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No. 38.

3D SESSION, 3D PARLIAMENT, 13 VICTORIA, 1850.

BILL.

An Act to extend the Acts for the formation of Companies for constructing Roads and other Works, to Companies formed for the purpose of acquiring Public Works of like nature.

Received and read first time, Wednesday, 29th
May, 1850.

Second reading, Friday, 7th June, 1850.

[400 Copies.]

Honble Mr. Hincks.

S. Derbishire and G. Desbarats, Queen's Printer.

BILL.

An Act to extend the Acts for the formation of Companies for constructing Roads and other Works, to Companies formed for the purpose of acquiring Public Works of like nature.

WHEREAS it is expedient to extend the benefit of the Preamble.
 2 Acts hereinafter mentioned, to Companies to be
 formed for the purpose of acquiring and holding Public
 4 Works or property under the provisions of the Act
 authorizing the transfer of such works or property to any
 6 such Company or to other parties therein designated: Be
 it therefore enacted, &c.,

8 and it is hereby enacted by the authority of the same, that Acts 12 vic.
cap. 56, and 12
vic. cap. 84,
extended to
companies
formed for
purchasing
public works
under 12 vic:
cap. 5.
 subject to the provisions of this Act, the Act passed in the
 10 twelfth year of Her Majesty's Reign and intituled, "*An
 Act to authorize the formation of Joint Stock Companies
 12 for the construction of Roads and other Works in Upper
 Canada*, and of the Act passed in the year last aforesaid
 14 and intituled, "*An Act to authorize the formation of Joint
 Stock Companies in Lower-Canada, for the construction
 16 of macadamized Roads, and of Bridges and other Works
 of like nature*," shall be and are hereby extended and shall
 18 apply to any Company to be formed for the purpose of
 acquiring for ever or for any term of years, any of the
 20 Public Roads, Harbours, Bridges or Public Buildings which
 may be lawfully transferred to any such Company under
 22 the Act passed in the year last aforesaid and intituled,
 "*An Act for the better management of the Public Debt,
 24 Accounts, Revenue and Property*," or for the purpose of
 so acquiring and of improving or extending (or both) any
 26 such Public Work, as fully and effectually as if such
 purpose were expressly enumerated in the said Acts firstly
 28 and secondly mentioned respectively, among the purposes
 for which Companies may be formed under the same, the
 30 form of the instrument of association given in the schedules
 to the said Acts respectively, being varied so as to express
 32 that the Company is formed under one of the said Acts as
 amended by this Act and for what purpose it is so
 34 formed: Provided always, that notwithstanding any thing
 in either of the said Acts, no Company to be formed under Proviso: such
companies not

liable to certain provisions of the said Acts

this Act for the purpose of acquiring any such Public Work as aforesaid (whether with or without the intention of extending the same) shall be liable to be opposed or prevented from acquiring such work or from using and working the same, by any Municipal Council or other party, nor shall the Company be bound to make any report respecting such work to any Municipal authority, nor shall such Municipal authority or the Crown have the right of taking such work at the end of any term of years, but the provisions of the said acts respectively, as to such opposition and prevention, or to such report, or to the taking of the works and property of the Company by any Municipal authority or by the Crown, shall apply only to the extension of the same beyond the local limits of the work when transferred to the Company; nor shall any of the provisions of the said Acts which shall be inconsistent with any lawful provision or condition in any Order in Council legally made under the Act thirdly mentioned, or with the rights transferred by the same, apply to the Company to which such Order in Council shall relate; but nothing herein contained shall be construed to prevent the reservation in any such Order of the power of taking any such work with or without any such extension, and by the Crown or any Municipal authority, on the terms and conditions therein to be expressed.

What shall be the maximum Tolls to be taken by any such Company.

II. And be it enacted, that the Tolls to be taken by any Company to be formed for the purposes aforesaid, on any such Public Work as aforesaid, not being a Road, shall not be regulated by the provisions of the Acts firstly and secondly mentioned, respectively, but the maximum Tolls to be levied on such work by the Company shall be the maximum Tolls which can be lawfully levied on such work under the Act passed in the year last aforesaid and intituled, "*An Act to make better provision with regard to the Tolls to be levied on the Public Provincial Works, and for other purposes relative to the said Works,*" unless some lower maximum be fixed (as it may be) by Order in Council transferring the work to the Company or by some further order amending the same; and the Tolls to be levied on any Road, or on any extension of such other Public Work shall alone be regulated by the Acts firstly and secondly mentioned respectively in the absence of any special provision for lower rates in Order in Council as aforesaid: Provided always, that no exemption from Toll on any Road or other Public Work so transferred as aforesaid or on any extension thereof, shall be valid against any Company to be formed under this Act, except such only as can

12 Vic. cap. 4.

Provide: as to exemptions from Toll.

be validly claimed under the Act firstly or secondly mentioned (as the case may be) on works constructed under the authority thereof, unless such exemption from Toll be stipulated (as it may be) in the Order in Council transferring such public work to the Company.

6 III. And for avoiding doubts be it enacted, that the provisions and conditions of any Order in Council made 8 under the Act thirdly above mentioned, may extend to the mode of adjusting and determining any difference which 10 may arise between the Crown and any Company or Municipal Corporation as to their respective rights under 12 the same, or to the reservation of the right of re-entry by the Crown into possession of any Public Work on the 14 default of such Company or Corporation to perform the conditions agreed upon, and to the vesting in any Sheriff 16 power to give possession of such Public Work to any public Officer for the Crown, on any warrant under the hand and 18 seal of the Governor to be addressed to such Sheriff, reciting such default and commanding him to give possession to 20 such officer for the Crown as aforesaid; and that no enactment to be made for the purpose of enforcing the 22 provisions of any such Order in Council as aforesaid shall be deemed an infringement of the rights of the Company 24 or Municipal Corporation to which it shall relate: but nothing in this section shall prevent the enforcement of 26 the rights of the Crown in any legal manner not inconsistent with the provisions and conditions of any such Order 28 in Council as aforesaid.

Order in
council trans-
ferring any
public work
may extend to
certain mat-
ters.