been done, be sentenced to pay all damages sustained by such Company, to be ascertained by the said Justice on hearing of the said complaint; and also to pay a fine of not more than fifty shillings nor less than five shillings, together with all costs; such damages, fines and costs to be paid within a time to be

**How enforced.**

limited by the said Justice, and in default thereof the same shall be levied as next hereinafter provided.

XXVI. And be it enacted, That if any person not exempted by law from paying toll, shall pass or attempt to pass any toll gate, check gate or side bar lawfully established, without first paying the legal toll, and with intent to avoid paying the same, he shall forfeit a sum not exceeding £5, to be recovered in the same manner as other fines and forfeitures may be levied under the provisions of this Act, and in case no sufficient distress can be found to satisfy any warrant that may be issued against the goods and chattels of the offender, such offender shall then be committed to the Common Gaol of the County or United Counties, for any period not exceeding one month: *Penalty for passing or attempting to pass Gates, &c., without payment of toll.* Provided always, That a warrant of commitment may issue, and the party convicted may be imprisoned thereon in the first instance upon any conviction under this section of this Act, without issuing any warrant of distress against goods and chattels, where the offender after conviction shall neglect or refuse to pay the amount of the fine and costs, and it shall be made to appear to the satisfaction of the acting Justice or Justices, by affidavit, that the offender has no goods or chattels within the jurisdiction of such Justice or Justices. *Proviso.*

XXVII. And be it enacted, That it shall be lawful for the keeper of any toll-gate, where toll may legally be taken, to seize, detain, and prevent from passing through his gate, any animals or carriages liable to toll, until the legal toll thereon shall be paid, and to keep the same until such payment, at the risk and costs of their owner. *Carrriages, &c., on which tolls are not paid may be detained.*

XXVIII. And be it enacted, That the Directors of any Road Company shall and may, from time to time, commute with any person whose place of abode shall adjoin or be within half a mile of their road, for the toll payable at the nearest gate on each side of such place of abode; but no such commutation shall be for a longer time than one year, and it may be renewed at the end of each period for which it shall be made; *Directors may commute for tolls.* Provided always, that in case of disagreement as to the terms of commutation, each party shall name an Arbitrator to settle the same, who in case of disagreement, may name a third, whose or any two of whose decision shall be final. *Proviso.*

XXIX. And be it enacted, That the fines and forfeitures authorized to be summarily imposed by this Act, shall and may be levied and collected by distress, and sale of the offender's goods and chattels, under the authority of any warrant or warrants of distress for that purpose, to be issued by the Justice before whom the conviction shall have been had; and in case there shall be no *Fines, how levied.*

Proviso.

goods or chattels to satisfy such warrant or warrants, such offender or offenders shall and may be committed to the common gaol of the County for any period not exceeding one month; Provided that neither this section nor anything therein shall be held or construed to interfere with the provisions made in the 26th Section of this Act, (upon conviction for any offence therein mentioned,) for issuing a warrant of commitment in the first instance. 5

To whom fines shall be paid.

XXX. And be it enacted, That all fines and forfeitures collected under the authority of this Act shall be paid to the Treasurer of the Company or Companies, owning the respective roads or other work in respect of which such fines and forfeitures shall be imposed for the use of such Companies respectively. 10

Penalty on persons for turning out of road to avoid payment of toll.

XXXI. And be it enacted, That if any person or persons shall, after proceeding on such road with any waggon, carriage or other vehicle or animal liable to pay toll, turn out of said road into any other road or field or piece of land, for the purpose of avoiding the payment of toll, and shall enter upon said road beyond any of the said gates or check gates by crossing the road or otherwise without paying toll, whereby such payment of toll shall be evaded, such person or persons or the owner or owners of such vehicle, animal or animals, shall for every such offence forfeit and pay the sum of ten shillings and costs; and any one Justice of the Peace for the County in which such part of the road is situated, shall, on conviction of such offender fine such offender in the said penalty and costs, and shall cause the same to be levied as aforesaid. 20 25

Privilege to farmers passing Gates opposite their farms.

XXXII. And be it enacted, That any farmer residing on the line of any road, shall be permitted to pass any toll-gate opposite his farm, when employed in the transportation of persons or property of other persons, at half the usual rate of toll, except when going to or returning from his work on his farm, when he shall go free; Provided always, that any person falsely representing him or herself to any toll-gatherer or gate-keeper, as being entitled to any exemption mentioned in this Act or any other Act, shall forfeit to the Company or Municipality owning such road, to be recovered in the corporate name thereof in any Division Court, the sum of two pounds. 35

Penalty on persons assisting others to evade toll.

XXXIII. And be it enacted, That if any person or persons shall knowingly permit or suffer any person or persons to pass through any lands occupied by them, or through any gate, passage or way thereon, with any carriage, sleigh, horse, mare, gelding or any other animal liable to the payment of toll, whereby such payment shall be avoided, every person or persons so offend- 40

ing, and also the person riding or driving, or the owner of the animal or animals or carriage whereon such payment is avoided, being thereof convicted before any one Justice as aforesaid, shall for every such offence severally incur a penalty not exceeding 5 twenty shillings and not less than five shillings, to be levied as aforesaid with costs.

XXXIV. And be it enacted, That any Company now or here-  
 after to be formed under the provisions of the Acts recited in the  
 preamble hereof, and of this Act for the construction of any turn-  
 10 pike road, may in their discretion form the same in part or the whole  
 either of metal, timber, charcoal or any other suitable material, for  
 constructing a firm, substantial and smooth surface, whether the  
 material be mentioned in the registered instrument of incorpora-  
 tion or not.

The materials  
 of which  
 Roads are to  
 be made.

XXXV. And be it enacted, That it shall be lawful for any  
 Municipal body corporate, having jurisdiction within the locality  
 through or along the boundary of which any such road shall pass,  
 or in which any such work as aforesaid is to be constructed to  
 subscribe for, acquire, accept and hold, and to depart with and  
 20 transfer stock in any Company to be formed under authority of  
 this Act, or by any Company heretofore chartered by any Act of  
 the Legislature for the like purpose, and from time to time to  
 direct the Mayor, Reeve, Warden or other chief officer thereof, on  
 behalf of such Municipality, to subscribe for such stock in the name  
 25 of such Municipality, and to act for and on behalf of such Municipality  
 in all matters relative to such stock, and the exercise of the  
 rights of such Municipality as a Stockholder, and the Mayor, Reeve,  
 Warden or other, chief officer shall whether otherwise qualified or  
 not be deemed a Stockholder in the Company, and may vote and  
 30 act as such, subject always to such rules and orders in relation to his  
 authority, as shall be made in that behalf by such Municipality by  
 their By-laws or otherwise, but voting according to his discretion  
 in cases not provided for by such Municipality; and it shall be law-  
 ful for such Municipality to pay for or to pay all instalments upon  
 35 the stock they shall subscribe for, and require, out of any monies  
 belonging to such Municipality, and not specially appropriated to  
 any other purpose, and to apply the monies arising from the divi-  
 dends or profits on the said stock or from the sale thereof, to any  
 purpose to which unappropriated monies belonging to such Muni-  
 40 cipality may lawfully be applied.

Municipa-  
 lities may  
 acquire stock.

Who shall  
 vote.

XXXVI. And be it enacted, That it shall always be lawful for  
 the Municipality of any locality, through or along the boundary of  
 which any such road shall pass, or within which any such work  
 as aforesaid shall be constructed, to loan money to the Com-

Municipa-  
 lities may loan  
 money to  
 companies.

pany authorized to make such road or construct such work, or to any Company heretofore chartered by Act of the Legislature for a like purpose, and out of any monies belonging to the Municipality and not appropriated to any other purpose, and to effect such loan upon such terms and conditions as may be agreed on 5 between such Company and the Municipality making such loan, and to recover the money so loaned and to appropriate the money so recovered to the purposes of such Municipality, and it shall and may be lawful for such Municipality to issue debentures for the payment of any loan they may think proper to negotiate with any 10 such Company; the payment of which debentures shall be regulated by a By-law to be published by the said Municipality in the usual way.

Companies  
may sell to  
Municipalities

XXXVII. And be it enacted, That it shall be lawful for any Company to be constructed under the authority of this Act, or 15 already constructed under the authority of any Act of the Legislature of this Province, whenever they shall see fit, to sell to any Municipal authority representing the interests of the locality through or along the boundary of which any such road shall pass, or in which the work shall be situate, and for such Municipal authority to pur- 20 chase the stock of such Company or any part of the road belonging to said Company, at the value that may be agreed on between the said Company and the said Municipality, and to hold the same for the use and benefit of the said locality; and such Municipal authority shall, after such purchase, stand in the place and stead 25 of the said Company, and shall possess all such powers and authority as the said Company shall have heretofore possessed and exercised. Provided always, that it shall be lawful for any Muni- 30 cipality making, or desirous of making, any such purchase of any Board or other Work, to borrow money or raise the means of paying therefor by By-Law to be passed under the provisions of the Act passed in the present Session, and intituled, "*An Act to establish a Consolidated Municipal Loan Fund for Upper Canada.*"

Proviso,  
16 Vic. cap. 22.

What it shall  
be necessary  
to aver in  
actions  
brought by  
companies to  
recover  
arrears.

XXXVIII. And be it enacted, That in any action or suit to be brought by any such Company, against any Stockholder, to recover any money due for any call, it shall not be necessary to set forth 35 the special matter, but it shall be sufficient for the Company to aver that the defendant is the holder of one share or more (stating the number of shares) in the stock of the Company, and that he is indebted to the Company in the sum of money to which the calls in arrears shall amount, in respect of one call or more upon one 40 share or more (stating the number and amount of each of such calls) whereby an action hath accrued to the Company, by virtue of this Act.

**XXXIX.** And be it enacted, That on the trial or hearing of any such action, it shall be sufficient for the Company to prove that the defendant, at the time making such call, was a holder of one share or more in the undertaking (and when there has been no transfer of the shares, then the proof of subscription to the original agreement to take stock shall be sufficient evidence of holding stock to the amount subscribed), and that such call was in fact made, and such notice thereof given as is required; and it shall not be necessary for the Company to prove the appointment of the Directors who made such call, or any other matter whatever; and thereupon the Company shall be entitled to recover what shall be due upon such call, with interest thereon, unless it shall appear due notice of such call was not given.

What shall be necessary to prove in such actions.

**XL.** And be it enacted, That in any action or suit brought by or against any such company, upon any contract or for any matter or thing whatsoever, any Stockholder, or any officer or servant of the Company, shall be competent as a witness, and his testimony shall not be deemed inadmissible on the ground of interest, or of his being such servant or officer.

Stockholders may be witnesses.

**XLL.** And be it enacted, That if any action or suit shall be brought against any person or persons for any matter or thing done in pursuance of this Act, such action or suit shall be brought within six calendar months next after the fact committed, and not afterwards, and the defendant or defendants in such action or suit may plead the general issue only, and give this Act and the special matter in evidence on the trial.

Suits to be brought within six calendar months.

**XLII.** And be it enacted, That all Her Majesty's officers and soldiers, being in proper staff, or regimental, or military uniform, dress or undress, and their horses, (but not when passing in any hired or private vehicle,) and all recruits marching by route, and all orishners under military escort, and all enrolled pensioners in uniform, when called out for training or in aid of the civil power, and all carriages and horses belonging to Her Majesty or employed in Her service, when conveying persons or baggage, or returning therefrom shall be exempted from payment of any duties and tolls, on embarking or disembarking from or upon any pier, wharf, quay or landing place, or passing turnpike roads or bridges otherwise demandable by virtue of this Act.

Exemptions from toll.

**XLIII.** And be it enacted, That after any road or portion of a road, bridge, or other such work as aforesaid, constructed by any Company under the authority of this Act, or of any previous Act of the Parliament of this Province, shall have been completed, and tolls established thereon, it shall be the duty of the said Company

Proceeding to be taken when Roads become dangerous from want of repair.

to keep the same in good and sufficient repair; and whenever any such Company shall suffer any portion of their road, on which tolls shall have been taken as aforesaid, to go to decay or get out of repair, it shall and may be lawful for the Warden of any of the Counties in which such road is situated, upon the requisition of 5 twelve freeholders residing within any of the said Counties, stating such road, belonging to any such Company, is so much out of repair as to impede or endanger Her Majesty's subjects and others travelling thereon, to direct the engineer for the County, and, if there be no such County officer, then any competent engineer, to 10 examine the said road; and it shall be the duty of such engineer, so appointed, 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 impede or endanger Her Majesty's subjects and others travelling thereon, as stated in the 15 requisition, then he shall notify the President 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 the County, he has inspected their road and found it to be out of repair, and 20 requiring them to take notice thereof, and cause the same to be repaired 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.

Tolls not to be collected after a certain period, until repairs are made.

**XLIV.** And be it enacted, That if the Directors of the Company, 25 after the service of the notice in the manner set forth in the preceding section, shall refuse or neglect to repair the roads, 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 30 of such Company, or any person authorized by them to ask, demand, or receive any toll from any person passing through their toll gates, with or without any beast or vehicle, on such road, any thing hereinbefore contained to the contrary notwithstanding.

Penalty for taking toll when the Road is out of repair.

**XLV.** And be it enacted, That if any person acting as a keeper 35 of a toll-gate, on a road belonging to any such 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, 40 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 in which such toll gate shall be situated, upon the oath of one credible witness, 45

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 under the 25th Section of this Act.

5 XLVI. And be it enacted, That the provisions contained in the, 6th, 8th, 9th, 11th, 12th, 13th, 14th, 16th, 17th, 18th, 19th, 20th, 21st  
 22nd, 25th, 26th, 27th, 28th, 29th, 30th, 32nd, 33rd, 34th, 35th, 36th, 37th, 38th, and 39th Clauses of this Act, shall extend to and  
 shall regulate all Turnpike Road Companies in Upper Canada, in  
 10 the collection of tolls or otherwise, whether constructed under  
 authority of any of the Acts mentioned in the preamble hereof, or  
 under authority of an Act passed in the 13th and 14th years of Her  
 Majesty's Reign, chap. 14, intituled; *An Act to extend the Acts* 13 and 14 Vic.  
 "for the formation of Companies for constructing Roads and other ch. 14.  
 15 "Works to Companies formed for the purpose of acquiring Public  
 "Works of like nature," or under the authority of an Act passed  
 by the Parliament of this Province, in the Session thereof, held in  
 the twelfth year of Her Majesty's Reign, chap. 5, and intituled,  
 "An Act for the better management of the Public Debt, Accounts, 12 Vic. ch. 5.  
 20 "Revenue and Property," or constructed or belonging to any Coun-  
 ty, or the Municipality of any County, Town or Village in Upper  
 Canada, authorized to construct or acquire roads under any Act of  
 the Parliament of this Province, in the same manner and as fully  
 as if the said several and respective clauses had been inserted in and  
 25 were part of any of the said several Acts, respectively, incorporat-  
 ing Road Companies in Upper Canada, or in any of the Acts here-  
 tofore passed, authorizing the Municipalities of Counties, Cities,  
 Towns or Villages, to construct or acquire roads; Provided, how- 30  
 ever, that lower rates of toll upon any road, hereafter transferred to  
 any Company by the Acts specially cited in this Section, may be  
 fixed or established on the order of the Governor in Council, trans-  
 ferring the same to any such Company.

XLVII. And be it enacted, That it shall be the duty of the Direc-  
 35 tors of every Company incorporated under this Act, to report annu-  
 ally at some time during the month of January in each year, to the  
 Municipality having jurisdiction within the locality through or along  
 the boundary of which such road shall pass, or wherein such other  
 work may be constructed, under the oath of the Treasurer of  
 such Company, the cost of their work, the amount of all money  
 40 expended, the amount of their capital stock, and how much paid  
 in; the whole amount of tolls expended on such work, the amount  
 received during the year from tolls and all other sources, stating  
 each separately, the amount of dividends paid and the amount  
 expended for repairs, and the amount of debts due by such Com-  
 45 pany, specifying the object for which such debts respectively were

Certain provisions of this act applicable to companies formed under acts herein specified.

13 and 14 Vic. ch. 14.

12 Vic. ch. 5.

Provido.

Directors to report annually to the proper Municipality.

Company to keep regular books open to inspection by the Municipality.

incurred; and every such Company shall keep regular books of account, in which shall be entered a correct statement of the assets, receipts and disbursements of such Company, which shall be at all times open to the inspection and examination of any person or persons who may for that purpose be appointed by the Municipality having jurisdiction as aforesaid: and every such Inspector shall have the right of taking copies or extracts from the same, and requiring and receiving from the keeper or keepers of such books, and also from the President and each of the Directors of such Company, and all the other officers and servants thereof, all such information as to such books, and the affairs of such Company generally as such Inspector or Inspectors may deem necessary, for the full and satisfactory investigation into and report upon the state of the affairs of such Company, so as to enable such Inspector or Inspectors to ascertain whether the tolls levied upon such work are greater than this Act allows to be levied as aforesaid.

After 21 years from the completion of the work the proper Municipality may purchase the Stock of the Company at its current value.

**XLVIII.** And be it enacted, That after twenty-one years from the time of completing any such road or other work as aforesaid, it shall and may be lawful for any Municipal authority representing the interests of the locality through or along the boundary of which any such road shall pass, or in which the work shall be situate, to purchase the stock of such Company at the current value thereof at the time of purchase, (to be ascertained by Arbitrators to be appointed and to act in the manner hereinbefore provided in other cases, if the Company and the Municipality cannot agree upon such value,) and to hold the same for the use and benefit of the said locality; and such Municipal authority shall thenceforth stand in the place and stead of the said Company, and shall possess all such powers and authority as the said Company shall have theretofore possessed and exercised.

Companies formed under the repealed Act to continue, subject to the provisions of this Act.

**XLIX.** And be it enacted, That for and notwithstanding anything in this Act, but subject to all, each and every of the provisions thereof, every Company heretofore lawfully formed under any Act hereby repealed shall and may subsist and continue, and be perpetuated as if this Act had not been passed, and Companies so subsisting, continuing and being perpetuated shall be severally and respectively to all intents and purposes the same Companies and not new Companies.

Companies formed *bonâ fide* under former Acts, confirmed notwithstanding any informality.

**L.** And be it enacted, That notwithstanding any irregularity which may have occurred in the formation of any Joint Stock Company for the construction or purchase of any road or other work under the provisions of the said Acts, and notwithstanding all the requirements of the said Acts may not have been strictly complied with, all such Companies which shall *bonâ fide* have

proceeded in the construction or purchase of any road or other work, shall be held to have been duly organized, formed and constituted under the said Acts, anything to the contrary notwithstanding; Provided that nothing in this clause contained shall be construed to confirm the establishment of any such Company, when any irregularity has occurred in the formation of the same, unless such Company shall have *bonâ fide* proceeded to and continued the construction of or shall have purchased such road or work before the passing of this Act, and concerning which no proceeding is pending in any Court of Law or Equity in this Province, to test the legality of the establishing of such Company.

LI. And be it enacted, That any Municipal Corporation or Company which has already acquired or made, or may hereafter acquire or make, any such Macadamized, Plank or other Road in Upper Canada, shall have the same power and authority to search for and take materials for keeping any and all of such Roads in repair, as is given by this Act to Road Companies for the construction of Roads, and the price or damage to be paid to any person or party for such materials, or for any thing done in pursuance of the powers given hereby, shall, if not agreed upon by the parties concerned, be settled by arbitration in the manner provided by this Act, for lands and materials taken or required for the original construction of any such Road or other work.

LII. And be it enacted, That notwithstanding the privileges that may be conferred by this Act, the Legislature may at any time hereafter, in their discretion, make any such additions to this Act, or such alterations of any of its provisions, as they may think proper for affording just protection to the public, or to any person or persons, body corporate or politic, in respect to their estate, property, or right or interest therein, or any advantage, privilege or convenience connected therewith, or in respect to any way, or right of way, public or private, that may be affected by any of the powers given to any such incorporation.

### SCHEDULE.

Be it remembered, that on this \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord one thousand eight hundred and \_\_\_\_\_ we, the undersigned Stockholders, met at \_\_\_\_\_ in the County of \_\_\_\_\_ in the Province of Canada, and resolved to form ourselves into a Company, to be called (*here insert the corporate name intended to be taken by the Company*) according to the provisions of a certain Act of the Parliament of this Province, intituled, "*An Act, &c. (insert the title of this Act)*" for the purpose of constructing a road from (*the commencement of the intended road*) to (*the termination thereof*) or

a bridge, slide, wharf, pier, (*or other such work as aforesaid, describing the nature, extent and situation thereof*) and we do hereby declare that the Capital Stock of the said Company shall be \_\_\_\_\_ pounds, to be divided into \_\_\_\_\_ shares, at the price or sum of five pounds each; and we, the undersigned Stockholders, do hereby agree to take and accept the number of shares set by us opposite to our respective signatures, and we do hereby agree to pay the calls thereon, according to the provisions of the said in part recited Act, and of the rules, regulations, resolutions and By-laws of the said Company, to be made or passed in that behalf; and we do hereby nominate (*the names to be here inserted*) to be the first Directors of the said Company.

NAME.	NUMBER OF SHARES.	AMOUNT.