

No. 79.

4h Session, 3rd Parliament, 14 Victoria, 1851.

BILL.

An Act to amend the Sydenham Mountain Road Act, and to vest in George Rolph, Esquire, his heirs and assigns, certain privileges therewith connected.

Received and read a first time, Thursday, 5th June, 1851.

Second reading, Wednesday, 11th June, 1851.

Mr. NOTMAN.

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B I L L .

An Act to amend the Sydenham Mountain Road Act, and to vest in George Rolph, Esquire. his heirs and assigns, certain privileges therewith connected.

WHEREAS the inhabitants of the District of Gore Preamble. have failed in taking advantage of the Act to establish the Sydenham Mountain Road, and whereas George Rolph, one of the former Petitioners to Parliament for the said Act, has made and macadamized the said Road, at his own expense and completed the same at a cost of £2,650; and whereas the fee simple of the land composing the said Road is his own private property; and whereas it is but just and right that the said George Rolph, having benefited the country by the expenditure of his capital and labor in making the said Road, should be secured in all the advantages set forth in the Act aforesaid; and whereas the Municipal Township Council of the Township of West Flamborough has passed a By-law recognising the payment of tolls on the said Road, and to shut up the old Kill Horse Road, now useless to the public by the formation of the Sydenham Road, as by reference to the Act of the Municipal Council of the said Township, passed in January last, will more fully appear: Be it therefore enacted, &c.,

That the whole of the said Act passed in the Session held in the fourth and fifth years of Her Majesty's Reign, and intituled "*An Act to establish a Company by the name of the Sydenham Mountain Road Company,*" is hereby repealed, excepting that portion which relates to the amount of tolls to be demanded and taken, which tolls are hereby vested in George Rolph, his heirs and assigns, for ever. Act 4 & 5 Vict. c. 80, repealed. Exception.

II. And be it enacted, That the said George Rolph, his heirs and assigns, shall have full power and authority to demand, sue for, collect and recover against persons travelling on the said Road, the tolls allowed by the Act aforesaid, and in the same manner as is pointed out by the Act passed in the twelfth year of Her Majesty's Reign, and intituled "*An Act to authorise the formation of Joint Stock Companies for the construction of Roads and other Works in Upper Canada,*" before Justices of the Peace. G. Rolph may recover tolls. 12 Vict. c. 24.

Tolls to be reduced when the profits exceed a certain rate.

III. And be it enacted, That whenever the tolls shall in annual receipts exceed in amount a sum sufficient to defray the expenses of maintaining and repairing the said Road, and to afford an annual income to the said George Rolph, his heirs and assigns, of *ten* per cent. profit, 5
on the capital expended in the construction of the said Road from the commencement of its being travelled upon, then and in such case the said tolls shall be reduced, so as not to exceed the *ten* per cent. profit to the said George Rolph, his heirs and assigns. 10

Government, &c., may purchase the Road, and at what rate.

IV. And be it enacted, That the Government of this Province or the County Municipal Council, shall be at liberty, at any time whatever, to purchase the said Road from the said George Rolph, his heirs and assigns, paying to the said George Rolph, his heirs and assigns, the capital 15
hereinbefore mentioned, together with *fifteen* per cent. advance thereupon; and it is also hereby provided and declared that if any deficiency of the said *ten* per cent. annual profit should occur in the case of the said Road, such deficiency shall be chargeable against the increas- 20
ing revenue of the subsequent year, so that the said George Rolph, his heirs and assigns, may fairly and actually receive *ten* per cent. profit on their said expenditure of £2,650.

Town Council of West Flamborough, or Dundas may purchase the Road from Government or the County Council.

V. And be it enacted, That after purchase by the Government of this Province, or by the Municipal 25
Council of the United Counties of Wentworth and Halton, it shall and may be lawful for the Township Municipality of the Township of West Flamborough or the Town Council of the Town of Dundas, to purchase from the Government, or the said County Municipality, the said 30
Road, together with all tolls, right and advantages thereto belonging.

G. Rolph to exhibit accounts, if required.

VI. And be it enacted, That the said George Rolph, his heirs and assigns, shall annually if required, exhibit an account to either branch of the Legislature of the 35
Province, or to the Municipal County Council, of the tolls collected and the amount thereof received, and of the sums expended in keeping the road in repair; and also such accounts authenticated in such manner and form as the authority so requiring the same may deem 40
satisfactory.

Course and width of the Road.

VII. And be it enacted, as it was found necessary to alter the original survey of the Road, That the same shall commence and terminate agreeably to the last survey made by Hugh McMahon, Esquire, Deputy Provincial 45
Surveyor—that is to say: commencing on the centre of said Road at its junction with Melville Street in the Town of Dundas, thence N. 8° 30' E. 12 chains 34 links to the lower bridge; thence N. 20° 10' W. 8 chains 70 links to

the Northern limits of the aforesaid Town of Dundas; thence on the same course N. 20° 10' W. 3 chains 2 links to the toll gate; thence N. 26° 30' W. 7 chains 75 links; thence N. 87° 45' E. 4 chains; thence N. 58° E. 5 chains 5 28 links; thence N. 38° 30' E. 1 chain 50 links; thence N. 63° E. 2 chains 46 links; thence N. 64° 30' E. 8 chains 65 links; thence N. 52° E. 15 chains 93 links to the top of the Mountain; thence N. 47° 30' E. 2 chains 12 links; thence N. 24° E. 5 chains 80 links to the old 10 Road. The breadth of the Road for the first 31 chains 81 links, being 40 feet; thence for 21 chains 81 links, being 66 feet in width; thence tapering to the top of the Mountain, where, on account of the great depth of rock cut through, it is only 30 feet in width, but from the top 15 of the rock increases to 40 feet in breadth to the old Road.

VIII. And whereas it may be found necessary hereafter ^{Recital.} to enter upon the lands of persons adjoining the said Road, for the purpose of draining off the water which 20 overflows, at certain seasons, the Sydenham Road, that the Road may be more effectually saved from injury by the formation of a culvert or drain across the said lands into the old Kill Horse Road: be it therefore enacted, That the Municipal Council of West Flamborough shall 25 have power and authority to enter upon the said lands, and make and construct such culverts or drains as may be necessary to protect the said Sydenham Road, the said George Rolph, his heirs and assigns, paying to the said Council the expences of making the same. ^{Town Council of West Flamborough may make culverts, &c.}

30 IX. And be it enacted, That this Act shall be deemed ^{Public Act.} and taken to be a public Act.