



No. 54.

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1st Session, 5th Parliament, 18 Victoria, 1854.

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## BILL

An Act to amend an Act passed in the sixteenth year of Her Majesty's reign intituled, "*An Act to amend and consolidate the several Acts for the formation of Joint Stock Companies for the construction of Roads and other Works in Upper Canada.*"

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Received and Read First Time, Thursday, 28,  
Sept. 1854.

Second Reading, Tuesday, 3, Oct. 1854.

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MR. FREEMAN.

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(64)

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An Act to amend an Act passed in the sixteenth year of Her Majesty's Reign, intituled, "*An Act to amend and consolidate the several Acts for the formation of Joint Stock Companies for the construction of Roads and other works in Upper Canada.*"

**W**HEREAS it is expedient to amend certain clauses of the Act passed in the sixteenth year of Her Majesty's Reign, intituled, "*An Act to amend consolidate the several Acts for the formation of Joint Stock Companies for the construction of Roads and other works in Upper Canada ;*" Be it therefore enacted, &c., as follows:

Preamble.  
Act 16 V.  
c. 190.

I. No Company to be formed under the provisions of the said Act, shall commence any work until thirty days after the Directors shall have served a written notice upon the head of the Municipality in the jurisdiction of which such Road or other work mentioned in the said Act shall be intended to pass or be constructed, and if the Municipal Council of such locality shall pass any By-law prohibiting, varying and altering any such intended Line or road, or the plan of any such other work, such By-law shall have the same force and effect, and be as binding, effectual and obligatory upon all persons whomsoever, and upon such Company, if such Company shall proceed in the construction of such Road or other work, as if the provisions thereof had been inserted in the body of this Act; Provided always, that if no such By-law be passed within thirty days after the service shall have been made upon the Head of said Municipality, then the said intended road, or other work may be proceeded with, without being liable to any interruption or opposition from any source: Provided also, that when any new road shall have been or shall be opened and completed, and the line of any old Road shall have been or shall be thereby changed, and such old Road or any part thereof thereby rendered useless to the public as a highway, it shall be lawful for the Municipality having such jurisdiction as aforesaid, to pass a By-law permitting or directing the old road, or such part thereof as shall have been rendered useless as aforesaid, 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, if such person or persons own other land adjoining such old road, or the part thereof that shall have been or shall be rendered useless as aforesaid, or to sell and convey the same absolutely in the manner mentioned in such By-law, and in case of such sale, the person or persons from whom the land was taken for the new road, shall have the privilege of becoming the purchaser or purchasers of the land sold, at the sum mentioned in such By-law, if any sum shall be therein mentioned as the price of the land to be sold, or at the price that any other person is willing to give for the same, if he or they shall complete such purchase within thirty days from the time he or they shall have been notified of the price of the land, as settled in such By-law, or the sum

No Company to begin their works until 30 days after having given written notice to the Head of the Municipality, during which time the Council may pass a By-law regulating the manner in which the work is to be done.  
Proviso.

Proviso: as to old roads rendered useless by the making of a new one.

Proviso: sufficient access to be reserved. that any other person is willing to pay for the same; Provided further, that in the enclosing or sale of any such old road, a part thereof for a sufficient public way over the same, shall be reserved to afford access from such new road to the lands adjoining the old Road to be sold as aforesaid; and the price shall be disposed of in the manner mentioned in such By-law. 5

Proceedings if any Road Bridge, &c., be out of repair.

County Engineer to examine and report on requisition of 12 Freeholders:

And forbid the taking of Tolls until the Road is repaired.

Provision, if there be no County Engineer or he be interested.

Penalty on persons taking Toll while the road is out of repair.

II. After any Road or portion of a Road, Bridge, or other such work, in the said Act mentioned, constructed or acquired by any company or Municipality under the authority of the said Act or any previous Act of the Parliament, of this Province, shall have been completed, and tolls established thereon, it shall be the duty of the Company or Municipality owning the same, to keep it in good and efficient repair, and whenever any such Company or Municipality shall suffer any portion of their Road on which tolls shall have been taken, to go to decay or get out of repair, it shall or may be lawful for the engineer of the County in which such part of such Road lies, and he is hereby required, upon the requisition in writing of twelve freeholders residing within such County, stating that such Road is so much out of repair as to impede or endanger Her Majesty's subjects and others travelling thereon, to examine the said road immediately, and if upon such examination he shall find it so much out of repair as to impede or endanger Her Majesty's subjects and others travelling thereon, as stated in the requisition then he shall notify the President of such company, or head of such Municipality, by leaving a written notice with any of the keepers of the toll gates on such road, stating to the effect that in pursuance of a requisition of twelve freeholders of the County, he had examined their road, and found it to be out of repair, and requesting them to repair it within the time to be named in such notice, which notice shall also mention the part of the road so out of repair, and the disrepair complained of. And it shall not be lawful for the said Company or Municipality, or any other person, to ask, demand, or receive any toll from any person passing through the nearest toll-gates on either side of the portion or portions of road so reported to be out of repair, from the time such notice is given until the road is repaired to the satisfaction of such engineer. And in the event of there being no such County Engineer, or if he shall be a stockholder in such road, then it shall be the duty of the County Judge of such County, upon such requisition to him, to name a competent engineer, who is not interested in said road, and to direct him to examine the road; and the engineer so named shall immediately examine the Road and the grievances complained of, and faithfully discharge the duties hereinbefore mentioned in reference to the Engineer of the County, and the orders, acts and directions of the engineer so named made in the discharge of such duty, shall have the same force and effect as are hereinbefore given to the orders, acts and directions of the County Engineer. 10  
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III. If any person shall from the time such notice is given until the Road is so repaired in the part or parts complained of, ask, demand, or receive any toll from any person travelling along such road, at the nearest toll-gates on either side of the portion or portions of Road so reported to be out of repair, or shall refuse to allow any person to pass through such gates, with or without any beast or vehicle, without paying toll, such person shall, on conviction before any justice of the peace for the County in which such toll-gate or toll-gates shall be situate, 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 and enforced in the manner prescribed in the said Act for the collection 45  
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and enforcement of penalties therein mentioned, with costs of prosecution.

IV. Whenever any Road to be constructed under the authority of the said Act, or any road already constructed under any other Act of the Parliament of this Province, upon which tolls shall be collected, intersect or join each other, no more toll shall be demanded or taken at any gate on either of such Roads nearest the point of intersection or junction, from persons travelling from one of such roads to such toll gate upon the other road, than from the point of intersection or junction to such gate, and half the distance to the next gate in the direction such person is travelling, and at the rate per mile charged for travelling altogether on such road. And if there shall be no other gate on such road in such direction, then the toll to be collected from such traveller, shall be at the rate aforesaid for the distance between the point aforesaid to the end of such toll-road in that direction; and no more toll shall be demanded or taken at either of such gates from travellers passing through the same, and going on the other intersecting toll Road, at the point of intersection, or who shall declare it to be his intention to do so, than for the distance, and at the rate last above mentioned.

What tolls only shall be taken in cases where Toll Roads join or intersect each other.

V. If any traveller mentioned in the preceding section of this Act shall make any false statement to the toll gate keeper, as to his having come from an intersecting toll road, or his going to such intersecting Road, for the purpose of evading the payment of toll, or reducing the amount that he would otherwise be obliged to pay, he shall forfeit to the Company or Municipality owning the Road, the amount mentioned in the forty-sixth section of the said Act, to be recovered in the manner provided for by that Act, for the recovery of the penalties therein mentioned, with costs.

Penalty on travellers making false statements to Toll keepers.

VI. The third, thirty-fourth, thirty-fifth and thirty-sixth sections, and the two last provisos of the nineteenth section of the said Act shall be and the same are hereby repealed.

Certain parts of 16 V. c. 190.

VII. This Act shall come into force on the first day of January, one thousand eight hundred and fifty-five.

Commencement of Act.