

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

BILL.

An Act to provide against Chartered
Road Companies allowing their Roads
to remain in disrepair, and for other
purposes therein mentioned.

Received and read a first time, Tuesday, 3rd
June, 1851.

Second Reading, Tuesday, 10th June, 1851.

Mr. MEYERS.

B I L L.

An Act to provide against Chartered Road Companies allowing their Roads to remain in disrepair, and for other purposes therein mentioned.

WHEREAS it is expedient to provide a remedy Preamble.
against Roads for the construction of which Char-
ters have been granted to private Companies being
allowed to fall into and remain in disrepair; Be it there-
5 fore enacted, &c.

That after any such road shall have been completed and
tolls been taken thereon, it shall be the duty of such
Company to keep the same in good and sufficient repair,
and in case any such road shall be allowed to fall into
10 disorder and get out of repair, such Company may be
indicted at any Court of General Quarter Sessions of the
Peace, or other Court of superior jurisdiction, within or
along the boundary of any county where such road shall
be out of repair as aforesaid, and upon being convicted, Company
allowing road
to be in disre-
pair may be
indicted.
15 the Court before which such conviction shall be had, shall
direct such Company to make the necessary repairs, for
the want of which such prosecution shall have been com-
menced, within such time as to the Court shall seem rea-
sonable, and that in default thereof, such Company shall be
20 declared to be dissolved, and such road shall thenceforth
be vested in Her Majesty, Her Heirs and Successors, to
and for the use of the public, in like manner as any com-
mon and public highway or public work, and shall thence-
forth be subject to all laws affecting public highways; and
25 the powers of such Corporation shall thenceforth vest in
the Municipality having jurisdiction thereof, which shall
thereupon take on itself the order and management of the
said road as the said Company had theretofore done. Judgment and
its conse-
quences.

II. And whereas it is provided, in and by the provisions
30 of a certain Act, passed in the twelfth year of Her Ma-
jesty's Reign, intituled, "*An Act to authorise the forma- 12 Vict. c. 84,*
tion of Joint Stock Companies for the construction of" recited.
"Roads, and other works, in Upper Canada," that no road
constructed under the authority of the said Act, shall be
35 constructed or pass within the limits of any city, or the
liberties thereof, or within the limits of any incorporated
town, except by special permission under a Bye-law of
such city, town or village, to be passed for that purpose;
And whereas it is expedient to give to cities, towns and
40 villages hereafter to be incorporated, the power to acquire
such portion of any such road as shall be within the limits

Municipality
of any City,
Town or Vil-
lage may pur-
chase that part
of any Joint
Stock road
lying within
the same.

of such corporation ; Be it therefore enacted, That it shall and may be lawful to and for the Municipality of any city, town or village hereafter to be incorporated, to purchase and acquire such portion of any such road as shall run through the limits of such city, town or village, and that upon payment of the fair and reasonable value of the work done in constructing such road, by such Municipality to such incorporated Company, such value to be ascertained by arbitrators to be appointed by the parties, and in case of disagreement thereon, the umpire to be appointed by the Warden of the county in which such city, town or village is situate, such portion of such road shall become vested in such Municipality, and the authority of such Road Company therein shall cease. 5 10

Toll-gates not
to be erected
within Cities,
&c. except
under By-law.

III. And be it enacted, That no Road Company incorporated under or by virtue of the said last recited Act, shall erect or maintain any toll-gate or toll-gates within the limits of any city, town or village hereafter to be incorporated, without the consent by Bye-law of the Municipality of such city, town or village. 15 20

Extent of Act.

IV. And be it enacted, That this Act shall apply to Upper Canada only.