

No. 221.

2nd Session, 5th Parliament, 19 Victoria, 1856.

(LOCAL BILL.)

BILL.

An Act to legalize a certain Bylaw passed by the County Council of the United Counties of Northumberland and Durham, and for other purposes.

Received and read, first time, Thursday, 24th April, 1856.

Second Reading, Monday, 27th April, 1856.

MR. SIDNEY SMITH.

TORONTO:

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An Act to legalize a certain By-law of the County Council of the United Counties of Northumberland and Durham, and for other purposes.

WHEREAS the County Council of the United Counties of Northumberland and Durham, passed a certain By-law for the purpose of raising the sum of £115,000 under the provisions of the consolidated Municipal Loan Fund Act for Upper Canada, under which By-law a certain portion of such sum has been raised and expended, and a certain portion thereof still remains in the hands of the Receiver General of the Province; And whereas only a certain portion of such unexpended balance will be required for the purposes mentioned in said By-law; And whereas doubts exist as to the legality of the said By-law and as to the authority of the said Council to transfer the Roads constructed under the said By-law to the inferior Municipalities interested therein in accordance with the contracts and agreements entered into between the said Council and such inferior Municipal Councils, and as to the right of the said County Council to enforce payment of any sum that may be found to become due in respect thereof; And whereas doubts exist as to the right of the said County or other Councils aforesaid, to place tollgates upon the roads constructed under the provisions of the said By-law, or to maintain the same or appoint gate-keepers or take security for the performance of their duties, or to collect tolls from persons passing thereon and using the same; And whereas it is expedient to remove such doubts; Therefore Her Majesty, &c., enacts as follows:

I. The said By-law for raising one hundred and fifteen thousand pounds so passed as aforesaid shall be and the same is hereby declared to be legal and valid, any defect therein, or any law, custom or usage to the contrary notwithstanding.

By-law for raising £115,000 confirmed.

II. The said County Council shall have power and is hereby authorised to transfer, convey and assign any road, bridge or other work constructed under the provisions of the said By-law to any Town, Township, or Village Council within the said Counties or either of them, whether such last mentioned Councils have or have not entered into any contract or agreement for the construction of the same or otherwise with the said County Council; and such Town, Township or Village Council shall and may take and accept such transfers, conveyance or assignment.

County Council may assign works to inferior Municipalities, who may accept the same.

III. The contracts or agreements entered into by and between the said Councils or any or either of them, in respect to the said work or any or either of them, or the construction thereof, shall be and the same are hereby declared to be legal and binding upon the said Councils and each and every of them.

Contracts between the Municipalities to be binding.

County Council may apply unexpended balance.

IV. The said County Council shall and may and it is hereby authorised, by any By-law to be duly passed, to apply the money unexpended under the By-law first mentioned in the Preamble of this Act, for any purpose which shall in and by such By-law be stated and declared.

Mode of enforcing payment from inferior Municipalities.

V. In the event of any sum of money agreed to be paid in and by any such contract or agreement for the purchase or sale of any such road or work, remaining unpaid after the time limited for the payment thereof, at the time of fixing the annual assessment by such County Council, it shall and may be lawful for such County Council to add such amount overdue and in arrears to the amount of assessment required to be levied for County purposes in and by such Municipality so in arrear, and upon notice thereof the Council of such inferior Municipality shall and they are hereby required to levy and collect and pay over to the Treasurer of such County with the annual assessments for County purposes, the amount so required to be levied to satisfy such amount so in arrear as aforesaid, in the same manner as the annual rates and assessments are now collected, paid and satisfied, and the same remedy shall and may be had, taken and enforced to compel the collection and payment thereof as now exists respecting ordinary rates and assessments, and in default of such collection and payment, the said County Council shall and may and they are hereby authorized to issue a rate bill or collector's roll directed to the collector of such Town, Township or Village, authorising the collection and payment over of such amount by rateable assessment upon the parties liable to assessment within such Town, Township or Village, and upon receipt of such rate bill such collector shall proceed to the collection of such amount, and pay over the same in the same manner as ordinary rates and assessments are collected according to law.

County Council may enforce agreements entered into.

VI. The said County Council may and are hereby authorized to enforce performance of all such contracts and agreements as may have been entered into between the said County Council and any Town, Township and Village Council in respect of any work or road referred to in or constructed under and by virtue of the provisions of the said first mentioned By-law.

Power to establish Toll Gates on the Roads.

VII. The said County Council shall before the transfer of any such road or work, and the said Town, Township or Village Council after such transfer or assignment shall and may and they are hereby authorized to establish such and so many toll gates upon such works or roads as may by By-laws of such Council be directed and declared to be necessary and proper, and shall and may appoint and name all and so many gate-keepers or toll-receivers as they may by By-law declare to be necessary and proper, and take security from all such parties for the due performance of the duties for which they may be appointed as aforesaid, and enforce the same by action of debt in any Court of Law in Upper Canada having competent jurisdiction; and all securities heretofore taken by such Councils from any party or person for the performance of any duty in respect to any such road or work, or the collection of toll thereon or overseeing such work, shall be and the same are hereby declared to be legal, binding and valid.

County Council may take security from inferior Municipalities

VIII. The said County Council shall and may, and they are hereby authorized to take security from any Municipal Council within the said Counties for all or any portion of the money still unexpended under the said By-law, in case it may be decided to expend the same or any part thereof, within such inferior Municipality, or upon any work in which such inferior Municipality may be interested and shall have the same.

power to enforce such security as is hereinbefore provided in the fourth section of this Act.

IX. Such Tolls and such only may be collected and taken on the roads and works above mentioned as are allowed and provided for by the general Act for the incorporation of Joint Stock Companies, formed for the construction of Macadamized or other roads. Power to take Tolls.

X. This Act shall be deemed a public Act.

Public Act.