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N^o. 41.

2nd Session, 6th Parliament, 22 Victoria, 1859.

BILL.

An Act respecting the Public Works.

**Received and read, first time, Friday, 18th
February, 1859.**

Second reading, Tuesday, 22nd Feb., 1859.

HON. MR. ROSE.

S. Derbshire & G. Desbarats, Queen's Printer.

An Act to amend and consolidate the several Acts respecting the Public Works.

WHEREAS it is expedient to amend and consolidate the several Acts and parts of Acts now in force concerning the Department of Public Works, and the Works under its management and control: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, declares and enacts as follows:

Preamble.

Organization of the Department of Public Works.

- 1.** For the superintendence and management of the Public Works of this Province, the Governor may appoint a Commissioner who shall be styled Commissioner of Public Works, and who shall have such powers as are vested in him by this chapter, and no other. 9 V. c. 37, s. 2.
- 2.** All writings and documents signed and sealed by him or his deputy, and no others, shall be held to be acts of the said Commissioner. 9 V. c. 37, s. 17, *amended*.
- 3.** Inasmuch as the Commissioner fulfils all duties and exercise all powers conferred upon him by law as the servant or agent of Her Majesty, and all property acquired by him is acquired for and vested in Her Majesty, and the said Commissioner is not by law clothed with any Corporate capacity,— therefore, the said Commissioner cannot and shall not as such Commissioner sue or be sued or impleaded in any Court of Law or Equity in this Province, for any cause whatever. 13, 14 V. c. 13, s. 5, *except the Provisoers*.
- 4.** Whenever it becomes necessary to resort to any legal proceedings before any Court of Law or Equity, for enforcing performance of any contract or obligation made or entered into by any person with the said Commissioner, or for any other purpose connected with the duties and powers conferred upon the said Commissioner, proceedings shall be instituted in the name of Her Majesty's Attorney General or Solicitor General for that part of the Province in which such proceedings are had, for and in behalf of Her Majesty. 13, 14 V. c. 13, s. 9.
- 5.** The office of the Commissioner shall be at such place as the Governor may from time to time appoint. 9 V. c. 37, s. 6.

Commissioner of Public Works.

His powers.

What shall be deemed acts of the Commissioner.

Commissioner not liable to be sued as such.

Legal proceedings to be in the name of the Attorney or Solicitor General.

Office of the Commissioner.

Where notice to the Commissioner may be served.

6. Notice of any proceeding under this Chapter or any former Act, shall be given to the said Commissioner at his Office. 13, 14 V. c. 13, s. 14.

Deputy Commissioner and Secretary to be appointed. Deputy and Secretary removable at pleasure. Governor to appoint Engineers, &c.

7. The Governor may appoint a proper person to be Deputy Commissioner of Public Works,—and a proper person to be Secretary for the Department of Public Works,—and may, at his pleasure, remove the said Deputy Commissioner and Secretary or either of them, and appoint others in their stead, or may reinstate those removed ;—and the Governor may appoint all Engineers, Superintendents, and other Officers for the construction, maintenance and repair of such works and buildings. 9 V. c. 37, s. 3, *amended*. 5 10

Powers of Deputy Commissioner.

8. The Deputy Commissioner shall, as regards the department of Public Works, have the power and duties vested in or assigned to Deputy Heads of Departments by the Act (20 V. c. 24,) “for improving the organization and increasing the efficiency of the Civil Service in Canada,” with regard to their respective Departments ; and so much of the eighth Section of the said Act as makes the Secretary of the Department of Public Works the Deputy Head thereof, is hereby repealed : 20 And the said Deputy Commissioner shall have such further powers and duties as may from time to time be vested in or assigned to him by the Governor in Council.

Duties of Secretary.

9. It shall be the duty of the Secretary, with such assistance as may be authorized by the Governor in Council,—to keep separate accounts of the moneys appropriated for and expended on each public work,—to submit the said accounts to be audited in such manner as may be appointed for that purpose by the Governor in Council,—to have charge of all plans, contracts, estimates and documents, models or other things relative to any such work,—to keep regular accounts with each contractor or other person employed by the said Commissioner,—to see that all contracts made with the said Commissioner are properly drawn out, and executed,—to draw all certificates upon which any warrant is to issue,—to prepare all reports to be submitted to the Commissioner,—and to receive and answer, according to the instructions he may receive from the Commissioner, all letters to or from them or other persons on the business of the Department,—“to keep minutes of all the proceedings of the Department,”—to keep copies of all correspondence,—to have the general superintendence of all other matters and things which he may be instructed to superintend by the Commissioner,—and generally to do all ministerial acts connected with the business of the Department which the Commissioner directs him to do or which devolves on him by a fair construction of the meaning of this Chapter in all cases not expressly provided for ; 25 30 35 40 45

Accounts.

Plans.

Contractors and contracts.

Certificates for warrants.

Reports.

Correspondence.

Minutes of proceedings.

General superintendence and duties.

And the Governor may require any person having in its possession any instruments, plans, papers, books, drawings, models, estimates, or documents relative to any public work and belonging to the province, to deliver the same to the said Secretary, and may also from time to time place in his charge and keeping, for the use of the Commissioner, any instruments, books, drawings, models or documents relative to the objects for which the said Commissioner is appointed and required for the better attainment of the objects of this Act. 9 V. c. 37, 10 s. 32.

The Governor may cause plans, &c. relative to public works to be placed under the care of the secretary.

10. The said Commissioner, and Deputy Commissioner and Secretary shall receive a yearly salary, and their actual disbursements and travelling expenses, when away from their place of residence on the duties of their offices. 9 V. c. 37, s. 4, 15 *amended.*

Commissioner's Deputy and Secretary to be paid a salary, &c.

11. Nothing in this Act shall authorize the expenditure without the further authority of Parliament of any greater sum of money in the payment of the yearly salaries of Commissioner, Deputy Commissioner or Secretary, or of their travelling expenses or actual disbursements, than is provided for by Statutes now in force, limiting the salary of the said Deputy not exceeding that of the Assistant Commissioner under the said Acts. 9 V. c. 37, s. 38, *amended.*

This Act not to authorize the payment of a greater sum for certain purposes than is authorized by law.

Enlarged

Functions of the Department, and works under its management.

12. The several Public Works and Buildings enumerated in the Schedule to this chapter marked A, and all materials and other things belonging thereto, or prepared and obtained for the use of the same, shall be and continue to be, except such (if any) as have been lawfully transferred to any Municipality, Company or party, vested in Her Majesty, and under the management of the said Commissioner for the purposes of this Act; And the Governor in Council, may, from time to time, by Proclamation, declare any other works or buildings constructed at the Public expense, to be Works or Buildings subject to the provisions of this Chapter, and under the management of the said Commissioner.

Public works in Schedule A. and materials for the same to be vested in Her Majesty, and under the control of the Commissioner, and others may be made so by proclamation.

13. All contracts, agreements or leases for any such work, or for any tolls for the same, entered into by the late Board of Works, or by any Commissioners duly authorized to enter into the same, shall enure to the use of Her Majesty, and may be enforced as if entered into with Her Majesty. 9 V. c. 37, s. 23, 40 "except the Proviso."

Contracts for leases of works or tolls made by the board of works to enure to Her Majesty.

13. All lands, streams or water courses, and other real property, acquired for the use of such Public Works, shall be vested in Her Majesty, for the purposes of the said works; and when not required for the said works, they may be disposed of under the authority of the Governor in Council, and the proceeds

Property acquired for the use of provincial works to be vested in the Crown.

And hydraulic powers. shall be accounted for as public moneys; And all hydraulic powers created by the construction of any public work, or the expenditure of any public moneys thereon, shall be vested in Her Majesty, and any portion thereof not required for the Public Works may be disposed of under the authority of the Governor in Council, by sale or lease, and the proceeds shall be accounted for as public money. 9 V. c. 37, s. 13, and see section 29 and 64 of this Act, enabling the Commissioner to dispose of land, &c., near the Public Works in certain cases. 5

This Act to apply to future works. 14. This Act shall apply to Public Works constructed or completed after it comes into force, or for which appropriation is made after that time, unless it be otherwise provided by law. *Present law.* See 9 V. c. 37, ss. 7, 12 and Schedule A, also 19, 20 V. c. 19, s. 1, &c." 10

Of what public works the Commissioner shall have the management. 15. The said Commissioner shall have the superintendance and management of constructing, maintaining and repairing all canals, harbours, roads or parts of roads, bridges, slides, and other Public Works or buildings in progress, or constructed or maintained at the public expense out of the Provincial funds, and which under this Act will be placed under his management and control; but nothing in this Act shall give authority to the said Commissioner to cause expenditure on any work, not previously sanctioned by the Legislature. 9 V. c. 37, s. 7. 20

Expenditure to be sanctioned by legislature. 16. In all cases of application to the Government or to the Legislature, by individuals or bodies corporate, for an appropriation for or expenditure upon any work proposed by them to be undertaken at the public expense,—detailed plans, surveys and estimates thereof shall be forwarded by the party so applying to the said Commissioner, to enable him to report thereon in a satisfactory manner for the information of the Governor and of the Legislature;—And in case the plans, surveys and estimates so sent are not found sufficient, the party so applying shall, prior to any action of the Commissioner thereon which would be attended with expense, enter into bonds to bear the costs attendant upon the providing of such further survey examination and details as the Commissioner deems requisite to be made either by an officer of the Department or otherwise: but every such reasonable expense shall be refunded to the party if the Legislature makes an appropriation for such work. 9 V. c. 37, s. 15. 35 40

Application for expenditure on any public work to be referred to the Commissioner. Security to be given for necessary expenses of survey, &c., if found requisite. 17. The said Commissioner shall lay before the Governor the maps and estimates of any works suggested by him for the consideration of the Legislature, and of which maps and estimates have been prepared by order of the Governor in Council; and in the construction of these and all other Public Works approved of and provided for by the Legislature, the said Commissioner shall not depart, in any case, more than one 45

Maps and plans of work to be submitted to the Governor. Commissioner not to de-

mile from the line or lines delineated on the maps or plans of such works approved by the Legislature; such deviation being first submitted to and approved by the Governor in Council. 9 V. c. 37, s. 16, *as amended by* 10, 11 V. c. 24, s. 10.

5 **18.** No public money appropriated for any public work or building shall be expended except under the control and superintendence of the said Commissioner,—except only, that whenever any money has been appropriated by any Act of the Legislature for making or improving any road or highway, the
 10 Commissioner may in this discretion intrust the whole or part of such appropriation to the Municipal Councils of the Municipalities through which such road or highway passes, to be appropriated by such Councils in the manner and for the purposes by law provided. 9 V. c. 37, s. 22, *as amended by* 13,
 15 14 V. c. 13, s. 16.

19. No warrant shall be issued for any sum of the public money appropriated for any public work under the management of the said Commissioner, except on the certificate of the Commissioner, or his Deputy, that such sum ought to be paid to
 20 the person named in the certificate, in whose favour a warrant may then issue. 9 V. c. 37, s. 35.

20. The Commissioner may from time to time grant certificates in favor of the Secretary, for sums necessary to meet any disbursements allowed to him when on duty, or which the
 25 Commissioner may order to be made immediately by the Secretary, in any report approved by the Governor; but the sum which shall at any one time be in the hands of the Secretary shall in no case exceed five hundred pounds. 9 V. c. 37, s. 36.

21. The said Commissioner may by writing under his
 30 hand and seal, on behalf of the Province, and as hereinafter mentioned, enter into all necessary contracts, agreements and arrangements with any person relative to the Public Works of this Province, and the construction and repairs thereof, and the real property required for the same; And all contracts entered
 35 into by and with the Board of Works, before the 9th day of June, 1846, or with the Commissioners of Public Works, shall have effect, as if they had been entered into by and with the said Commissioner, and all rights acquired by the Board of Works under any such contract shall be vested in Her Majesty,
 40 subject to the provisions of this chapter. 9 V. c. 37, s. 5.

22. All contracts, agreements, bargains, sales or leases to be made or entered into by the Commissioner for or relating to
 any public work, or any land or real or personal property, or hydraulic or other privilege, or any other thing concerning
 45 which any power is vested in the said Commissioner or in Her Majesty, under this chapter, shall be made and entered into in the name of Her Majesty, and not otherwise;

part from the line shewn in any such map, approved by the Legislature, more than one mile.

No money for any public work, or building to be expended except under the Commissioner.

Commissioner may allow certain moneys to be expended by the Municipal authorities.

On what certificate warrants may issue for the payment of moneys for public works.

Money to a certain amount may be advanced to the Secretary.

Commissioners may enter into contracts on behalf of the Province relative to public works.

How contracts made with the former Board shall be construed hereafter.

Future contracts, &c., under the control of the Commissioner to be made in the name of Her Majesty.

Proviso : former contracts, &c., shall be valid, whether made in the name of Her Majesty or of the Commissioners.

Provided always, that all such contracts, agreements, bargains, sales or leases concerning any of the matters herein-before mentioned as have been made by the Commissioners of Public Works, under any law then in force, shall be valid to all intents whether the same were made and entered into in the name of such Commissioners, or in the name of Her Majesty, Her Heirs and Successors. 10, 11 V. c. 24, s. 1. 5

The Commissioner may require accounts to be attested on oath and may administer such oath.

23. The Commissioner may require any account sent in by any contractor, or any person in their employ, to be attested on oath, which oath, as well as that to be taken by any witness, the Secretary or the Commissioner may administer. 9 V. c. 37, s. 34. 10

The Commissioner may send for persons and examine them on oath touching matters referred to them.

24. The Commissioner may send for and examine, on oath, all such persons as he deems necessary, touching any matter upon which the action of the Commissioner is necessary, and may cause such persons to bring with them such papers, documents and things as it may be necessary to examine with reference to such matter, and may pay such persons a reasonable compensation for their time and disbursements, at the discretion of the Commissioner ; And such persons shall attend at the summons of the Commissioner, after due notice, under the penalty of five pounds. 9 V. c. 37, s. 33. 15 20

Penalty for non-attendance.

Annual report to be made and laid before the Legislature.

25. The Commissioner shall make and submit to the Governor in Council, an Annual Report on all the works under his control, to be laid before both Houses of the Legislature, within twenty-one days from the commencement of each session, showing the state of each work, and the amounts of the receipt and expenditure thereon, with such further information as may be requisite. 25

Minutes of proceedings and reports to be duly entered.

And the Commissioner shall report upon all matters referred by the Provincial Government connected with the objects for which the said Commissioner is appointed, and shall obtain all such evidence and information, plans, estimates, drawings or specifications, and cause such surveys, visits and examinations to be made, and do all such acts as are necessary to enable him to report ; 30 35

Security to be taken for the due performance of the work, &c.

And the Commissioner, in all cases where any Public Work under his management is being carried on by contract, shall take all reasonable care that good and sufficient security be given to and in the name of Her Majesty, for the due performance of the work within the amount and time specified for its completion ; And also in all cases where it seems to the Commissioner not to be expedient to let such work to the lowest bidder, it shall be his duty to report the same, and obtain the authority of the Governor in Council previous to passing by such lowest tender ; 40 45

Contract not always to the lowest bidder.

And it shall further be the duty of the said Commissioner to suggest to the Governor in Council such Public Works or improvements as can in his judgment be undertaken with advantage to the Province : But in no case shall any expense beyond
 5 the amount of one hundred pounds be incurred or authorized by the Commissioner with regard to any matter or matters referred to him, or suggested by him, unless with the approval of the Governor in Council. 9 V. c. 37, s. 14.

Commissioner to suggest to the Governor advantageous public works. Proviso.

26. The said Secretary shall make up detailed accounts of the expenditure of all moneys advanced or paid under certificates of the Commissioner, showing the sum appropriated for each public work, the sum so paid or advanced, and the balance if any remaining unexpended, and in whose hands ; And each account shall be accompanied by vouchers, corresponding with
 15 the numbering of the items of such account, and shall be made up to and closed on the first day of January and the first day of July, in each year, and shall be attested before a Judge of one of the Superior Courts of Law, or before some Justice of the Peace, and shall be transmitted to the Inspector General, within
 20 one month after the said periods respectively. 9 V. c. 37, s. 37.

Detailed accounts of the moneys advanced or paid for any public work to be made up by the secretary.

Accounts to be accompanied by vouchers, and to be attested

Taking lands, and other powers in the construction of Public Works.

27. The said Commissioner may authorize the engineers, agents, servants and workmen employed by or under him to enter into and upon any ground to whomsoever belonging, and to survey and take levels of the same, and to make such borings, or
 25 sink such trial pits as he deems necessary for any purpose relative to the works under his management ;

Commissioner may enter on property to make surveys, &c.

The said Commissioner may at all times acquire and take possession of all lands or real estate, and may take possession of all streams, waters and water courses, the appropriation
 30 of which for the use, construction and maintenance of such Public Works is in his judgment necessary ;—and he may for that purpose contract and agree with all persons, Seigniors, bodies corporate, guardians, tutors, curators and trustees whatsoever, not only for themselves, their heirs, successors and
 35 assigns, but also for and on the behalf of those whom they represent, whether infants, (minor children,) absentees, lunatics, femes-covert, or other persons otherwise incapable of contracting, possessed of or interested in such lands, real property, streams, waters and water courses, and all such contracts and
 40 agreements, and all conveyances or other instruments made in pursuance thereof, shall be valid to all intents. 9. V. c. 37, s. 8, part.

And may take lands, streams, &c., for public works.

And may contract and agree with all persons, &c., for that purpose,—otherwise, incapable of contracting.

28. The said Commissioner, for and in the name of Her Majesty, may acquire and take possession of any lands or real
 45 estate, streams, waters or water courses adjoining or lying in

Commissioner empowered to take

lands, streams, &c., in certain cases ;

the neighbourhood of any public work, and which he deems requisite for the enlargement or improvement of such work, or for obtaining better access thereto ; and to enable him to acquire and take possession of such lands or other property, the said Commissioner shall have all the powers and rights conferred by the next preceding section for the purpose of enabling him to acquire such lands or real estate, streams, waters and water courses as are contemplated by the said section, and to take possession of them whenever the owners or occupiers thereof refuse or fail to agree with the Commissioner for the purchase thereof ; And the said Commissioner may, whenever he deems it expedient, sell and convey to any person or body corporate, any land or other real estate which he has under his control and which is not required for the use of any Public Work ; the proceeds of all which sales shall by the said Commissioner be accounted for in the due course of law. 13, 14 V. c. 13, s. 1, see also sections 13 and 64 of this chapter.

And may alienate the same when no longer necessary.

29. The said Commissioner and his agents, may take from all uncleared or wild land, all stones, gravel, sand, clay, or other material, he or they may find necessary for the construction, maintenance or repair of Public Works or buildings under his management, for which compensation shall be made at the rate agreed on or appraised and awarded as herein provided ;— And the said Commissioner may make and use all such temporary roads to and from such stones, clay, gravel, sand or gradel pits, required by him for the convenient passing to and from the works during their construction or repair. 9 V. c. 37, s. 11.

Commissioner may take materials from off any land.

Compensation to be made.

Commissioner may make and use roads from the works to such materials.

30. The compensation agreed on between the parties, or appraised and awarded in the manner hereinafter set forth, shall be paid for such lands, real property, streams, waters and water courses, or damages, to the owners or occupiers of such lands or property, or to the persons suffering such damage as aforesaid, within four months after the amount of such compensation has been agreed on or appraised and awarded ;

When the owner refuses to convey his estate, &c.

Commissioner may take possession.

Where any such owner or occupier, refuses or fails to agree for conveying his estate or interest in any land, real property, streams or water courses as aforesaid, the Commissioner may tender the reasonable value in their estimation of the same, with notice that the question will be submitted to the Arbitrators hereinafter mentioned ; and in every case, within three days after such agreement or tender and notice, the Commissioner may authorize possession to be taken of such land, real property, streams or water courses so agreed or tendered for ;

When the owner does not reside in the vicinity of the property, &c.

If the owners of such land, real property, streams or water courses do not reside in the vicinity of such property so required, then notice shall be given in the "Canada Gazette" and in two distinct newspapers published in or adjoining the District or

County in which such property is situate, of the intention of the Commissioner to cause possession to be taken of such lands, or real property, streams or water courses, and after thirty days from the publication of the last notice, possession may be taken accordingly ;

All land, real property, streams or water courses, contracted for, purchased, or otherwise acquired by the said Commissioner in manner aforesaid, shall be vested in and become the property of Her Majesty, and the respective conveyance thereof, not being notarial deeds, shall be brought to and recorded and enrolled in the office of the Registrar of this Province, but being so enrolled, or being notarial deeds, need not otherwise be made by matter of record ; and such conveyances may be accepted by the said Commissioner on behalf of the Crown.

9 V. c. 37, *part of s. 8.*

All property purchased to be vested in Her Majesty.

31. The said Commissioner may discontinue or alter any part of a public road, where it is found to interfere with the proper line or site of any Public Work as aforesaid ;— But before discontinuing or altering such public road they shall substitute another convenient road in lieu thereof ; and the land theretofore used for any road, or part of a road, so discontinued, with the sanction of the Governor in Council, shall thereafter become the property of the owner of the land of which it originally formed part :

Commissioner may discontinue part of a public road on substituting another.

Road discontinued to become part of the land it was originally taken from.

And as to the roads discontinued and replaced by roads made under the control of the Board of Works, before the 9th day of June 1846, or by the Commissioners of Public Works, such roads shall become the property of the owners of the land of which they originally formed part, and shall not be used as public road, except such parts of the said roads so discontinued as were set apart by the Board of Works for the use of the public,—and also such other parts thereof as may be required by the owners of such property to reach the new roads substituted for such old roads ;—But such roads or parts of roads shall not be made use of to avoid the payment of tolls. 9 V. c. 37, s. 10.

Provision as to roads discontinued before 9th June, 1846, under authority of Board of Works.

32. The said Commissioner shall either construct back ditches or drains for carrying off the water accumulating behind the banks of all Public Canals under his management, or pay a reasonable compensation to the owners of the Lands injured by the accumulation of such water ; And whenever the said Commissioner has constructed any such ditches or drains, and whenever he has put up any fence dividing the property of private individuals from any bridge, canal or other work constructed at the public expense, the said Commissioner and the Government of the Province, shall be forever released from all obligation in regard to such fences, ditches or drains, which shall thenceforward be maintained, repaired and renewed,

Commissioner to make drains in certain cases.

Fences, drains and ditches to be kept in repair by parties interested.

when necessary, by the adjoining proprietors, who shall be alone liable for any damages arising out of the disrepair of any such fences, ditches or drains ;

Such parties may claim compensation in certain cases.

But whenever the provisions of this Act have the effect of imposing upon any person any liability beyond what would have otherwise fallen upon him in regard of such fences, ditches or drains, such person may, by one claim filed in the manner and time required by this chapter, demand compensation for all losses, injuries and expenses accrued or incurred or which thereafter might accrue or be incurred to and by himself, his heirs, assigns and legal representatives, by such additional liability, and the Arbitrators in all such cases may award such compensation as they deem sufficient to cover all such losses, injuries and expenses for the future as well as for the past. 13, 14 V. c. 13, s. 7. 5 10 15

Walls, &c, taken down in executing public works to be replaced by the Commissioner.

33. Whenever it is necessary in the prosecution of any public work, for the said Commissioner, or his contractors or servants, to take down or remove any wall or fence of any owner or occupier of lands or premises adjoining such public work, the Commissioner or contractors, or their authorized servants, shall replace the same as soon as the necessity which caused their being taken down or removed has ceased, and after the same have been so replaced, the owner or occupier of the said lands or premises shall maintain such walls or fences, to the same extent as such owner or occupier might be by law required to do, if the same had never been so taken down or removed. 10, 11 V. c. 24, s. 6. 20 25

How to be kept up afterwards.

OFFICIAL ARBITRATORS.

Governor in Council to appoint not more than three arbitrators for all Canada.

34. The Governor in Council shall, from time to time, appoint one or such other number not exceeding *three* proper persons who shall be Arbitrator or Arbitrators and Appraiser or Appraisers for the whole Province of Canada, who shall, arbitrate on, appraise, determine and award the sums which shall be paid to any owner, occupier or person representing such owner for the land or real estate taken either in perpetuity or temporarily for the use of the said public works, or any of them, or as compensation for any loss or damage accruing to them from such public works, or any of them, and with whom the said Commissioner has not agreed, and cannot agree, and every such arbitrator shall receive such remuneration as shall be from time to time fixed by the Governor in Council. 9 V. c. 37, s. 24, *amended*. 30 35 40

Their duties.

Arbitrators to be sworn.

35. The said Arbitrator or Arbitrators shall take, before the said Commissioner, or some one of Her Majesty's Justices of the Peace.

“ I, A. B., do swear that I will well and truly hear, try and Their oath.
 “ examine into such claims as may be submitted to me for
 “ compensation for land or real property “ proposed ” to be
 “ taken possession of for the use and purposes of, “ or as the
 5 “ case may be,” and that I will also well and truly examine
 “ into such claims for compensation for damages consequent
 “ upon the construction of the said work ; and that I will give
 “ a true judgment and award thereon to the best of my know-
 “ ledge and ability; and that in determining such award I
 10 “ will take into due consideration the benefits to be derived to
 “ the persons making such claims as aforesaid, as well as the
 “ injury done thereby. So help me God.” 9 V. c. 37,
 “ s. 27.

36. The Governor shall appoint one or more proper persons Clerks to be
 15 to act as Clerk or Clerks to the said Arbitrator or Arbitrators ; appointed.
 and may remove such Clerks and appoint others whenever
 he sees fit ; And each of the said Clerks shall be allowed Their remun-
 the sum of fifteen shillings for every day of his attendance eration.
 to his duties as such. 13, 14 V. c. 13, s. 10, *the end*,
 20 *amended*.

37. Provided always, that the arbitrators for Upper and Present arbit-
 Lower Canada, respectively, appointed under the Acts hereby rators may
 repealed or superseded, and in office when this Act comes into complete
 force, and the clerks to the said arbitrators respectively, pending cases,
 15 shall continue in office until removed, for the sole &c.
 purpose of completing cases pending before the said arbitrators,
 and in which they have actually proceeded to take evidence,
 before this Act comes into force, and of giving their award
 therein, and shall with respect to such cases only, have all the
 30 powers conferred on any arbitrators by this Act, and shall
 receive the compensation allowed them by former Acts : And Vacancies.
 in case of any vacancy among the arbitrators for Upper or for
 Lower Canada, or their clerks, while any such case is pending
 before them, the Governor in Council may, if need shall be,
 35 appoint another or others to act in such cases only, with the
 powers aforesaid ; and any person so appointed an arbitrator
 shall take the oath aforesaid, unless he be an arbitrator
 appointed for the whole Province under this Act.

38. Whenever in the following sections of this Act, the How the word
 40 word “ arbitrators ” occurs, it shall be understood to mean “ arbitrators ”
 the arbitrator appointed under this Act, if there be then only shall be con-
 one, and the arbitrators appointed under this Act, if there be strued in the
 more than one ;—Except that as regards any case pending, following pro-
 and in which evidence has been taken as aforesaid before visions.
 45 arbitrators when this Act comes into force, it shall be under-
 stood to mean the arbitrators to whom such case was referred,
 or any majority of them, or of those acting in such case.

WHAT CASES MAY BE REFERRED TO ARBITRATION.

If any party having a claim of any kind for damages arising from any public work, or out of any contract, with regard to any such work, shall bring such claim before the Commissioner.

39. If any person or body corporate has any claim for property taken, or for alleged direct, or consequent damages to property, arising from the construction or connected with the execution of any public work undertaken, commenced or performed at the expense of this Province, or of either of the late Provinces of Upper or Lower Canada, or any claim arising out of or connected with the execution or fulfilment, or on account of deductions made for the non-execution or non-fulfilment of any contract for the performance of any such public work, made and entered into with the said Commissioner either in the name of Her Majesty, or in any other manner whatsoever, or with any other Board, or any other Commissioners lawfully authorized to enter into the same on behalf of this Province, or either of the said Provinces of Upper or Lower Canada,—such person or body corporate may give notice of such claim to the said Commissioner, stating the particulars thereof, and how the same has arisen;—and thereupon the Commissioner may at any time within thirty days after such notice, tender what he considers a just satisfaction for the same, with notice that the said claim will be submitted to the decisions of the Arbitrators acting under this Act, unless the sum so tendered is accepted within ten days after such tender, which shall be deemed to be legally made by any written authority for the payment of such sum given under the hand of the said Commissioner, and notified to the person or body corporate having such claim;—And a tender so made shall be sufficient likewise in case of tender of compensation by the Commissioner under any other section of this Act.

The Commissioner may within thirty days, tender such amount as they may think sufficient.

If not accepted the claim shall be submitted to the arbitrators.

What shall be a tender under this chapter.

Claimants to give security for the costs of arbitration, to the satisfaction of the arbitrators.

Costs, how to be taxed.

But before any claims either under this section or under any other section of this Act, shall be arbitrated upon, the claimant thereof shall give security to the satisfaction of the Arbitrators (or of any two of them,) for the payment of the costs and expenses incurred by the arbitration, in the event of the award of the Arbitrators being against such claimant, or of its not exceeding the sum so tendered as aforesaid. 10, 11 V. c. 25 24, s. 3, part.

No arbitration when the contract provides another course.

40. No arbitration shall be allowed in any case where by the terms of the contract therein, it is provided that the determination of any matters of difference arising out of or connected with the same shall be decided by the Commissioner or by any Engineer or officer of the Department.

Claims for land or damages, or arising out of contracts, to be filed within a certain time.

41. No claim for land or other property alleged to have been taken for or injured by the construction, improvement, maintenance or management of any public work, or for damages alleged to have been occasioned directly or indirectly to any such land or other property by the construction, maintenance or management of any such public work,—and no claim arising

out of or connected with the execution of any contract or agreement for the performance of any such public work or of any part thereof,—shall be entertained by the arbitrators under this Act, unless such claims and the particulars thereof have
 5 been filed at the office of the Commissioner,—within six calendar months next after the loss or injury complained of, when such claim relates to the taking of or damage occasioned to land or other property,—And when such claim relates to or is alleged to arise out of the execution or fulfilment of any contract or agreement for the construction of any public work, un-
 10 less the same has been filed at the said office, within three calendar months next after the date of the final estimate made under such contract: But nothing herein contained shall prevent the Arbitrators from entertaining, investigating or awarding upon any claims filed within the delay allowed by any
 15 Act then in force. 13, 14 V. c. 13, s. 2.

42. Whenever the Commissioner cannot effect an amicable settlement of any such claim, they shall refer the same to the said Arbitrators within sixty days from the filing thereof; and
 20 the said Arbitrators shall proceed to investigate and make their award thereon, at such time and place as the Commissioner appoints. 13, 14 V. c. 13, s. 3.

43. If any claim arises against the said Commissioner of a nature different from those described in this chapter, which the
 25 Commissioner is unable to settle amicably, then such claim (unless the same be made for salary, wages, or allowances by any subordinate officer or person in the employ of the Commissioners) shall be referred to the said Arbitrators, who shall investigate and give their award upon such disputed claim, in
 30 like manner as provided for their award upon other claims: But no such disputed claim shall be entertained by the Arbitrators, unless the same, with the particulars thereof, has been filed at the office of the Commissioner within six calendar months after the same arose. 13, 14 V. c. 13, s. 8, *part.*

Powers of the said Arbitrators, and proceedings by or before them.

44. The said Arbitrators may, by summons or order in writing, to be left at the last usual place of residence of the party to whom it is addressed, command the attendance from any part of the Province of all witnesses or the production of any documents required by any of the parties, and may swear the said
 40 witnesses to testify truly respecting the matters on which they are to be interrogated;—And the disobedience of such summons or order in writing, or neglect to attend and produce such documents shall subject the party disobeying, neglecting or refusing, to a penalty of not less than one pound nor more than five
 45 pounds, to be recovered before any Justice of the Peace, and levied under the warrant of such Justice, by distress and sale of the goods and chattels of the offender unless the party

Time and place of arbitration.

All disputes may be referred to the arbitrators.

But such claim must have been filed within six months after it arose.

Arbitrators to have powers to summon witnesses, and to swear them.

Penalty for refusing to obey summons.

establishes reasonable cause for such disobedience, neglect or refusal;

What documents witnesses may be compelled to produce.

Payment of witnesses.

But no person shall be compelled to produce any document that he would not be compelled to produce at a trial in the Queen's Bench, Common Pleas or Superior Court, or to attend as a witness more than two consecutive days; and each of the said witnesses shall be allowed a sum not exceeding five shillings a day, at the discretion of the said Arbitrators; and such remuneration shall be paid by the party requiring his attendance. 9 V. c. 37, s. 28, amended by 14, 15 V. c. 53, s. 4.

Arbitrators shall consider the advantages as well as disadvantages of any work to the party claiming damages.

45. The said Arbitrators shall consider the advantage as well as disadvantage of such public work, as respects the land or real estate of any person through which the same passes or to which it is contiguous, or as regards any claim for compensation for damages brought before them;—And the said Arbitrators shall, in assessing the value of any land or real estate, proposed to be taken for the purposes of any such public work, or in estimating and awarding the amount of damages to be paid by the said Commissioner to any person, take into consideration the advantages likely to accrue as well as the injury or damages occasioned by reason of such work:—But the Arbitrators shall not in any case award that any sum be paid by any person to the said Commissioner on account of any such advantages. 9 V. c. 37, s. 29.

But no party to pay any sum to the Commissioner for such advantages.

Rules to be observed by the arbitrator in estimating the value of lands taken, &c.

46. The said Arbitrators, in estimating and awarding the amount to be paid to any claimant for injury done to any land or real property, and in estimating the value of lands taken by the said Commissioner under this Act or any former Act, shall estimate or assess such land or real property in accordance with the value thereof at the time when the injury complained of was occasioned, and not according to the value of the adjoining lands at the time of making their award. 13, 14 V. c. 13, s. 5.

Arbitrators to be bound by the stipulations of any contract.

47. The said Arbitrators, in investigating and awarding upon any claim arising out of any contract in writing, shall decide in accordance with the stipulations in such contract, and shall not in any case award compensation to any claimant on account of his having expended larger sums of money in the performance of any work than the sums for which he contracted to perform such work; nor shall they award to such claimant any interest upon any sum of money which they consider to be due to such claimant in the absence of any contract in writing, stipulating payment of such interest;—And no clause in any such contract in which any drawback or penalty is stipulated for the non-performance of or neglect to complete any public work, or to fulfil any covenant in such contract shall be considered as comminatory, but shall be construed as importing an assessment

As to interest.

Penalties not to be deemed comminatory.

by mutual consent of the damages arising out of such non-performance or neglect. 13, 14 V. c. 13, s. 6.

48. The said Arbitrators, in investigating any claim, shall cause all legal evidence offered on either side, to be taken down and recorded in writing, and shall make a list of all plans, receipts, vouchers, documents and other papers which may be produced before them during any such investigation. 13, 14 V. c. 13, s. 19, *part*.

Arbitrators to take evidence in writing, &c.

Nevertheless, the said Arbitrators may, with the consent in writing of the said Commissioner and of the opposite party, take the testimony of the witnesses adduced on either side orally, and shall not in such case reduce it to writing.

Or orally by consent.

49. It shall be competent for the Commissioner to refer any of the claims aforesaid either to one or to any greater number of Arbitrators as he may see fit; and the award of the sole Arbitrator shall be binding if there be only one; and the award of a majority of the said Arbitrators if there be more than one acting in the case, or of a majority of the Arbitrators acting in any case pending when this Act comes into force, shall in all cases be binding as if made by all the Arbitrators. 10, 11 V. c. 24, s. 3, *part*.

Reference may be to one or more arbitrators: if more than one, award of majority to be binding.

50. The said Arbitrators shall furnish the Commissioner with a copy of their award, and a copy thereof to each individual as far as relates to his particular claim, within one month after each decision, in order that the amounts awarded may be paid by the Commissioner, within four months thereafter. 9 V. c. 37, s. 31.

Arbitrators to furnish copies of their awards in order that the sum awarded may be paid.

51. The said Clerk to the Arbitrators shall deliver to any person requiring the same, certified copies of any depositions or papers taken or filed before the Arbitrators: And before delivering any such copies, the Clerk shall be entitled to payment at the rate of six pence for every hundred words contained in the same, and one shilling additional for any certificate. 13, 14 V. c. 13, s. 11.

Clerks to furnish copies of papers.

Payment for the same.

52. If the sum awarded exceeds the sum tendered, the Commissioner shall pay the costs of arbitration, but, if not, the costs shall be paid by the person who refused the tender made by the Commissioner. 9 V. c. 37, s. 8, *part*.

As to costs of arbitration.

And such costs shall in other cases, when the award is in favor of such claimant, be paid by the said Commissioner in addition to the sum awarded, and shall in either case be taxed by the proper officer of the Court of Queen's Bench or Common Pleas, in Upper Canada, and in Lower Canada by a Judge of the Superior Court; And in every case in which the claimant has been represented or assisted by an Attorney before the Arbi-

Costs to be taxed, and how.

trators, the fees of such Attorney shall be taxed and allowed to him as in a contested case in the said Superior Court, or in the Circuit Court, according to the sum awarded. 10, 11 V. c. 24, s. 3, "part amended by" 14, 15 V. c. 53, s. 2.

APPEALS FROM AWARDS IN LOWER CANADA.

53. Any Claimant dissatisfied with any award made by the said Arbitrators in Lower Canada, may appeal from such award by petition, addressed to the Superior Court, sitting in Term in the District in which such award was made, praying such Court, for reasons to be set forth in such petition, to revise and re-consider the same, and to set aside and annul the same, either wholly or in part, and if in part, stating what part, or to amend or reform the same; and Her Majesty's Attorney General or Solicitor General for Lower Canada, may appear to answer such petition for and on behalf of Her Majesty;

And whenever the said Commissioner is dissatisfied with any award, Her Majesty's Attorney General or Solicitor General may, by information on behalf of Her Majesty, apply in like manner, and for reasons to be set forth in such information, to set aside or annul such award, either wholly or in part, or to amend or reform the same;

And such Court may either amend or reform such award or set aside and annul the same; and if such Court is of opinion that the Claimant in any such appeal is entitled to recover an amount of compensation larger than that awarded by the Arbitrators, the Claimant shall receive from the said Commissioner, not only the amount of compensation specified in the judgment of the Court, but also such costs as the Court may award upon such appeal; and when in any such appeal instituted by Her Majesty's Attorney General or Solicitor General, the Court sets aside or annuls any award, or diminishes the amount of compensation awarded to the Claimant, then the Court may award costs to Her Majesty.

54. No such award in Lower Canada shall be set aside unless the application to the Court is made within four months from the date of the award, nor unless notice of such Petition has been given at least twenty full days before the presentation of such Petition.

55. On every such appeal in Lower Canada, the Arbitrators shall produce before the Superior Court all evidence taken and recorded before them, and all plans, receipts, vouchers and other documents submitted to and filed before them in relation to such claim; And the said Court shall not allow any other evidence to be adduced upon any such appeal, except when the Arbitrators have rejected and refused to record evidence law admissible.

SETTING ASIDE AWARDS IN UPPER CANADA.

56. In Upper Canada all awards or decisions of the said Arbitrators shall be subject to the jurisdiction of the Superior Courts of Law or Equity, within the jurisdiction whereof the arbitration has taken place, in like manner and to the same extent, and under the same regulations as apply to arbitrations under the submission of the respective parties,—except that no such award shall be set aside unless the application to the Court is made within one year from the date of the award. 9 V. c. 37, s. 24, part.

The award of such arbitrators to be subject to the control of the Courts, as awards of other arbitrators.

ARBITRATION IN CERTAIN SPECIAL CASES.

57. The Commissioner of Public Works, if he deems it expedient, and when thereunto required by the parties bringing claims in any of the cases before mentioned, may, under the authority of the Governor in Council, refer the said claims or any of them to Arbitrators other than the said Official Arbitrators, which Arbitrators shall be appointed in manner following :

Arbitrators may be appointed in certain cases, otherwise than as before mentioned.

The claimant shall appoint one Arbitrator, the Commissioner of Public Works shall appoint another, and the said two Arbitrators shall appoint a third, and in case of disagreement the said third Arbitrator shall be appointed by a Judge of any Court of Record upon the request of the said two Arbitrators ;

Modes in which arbitrators may be appointed.

And the said three Arbitrators shall have the same powers for the examination and decision of any claim and for commanding the attendance of and summoning before them, hearing, swearing and examining witnesses, and requiring the production of all papers and documents, as the said Official Arbitrators have or might have. 16 V. c. 160, s. 1.

Their powers.

58. Every witness summoned neglecting or refusing to appear before the said Arbitrators, or to be sworn or to answer to the interrogatories put to him, or refusing to produce the documents required of him, shall be liable to the penalty prescribed by the *forty-fourth* section of this Act, in the same manner and subject to the same exemptions and limitations, as in the said section provided, and the said penalty shall be recovered in the manner therein provided ; and the said witnesses shall be entitled to be taxed in the manner therein also provided. 16 V. c. 160, s. 2.

Penalties on witnesses not attending, &c.

59. The claimant shall give security to the satisfaction of the Arbitrators under the two next preceding sections, in the cases provided, and in the manner and for the purposes mentioned in the *thirty-ninth* section of this chapter. 16 V. c. 160, s. 3.

Claimants to give security.

Awards, when to be final, and when subject to revision.

60. The award of the said Arbitrators, or a majority of them, shall be final and without appeal, in all cases in which the claim submitted to them does not exceed Fifty Pounds; and in any case in which the claim exceeds Fifty Pounds, their award shall be subject to and governed by all the provisions contained in the *fifty-third, fifty-fourth, fifty-fifth and fifty-sixth* sections of this Act, with respect to the setting aside or confirming of the awards therein mentioned. 16 V. c. 160, s. 4. 5

Costs by whom to be paid.

61. The costs for any arbitration under the "fifty-fifth" section shall be borne and paid in the manner provided by the *fifty-second* section of this Act, and taxed in the manner provided by the said Section, and the remuneration of the said

Remuneration of arbitrators.

Arbitrators shall be fixed in the same manner for the Official Arbitrators. 16 V. c. 160, s. 5.

CONFIRMATION OF TITLE TO REAL PROPERTY IN L. C.

In Lower Canada, the compensation shall stand in the stead of the property.

62. In Lower Canada the compensation awarded by Arbitration or agreed upon by the Commissioner and any party who could under this chapter validly convey the real estate, or lawfully in possession thereof as owner, for any real estate which might be lawfully taken under this chapter without the consent of the owner, shall stand in the stead of such land; and any claim to or hypothec or incumbrance upon such real property shall be converted into a claim to or upon the said compensation: 20

Proceedings to be taken if the Commissioners have reason to think that hypothecs or claims exist.

If the Commissioner believes that any such claim, hypothec or incumbrance exists upon the land, or if any party to whom the compensation or any part thereof is payable, refuses to execute the proper conveyance and guarantee, or if the party entitled to claim the same cannot be found, or is unknown to the Commissioner, or if for any other reason the Commissioner deems it advisable---he may pay such compensation into the hands of the Prothonotary of the Superior Court for the District in which the property lies, with six months interest thereon, and may cause to be delivered to the said Prothonotary an authentic copy of the conveyance (or of the award if there be no conveyance, and such award shall thereafter be deemed to be the title of Her Majesty to the land therein mentioned), and proceedings shall be thereupon had upon application on behalf of the Crown for the confirmation of such title in like manner as in other cases of confirmation of title,---except that in addition to the usual contents of the notice, the Prothonotary shall state that such title (that is the conveyance or award) is under this chapter, and shall call upon all persons entitled to, or to any part of the real estate, or representing or being the husband of any party so entitled, to file their oppositions for their claims to the compensation, or any part thereof;---and all such oppositions shall be received and adjudged upon by the Court, and the judgment of confirmation 35 40 45

What the notice to the Prothonotary shall contain in addition to the usual particulars.

shall for ever bar all claims to the real estate or any part thereof, (including dower not yet open) as well as all hypothecs or incumbrances upon the same ;—And the Court shall make such order for the distribution, payment or investment of the compensation, and for securing the rights of all parties interested as to right and justice appertain according to the provisions of this chapter and to law : and the costs of the said proceedings or any part thereof shall be paid by the said Commissioner or by any other party, as the Court deems it equitable to order :

Claims not filed, (including dower not open) to be forever barred.

10 And if judgment of confirmation be obtained in less than six months from the payment of the compensation to the Prothonotary, the Court may order a proportionate part of the interest to be returned to the Commissioner ;—and if from any error, fault or neglect in prosecuting the said application for
15 confirmation of title, such confirmation is not obtained until after the six months are expired, the Court shall order payment of interest to the party entitled thereto for such further period as may be right. 9 V. c. 37, s. 9.

Distribution to be ordered by the Court.

RECOVERING POSSESSION OF PUBLIC WORKS IN LOWER CANADA.

63. Whenever an action is brought on behalf of the Crown to recover possession of any Pier, Road, Bridge, Building or other Public Work in Lower Canada, the Court before which the action is brought or any one of the Judges thereof, may order the Sheriff of the District to put the person or persons named for that purpose by the Attorney General, Solicitor
25 General, or other Officer prosecuting such action, and moving or petitioning for such order, in possession of the Public Work designated in the action or in regard of which the action is brought, together with its appurtenances ; such Public Work and appurtenances to be held by such person or persons as the
30 guardian (*gardien*) or guardians thereof during the pendency of such action. 16 V. c. 12, s. 1.

A guardian may be appointed to take possession of real property for the recovery of which an action is brought by the Crown.

64. Every such order may be moved or petitioned for and made, at any time after the service of the Writ of Summons, in the action, either before or after the return thereof, and either in
35 term or in vacation, and shall be granted upon affidavit shewing to the satisfaction of the Court or Judge, that the Public Work in question belongs to Her Majesty, and is unjustly or illegally detained by the Defendant. 16 V. c. 12, s. 2.

Order for delivery to guardian, how obtained.

65. The Sheriff upon receipt of any such Order, shall put
40 person or persons therein appointed as such guardian or guardians, in possession of the Public Work therein designated. 16 V. c. 12, s. 3.

Sheriff to put guardian into possession.

Sale and transfer of Public Works.

66. The Governor in Council may dispose by sale or lease of any land, stream or water. course or other real property, ac-

Property, &c. no longer re-

quired for public purposes may be sold.

quired for the purpose of any public work and no longer required for the same,—or of any portion of any hydraulic power created by the construction of any Public Work or the expenditure of any public money thereon, and not required for such Public Work,—and the proceeds shall be accounted for as public moneys : (9 V. c. 37, s. 13.)—And the Commissioner of Public Works may, whenever he deems it expedient, sell and convey to any person or body Corporate, any land or real estate acquired under section *twenty-eight* of this Act, which he has under his control, and which is not required for the use of any *(such)* Public Work ; and the proceeds of all such sales shall be by the said Commissioner accounted for in due course of law. 13, 14 V. c. 13, s. 1. *And see ss. 13 and 28 of this Act, where similar provisions are made.*

Roads and bridges made by the province may be withdrawn from the control of the Commissioners.

67. Any public Road or Bridge made, built or repaired at the expense of the Province, and under the management and control of the commissioner of Public Works, may, by Proclamation issued by the Governor in Council, be declared to be no longer under the management and control of the said Commissioner ;—and upon, from and after a day to be named in such Proclamation, such Road or Bridge shall cease to be under the management and control of the said Commissioner, and no Tolls shall thereafter be levied thereon under the authority of this Chapter. 13, 14 V. c. 15, s. 2, *(part.)*

Public roads and bridges, no longer under the management of the Commissioner, to be under the control of the local municipal officers.

68. Any Public Road or Bridge, declared as aforesaid to be no longer under management of the said Commissioner of Public Works, shall be under the control of the Municipal Authorities of the locality and of the Road Officers thereof, in like manner with other Public Roads and Bridges therein, and shall be maintained and kept in repair under the same provisions of law which are hereby declared to extend to such Road or Bridge. 13, 14 V. c. 15, s. 2, *remainder.)*

Governor in Council may arrange for the transfer of certain public works to the local authorities.

69. The Governor in Council may enter into arrangements with any of the Municipal Councils or other Local Corporations or Authorities, or with any Company in Lower or Upper Canada incorporated for the purpose of constructing or holding such works, or works of like nature in the same section of the Province—for the transfer to them of any of the Public Roads, Harbours, Bridges or Public Buildings [whether within or without the limits of the Local Jurisdiction of such Municipal Councils or other Authorities] which it is found convenient to place under the management of such Local Authorities or Companies :—And on the completion of such arrangements, the Governor in Council may grant, and by so granting, transfer, and convey for ever or for any term of years, all any of such Roads Harbours, Bridges or Public Buildings, to such Municipal Council, or other Local Authority or Company (hereinafter called Grantee,) upon such terms and conditions as have been agreed upon ; and the said Muni-

cipal Councils or other local Authorities may enter into such arrangements and may take and hold any such works so transferred;—And all moneys payable to the Province under the conditions of any such grant, shall be carried to the credit of the Sinking Fund and form part thereof. 12 V. c. 5, s. 12. See also 14, 15 V. c. 57, s. 1—18 V. c. 100, s. 15.

70. Any such grant of any of the said Public Works, may be made by Order of the Governor in Council, published in the Canada Gazette;—and by such Order, any or all of the powers and rights vested in the Crown or in the Governor in Council, or in any Officer or Department of the Provincial Government, with regard to the Public Work thereby granted, may be granted to and vested in the Grantee to whom the Public Work is granted;

Transfer to be effected by order in Council.

15 And such Order in Council may contain any conditions, clauses and limitations agreed upon, which, as well as all the provisions of such Order in Council, shall, (in so far as they are not inconsistent with this Act, and do not purport to grant any right or power not immediately before the making of such Order in Council, vested in the Crown or in the Governor in Council, or in some Officer or Department of the Provincial Government,) have force and shall be obeyed, as if they had been contained in this Act, and had made part of the enactments thereof;

What provisions such order in Council may contain.

25 And any such Order in Council may, with the consent of the Grantee, be revoked or amended by any subsequent Order in Council published as aforesaid;—and a copy of the *Canada Gazette* containing any such Order in Council shall be evidence thereof,—and the consent of the Grantee thereto shall be presumed unless disputed by such Grantee, and if disputed, shall be proved by any copy of such Order in Council, on which the consent of the Grantee thereto shall be written and attested by such signature or seal, or both, as would be sufficient to make any Deed or Agreement the Deed or Agreement of such Grantee;

Revocation or alteration thereof allowed with consent of grantee, &c.

Nothing, in this Act or in any Order in Council made under it, shall exempt any person from any punishment or penalty imposed by or under authority of any Law, for any offence relative to any Public Work,—but so much of any such penalty as would otherwise belong to the Crown, shall, if it be so provided in the Order in Council, belong to the Grantee, otherwise it shall belong to the Crown;—but this shall not prevent the repeal or alteration by the Grantee of any such penalty imposed by the Governor in Council under the authority of any law, if the power to repeal or alter the same is transferred as aforesaid to such Grantee,—or by the Governor in Council with the consent of the Grantee, if such power is not so transferred. 12 V. c. 5, s. 13.

Penalties for offences relative to Public Works.

Order in Council transferring any Public Work may extend to certain matters.

71. The provisions and conditions of any Order in Council made under this Act may extend—to the mode of adjusting and determining any deference arising between the Crown and any Company or Municipal Corporation as to their respective rights under the same,—or to the reservation of the right of re-entry by the Crown into possession of any Public Work on the default of such Company or Corporation to perform the conditions agreed upon,—and to the vesting in any Sheriff power to give possession of such Public Work to any Public Officer for the Crown, on any warrant under the hand and seal of the Governor to be addressed to such Sheriff, reciting such default and commanding him to give possession to such Officer for the Crown as aforesaid ;—And no enactment made for the purpose of enforcing the provisions of any such Order in Council as aforesaid, shall be deemed an infringement of the rights of the Company or Municipal Corporation to which it relates ; but nothing in this section shall prevent the enforcement of the rights of the Crown in any legal manner not inconsistent with the provisions and conditions of any such Order in Council, and the right of re-entry reserved in any such Order in Council may always be enforced in the manner provided by sections *sixty-three, sixty-four and sixty-five.* 13, 14 V. c. 14, s. 4.

Certain powers must be reserved, &c.

72. No Road, Bridge or Public Work shall be transferred to any Company without the reservation of power on the part of the Crown to resume the same at any time after the expiration of a period which shall not exceed ten years, on conditions to be embodied in the Order in Council transferring it: and no such Road, Bridge or Public Work shall be leased to any Company for a longer period than ten years.

Security must be given.

No Road, Bridge or Public Work shall be sold or leased to any Company, unless security, real or personal, has been given to the satisfaction of the Governor in Council, for an amount equal to ten per centum of the actual value of such Road, Bridge or Public Work in case of sale, or on the estimated value of such Work in case of lease, and such security shall be forfeited to the Crown in case of non-compliance with the conditions of such sale or lease.

Work to be kept in thorough repair.

In every instance, one of the conditions of the sale or lease of any Road, Bridge or Public Work shall be,—that such Work shall be kept in thorough repair and that, for all the purposes of such contract, sale or lease, the sufficiency of such repair shall be ascertained and decided on by such Engineer as shall be appointed to examine the same by the Commissioner of Public Works. 13, 14 V. c. 14, s. 5.

Acts 12 V. cap. 56, extended to companies formed

73. Subject to the provisions of this Act, the provisions of the Act twelfth Victoria chapter fifty-six, shall extend and apply to any Company in Lower Canada, to be formed

for the purpose of acquiring for ever, or for any term of years, any of the Public Roads, Harbours, Bridges or Public Buildings which may be lawfully transferred to any such Company under this Act, or for the purpose of so acquiring and of improving or extending (or both) any such Public Work,—as fully as if such purpose were expressly enumerated in the said Act (12 V. c. 56,) among the purposes for which Companies may be formed under the same,—the form of the instrument of association given in the schedules to the said Act being varied so as to express that the Company is formed under said Act as extended by this Act, and for what purpose it is formed ;

for purchasing Public Works under this chapter.

Provided always, that no Company to be so formed for the purpose of acquiring any such Public Work (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 Act (12 V. c. 56,) 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 ;

Such companies not liable to certain provisions of the said Act.

Nor shall any of the provisions of the said Act (12 V. c. 56,) inconsistent with any lawful provision or condition in any Order in Council legally made under this Act, or with the rights transferred by the same, apply to the Company to which such Order in Council relates ;—but nothing herein shall 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 :

Certain sections of the said Act to apply.

Provided always that the *thirty-fifth* section of the Act above cited, shall apply to Roads, Bridges and other Works transferred to any Company and to the Company to whom the same have been transferred as far as regards such Roads, Bridges and Works. 13, 14 V. c. 14, s. 1.

Proviso.

74. The Tolls to be taken by any Company to be formed for the purposes aforesaid, on any such Public Work, not being a Road, shall not be regulated by the provisions of the Act (12 V. c. 56,) first mentioned, 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 this Act, unless some lower maximum be fixed (as it may be) by the Order in Council transferring the work, to the Company or by some

What shall be the maximum tolls to be taken by any such company?

further order amending the same, made with the consent of the Company ;—and the Tolls to be levied on any Road, or on any extension of such other Public Work shall only be regulated by the chapter or Act first mentioned in the absence of any special provision for lower rates in the Order in Council as aforesaid ;

As to exemption from toll.

Provided always, that no exemption from Tolls on any Road or other Public Work so transferred or on any extension thereof, shall be valid against any Company to be formed under the next preceding section of this Act, except such only as can be validly claimed under the Act (12 V. c. 56,) first mentioned on 10 works constructed under the authority thereof, unless such exemption from Toll is stipulated in the Order in Council transferring such Public Work to the Company. 13, 14 V. c. 14, s. 2.

Provision in favor of parties residing within a certain distance of the limits of any City or incorporated Town.

75. Any party residing on the line of any Road transferred 15 to any Company or Municipal Corporation under the provisions of this chapter, and within half a mile of the limits of any City or Incorporated Town, may commute with such Company or Municipal Corporation for a certain sum per month to be paid by such party to the Company or Corporation for passing and 20 re-passing through the Toll-gate between the residence of such party and the limits of such City or Town, and in default of agreement such commutation may be fixed by arbitration, each party appointing one arbitrator, and the two arbitrators a third, and the decision of any two of such arbitrators being 25 final ;—And in default of commutation, either by agreement of award of arbitration, such Company or Municipal Corporation shall be entitled to charge such party or his servants and others passing such gate with his carriages or vehicles, horses or cattle, such Tolls only as will bear the same proportion to the 30 Tolls per mile then charged by the Company or Municipal Corporation to other parties, as the distance between the limits of the said City or Town and the residence of the party first aforesaid bear to one mile. 13, 14 V. c. 14, s. 3.

TOLLS ON PUBLIC WORKS.

Governor in Council may impose tolls for the use of any Public Work, and make regulations for their collection.

Such tolls may be altered.

76. The Governor in Council may, by Orders in Council to 35 be issued and published as hereinafter provided, impose and authorize the collection of Tolls and Dues upon any Canal, Harbor, Road, Bridge, Ferry, Slide, or other Public Work, in this Province, vested in Her Majesty, or in the Commissioner of Public Works, or in any Public Officer, person, or body cor- 40 porate, for the public uses of this Province, or to be acquired therefor,—and from time to time, in like manner, may alter and change such Tolls or Dues, and may declare the exemptions therefrom ; and all such Tolls and Dues shall be payable in 45 advance and before the right to the use of the Public Work in respect of which they are incurred shall accrue, if so demanded by the Collector thereof ; 20 V. c. 19, s. 1.

Provided always, that no such Tolls or Dues shall exceed the maximum rates in the Schedule B to this Act as regards the works in the said Schedule referred to. 20 V. c. 19, s. 2. Such tolls not to exceed, &c.

5 **77.** Any fraction of ton or other quantity mentioned in the Schedule B to this Act as that on which the Tolls to be levied on the said Works are to be calculated, may be considered as a whole ton or quantity. 12 V. c. 4, s. 3, *first part*; *remainder superseded by 20 V. c. 19.* Fractions how computed.

10 **78.** The same Tolls shall be payable on Steamboats or Vessels of any kind and Passengers, brought down the River St. Lawrence, past any of the Canals between Montreal and Kingston, as would be payable on such Steamboats, Vessels or Passengers, if the same had been brought through the Canal or
15 Canals past which they shall have been brought down; and such Tolls shall be levied in like manner, and under the like penalties and forfeitures for the non-payment thereof. 12 V. c. 15, s. 1. What tolls shall be payable on vessels and passengers coming down the St. Lawrence rapids.

79. The Governor in Council may from time to time, on the
20 report of the said Commissioners, place the toll-gates on the roads in Schedule A at such places and such distances from each other as appear to him advisable. 10, 11 V. c. 24, s. 7, except power to vary tolls which is provided for by 20 V. c. 19, &c. Governor in Council may alter the place of toll gates, &c.

25 **80.** Her Majesty's Officers and Soldiers, being in proper uniform, dress or undress (but not when passing in any hired or private vehicle), and all carriages and horses employed in Her Majesty's service, when conveying persons or baggage, shall be exempted from payment of any tolls on using or travelling over
30 any road or bridge named in the Schedule A to this Act annexed, or made or constructed with the public money of this Province: but nothing herein shall exempt any boats, barges, or other vessels employed in conveying the said persons, horses, baggage or stores along any canal, from payment of tolls, in like
35 manner as other boats, barges and vessels are liable thereto. 9 V. c. 37, s. 19. Officers and soldiers on duty to pass toll-free over roads and bridges.
Boats, &c., conveying the above along any canal, not to be exempt.

81. All tolls and dues imposed under this Act may be recovered, with costs, in any Court having civil jurisdiction to the amount by the Collector or person appointed to receive the
40 same, in his own name, or in the name of Her Majesty, and by any form of proceeding by which debts to the Crown may be recovered; In what manner tolls and penalties under this Act shall be recoverable;

And all pecuniary penalties imposed by this Act, or by any regulation made under the authority thereof shall be recoverable with costs before any Justice of the Peace for the District in which the offence was committed, upon proof by con-
45 And how levied.

Application of penalties. fession or by the oath of any one credible witness, and may, if not forthwith paid, be levied by distress and sale of the goods and chattels of the offender, by warrant under the hand and seal of such Justice ; And if sufficient distress cannot be found, and such penalty be not forthwith paid, such Justice may, by warrant under his hand seal, cause the party offending to be committed to the Common Gaol of the District or County, there to remain without bail or mainprize, for such time as such Justice may direct, not exceeding thirty days, unless such penalty and costs be sooner paid ; and such penalties shall belong to Her Majesty for the use of the the Province ;

Proviso : as to tolls, penalties, &c., accruing or incurred with respect to timber passing any slide, &c. Provided always, that in respect to tolls and dues on timber passing any slide and to penalties for violating regulations respecting such slides, or for non-payment of such tolls and dues, the same may be enforced, imposed and collected, by and before any Justice of the Peace within any District of the Province in which the timber, respecting which such tolls or dues, or the person from whom such payment or penalty is demanded, happens to be at the time application is made to such Justice to enforce payment of the same. 9 V. c. 37, s. 20.

Goods, &c., in vessels or carriages liable for tolls or fines. **§2.** The goods on board of any such steamboat, vessel, raft, crib or other craft, or the animal or animals attached to any carriage or vehicle, and the goods contained therein, to whomsoever the same belong, shall be liable for any Tolls, Dues or Fine so to be imposed and levied,—and they or any of them, may be seized, detained and sold in the same manner as the steamboat, vessel or other craft, carriage or vehicle, in which they are or to which they are attached, and as if they belonged to the person or persons contravening any such Orders or Regulations,—saving the recourse of the real owners thereof against such person or persons, who shall be deemed the owner or owners thereof for the purposes of this Act. 20 V. c. 19, s. 5.

Tolls, &c., to be paid by the person receiving them to the Receiver General, and to be deemed duties within the meaning of 8 V. c. 4. **§3.** All tolls, dues or other revenues imposed and collected on Public Works, shall be paid by the persons receiving the same directly to the Receiver General of the Province, in such manner and at such intervals as may be appointed by him, but such intervals shall in no case exceed one month ;—And all such tolls and revenues shall be held to be duties within the meaning of the Act passed in the 8th year of Her Majesty's Reign, chapter four, and shall, as shall all persons concerned in the collection thereof, and all matters therewith connected, be subject to the provisions of the said Act in so far as may be consistent with this Act. 9 V. c. 37, s. 21.

Tolls at the several toll-gates may be farmed or leased, and the lessees **§4.** The Governor in Council may order the Tolls at the several gates erected or to be erected on any public road vested in the Crown, or under the management of the Commissioner of Public Works, to be let to farm under such regulations and by such form of lease as he thinks expedient ;—and the lessee

or farmer of such Tolls, or any person he may appoint, may demand and take such Tolls, and proceed for the recovery of the same in the name of such lessee or farmer, in case of non-payment or evasion thereof, in the same manner and by the same means as are given by law to any collector of Tolls or other persons authorized to collect the same. 10, 11 V. c. 24, s. 8. shall have certain rights.

REGULATIONS FOR USE OF PUBLIC WORKS.

85. And for the due use and proper maintenance of all such Public Works, and to advance the public good,—the Governor in Council may, by orders in Council, enact from time to time such Regulations as he may deem necessary for the management, proper use and protection of all or any of the said Public Works, or for the ascertaining and collection of the Tolls and Dues thereon. 20 V. c. 19, s. 3. Governor in Council may make regulations for the proper use, &c., of any such work.

86. The Governor in Council may by such Orders and Regulations, impose such fines, not exceeding in any one case one hundred pounds, for any contravention or infraction of any such Order or Regulation, as he deems necessary for ensuring the observance of the same and the payment of the Tolls and dues to be imposed as aforesaid,—and may also by such Orders and Regulations provide for the non-passing or detention and seizure, at the risk of the owner, of any steamboat, vessel or other craft, carriage, animal, timber or goods, on which Tolls or dues have accrued and have not been paid, or in respect of which any such Orders or Regulations have been contravened or infringed, or any injury done to such Public Works and not paid for, or for or on account of which any fine has been incurred and remains unpaid,—and for the sale thereof, if such Tolls, dues, damages or fine be not paid by the time to be fixed for the purpose, and for the payment of such Tolls, Dues, Damages or Fine out of the proceeds of such sale, returning the surplus, if any, to the owner or his agent; But no such provision shall impair the right of the Crown to recover such Tolls, Dues, Fines or Damages in the ordinary course of law; and any such Tolls, Dues or Fines may always be recovered under the *eighty-first* section of this Act. 20 V. c. 19, s. 4. Fines may be imposed by such regulations. Vessels, &c., may be detained until tolls or fines incurred are paid. But not to affect other provisions for their recovery.

MISCELLANEOUS PROVISIONS.

87. All Proclamations, Regulations or Orders in Council made under this Act, shall be published in the Official Gazette, and a copy of such Gazette purporting to be printed by the Queen's Printer, and containing any such Proclamations, Orders or Regulations, shall be legal evidence thereof. 20 V. c. 19, s. 6. Proof of Orders in Council under this Act.

88. The charges and expenses defrayed out of the tonnage dues formerly levied under the Acts repealed by the Act 14, 15 Vict. cap. 52, shall continue to be paid out of the Consolidated Expenses formerly paid out of the ton-

tonnage dues imposed by the repealed Acts, to be defrayed out of the Provincial Funds.

Revenue Fund of this Province ; and the Governor may from time to time, by Warrant, advance out of the said Fund, to the Treasurer of the Trinity House of Quebec, and to the Treasurer of the Trinity House of Montreal, respectively, such sums as will, (with any moneys they have in their hands applicable to such purposes,) be sufficient to enable the said Corporations to defray all expenses by them lawfully incurred, and to pay the interest and principal of all debts by them lawfully contracted, at the time when the same become payable, and may in like manner advance to the proper officer the sums required to defray any expenses, which, without the Act the last cited would be payable out of the tonnage dues imposed by the Acts of the Legislature of Upper Canada thereby repealed; 14, 15 V. c. 52, s. 2.

Trinity Houses of Quebec and Montreal not to borrow money.

Provided always, that neither the Trinity House of Quebec, nor the Trinity House of Montreal, shall borrow any sum of money, and that the moneys advanced under this Chapter to the Treasurers of the said Corporations shall be accounted for in the manner by law provided, with regard to money received and expended by the said Corporations. 14, 15 V. c. 52, ss. 3 and 4.

Repealing clause .

89. The enactments contained in the following Acts and parts of Acts relating to Public Works and the Department of Public Works, that is to say ;—the Act the passed in the ninth year of Her Majesty's Reign, chapter thirty-seven,—the Act passed in the session held in the tenth and eleventh years of Her Majesty's Reign, chapter twenty-four,—the Acts passed in the twelfth year of Her Majesty's Reign, chapters four and fifteen,—the Act passed in the session held in the thirteenth and fourteenth years of Her Majesty's Reign, chapters thirteen and fourteen,—the Act passed in the session held in the fourteenth and fifteenth years of Her Majesty's Reign, chapter fifty-three,—the Acts passed in the sixteenth year of Her Majesty's Reign, chapters twelve and one hundred and sixty,—the Act passed in the twentieth year of Her Majesty's Reign, chapter nineteen,—and the twelfth and thirteenth sections of the Act passed in the twelfth year of Her Majesty's Reign, chapter five,—which were in force immediately before the day when this Act comes into effect, shall be repealed upon, from and after that day, so far as they are inconsistent with this Act or contain any provision not contained in this Act, and shall be superseded by this Act so far they make the same provision in any case as is made therein by this Act ;—but the enactments in this Act so far as they are the same in effect as those so superseded shall be construed as declaratory and as having been in force from the time when the enactments they supersede respectively became law ;—so that (among other things) all appointments made and all proceedings commenced under any such enactments shall remain valid and be continued under the corresponding enactments of this Act, as being in effect the same law.

SCHEDULE A.

PUBLIC WORKS VESTED IN THE CROWN AND PLACED UNDER THE
MANAGEMENT OF THE COMMISSIONERS OF PUBLIC WORKS BY
THIS ACT, SUBJECT TO THE EXCEPTION IN SECTION 11

 NAVIGATIONS, CANALS AND SLIDES.

The Welland Canal and Feeder, with the portion of the Grand River, from Cayuga Bridge to its mouth.

The Welland River, from Port Robinson to its mouth, and the Cut at the Chippewa.

All those portions of the Saint Lawrence Navigation, from Kingston to the Port of Montreal, improved at the expense of the Province.

The Lock and Dam at Saint Anne's.

The Scugog River Navigation, and the Navigations connected therewith, viz: From the head of the Lake Scugog to Fenelon Falls, and from thence to Mud Lake and Buckhorn Rapids, by Sturgeon, Pigeon and Buckhorn Lakes. Provided always, that this shall not divest the proprietors of the hydraulic privileges heretofore occupied, possessed or enjoyed by them, or enable Her Majesty, Her Heirs or Successors to grant any new privilege to other parties.

That portion of the Otonabee River, between Peterborough and Rice Lake, with the Lock and Dam at Whitlas' Rapids.

The Rice Lake, and the River Trent from thence to its mouth, including the Locks, Dams and Slides between those points.

All such portions of the Ottawa River, from Bytown upwards, as have been or shall be improved at the expense of the Province. The Ordnance Canals below Bytown, and the Rideau Canal and Works.

The Lock and other improvements on the River Richelieu.

The Madawaska River, from the head of the Ragged Chute to the Chats' Lake.

HARBOURS,—LAKE ERIE.

Rondeau Harbour, including the Piers, Breakwaters, and Inner Basin.

Port Stanley Harbour and Inner Basin.

Port Burwell do. do.

Port Dover do. do.

Port Maitland do. do.

Port Colborne do. do.

LAKE ONTARIO.

Port Dalhousie Harbour.

Burlington Bay Canal.

Windsor Harbour.

ROADS.

The Main Provincial Road from Quebec to Sandwich.

The Main Road from Queenston to Hamilton.

The Port Hope and Rice Lake Road.

The Windsor, Scugog and Narrows Bridge Road.

The Main North Road, from Toronto to Lake Huron, at Penetanguishene.

The Hamilton and Port Dover Road.

The London and Port Stanley Road.

The Road from the Village of Dundas to the Township of Waterloo mentioned in the Act of the Legislature of Upper Canada passed in the seventh year of the Reign of King William the Fourth, and intituled, "An Act to authorize the construction of a Macadamized Road from Dundas to Waterloo, in the Gore District." 12 V. c. 4, s. 5.

The bridge over the River Don, on the Kingston Road, at the east end of the City of Toronto, and the said Kingston Road east of the said River, shall not be held to be within the said City or the Liberties thereof, or be under the control of the Corporation thereof, but shall remain under the control of the Commissioners of Public Works, or of any party to whom they may be transferred by order of the Governor in Council; 13, 14 V. c. 15, s. 2.

And the Tolls collected under this Act upon each Road shall be applicable to the improvement of the Road, and the

extension of the improved portion thereof,—and the debt due by any Commissioners, District or public body on that portion of any road under the control of the Commissioners of the Public Works, being thereafter payable out of the Provincial Funds. 9 V. c. 37, Schedule.

Provided always, that the Montreal and Quebec Turnpike Trusts, and such portions of the said Roads, respectively, as lie within the limits of any incorporated City or Town, shall not be under the management of the said Commissioners; nor shall such portions of the said Roads as may from time to time be exempted by Proclamation issued by order of the Governor in Council, from the operation of this Act, which portions shall during the period of such exemption, remain subject to the same authorities and provisions of Law as if this Act had not been passed; 9 V. c. 37, Schedule.

Bridges.

The Chaudière Bridge near Quebec.

The Cap Rouge Bridge.

The St. Anne de la Pérade Bridge.

The Batiscan Bridge.

The St. Maurice Bridge.

The Union Suspension and other Bridges over the Ottawa River between Bytown and Hull.

The Trent Bridge at the mouth of the Trent.

The Bridge at the Narrows of Lake Simcoe.

The Dunville Bridge.

The Caledonia Bridge.

The Brantford Bridge.

The Paris Bridge.

The Delaware Bridge.

The Chatham Bridge.

Public Works Generally.

And all other Canals, Locks, Dams, Slides, Bridges, Roads or other Public Works, of a like nature, constructed or to be constructed, repaired or improved at the expense of the Province. 9 V. c. 37, *Schedule.*

SCHEDULE B.

TABLE OF THE MAXIMUM TOLLS TO BE LEVIED UNDER THIS ACT.

	£	s.	d.
On Goods and Merchandize passing through all the Canals between Montreal and Kingston, upwards, per ton weight.....	0	7	6
The same, downwards	0	5	0
On Steamboats or other vessels, passing through the same, upwards, per ton burthen	0	3	0
Do do do downwards, per ton burthen.	0	0	1½
On Passengers of or over 21 years of age, upwards, each	0	0	6
Do do do downwards, each.....	0	0	3
Do do under the said age, upwards, each.....	0	0	3
Do do do downwards, each.....	0	0	1½

The same Tolls being payable on Goods and Merchandize brought down the River Saint Lawrence past any section or sections of the said Canals, as if they had been brought through the same, excepting always timber brought down in rafts or cribs, and having been cut upon the banks of the Saint Lawrence or Ottawa Rivers, or of the Bay of Quinté, or of the streams running into either of the said Rivers or Bay.

On Goods and Merchandize passing through the Weiland Canal, upwards or downwards, per ton weight.....	0	7	6
On Steamboats or other vessels passing through the same, upwards or downwards, per ton burthen.	0	0	1½
On Passengers of or over 21 years of age, upwards or downwards, each.....	0	0	6
Do do under 21 years of age, upwards or downwards, each	0	0	3
On Goods and Merchandize passing through the Chambly Canal, upwards or downwards, per ton weight	0	2	6
On Steamboats or other vessels passing through the same, upwards or downwards, per ton burthen	0	0	1½
On Passengers of or over 21 years of age, upwards or downwards, each	0	0	6
Do do under 21 years of age, each.....	0	0	3

And on Goods, Vessels, or Passengers passing through any portion or section of the said Canals, respectively, such portion of the above rates as the Governor in Council deems expedient.

£ s. d.

On Goods and Merchandize, Vessels and Passengers passing through any of the Locks mentioned in the Schedule A annexed to this Chapter, or hereafter to be constructed, and not being on any of the Canals aforesaid, per ton weight, upwards or downwards, at each Lock	0	0	3
On Steamboats and other vessels, upwards or downwards, per ton burthen.....	0	0	1
On Passengers of or over 21 years of age, upwards or downwards, each.....	0	0	4
Do do under 21 years of age, upwards or downwards, each.....	0	0	2
For the use of the several Public Harbours mentioned in the said Schedule A.			
For each ton weight of Goods or Merchandize landed or shipped.....	0	5	0
On Steamboats and other Vessels using any such Harbour, per ton burthen, per diem.....	0	0	0½
On Passengers embarked or disembarked, of or over 21 years of age, each.....	0	0	1
Do do do under 21 years of age, each.....	0	0	0½
For the use of the several Slides mentioned in the said Schedule A.			
For each Crib of hard wood Timber, Masts, Staves or Sawed Lumber.....	0	12	6
For each Crib of other Timber or of Saw Logs....	0	10	0
On the several Public Roads mentioned in the said Schedule A, at each gate thereon, and for each time of passing such gate.			
For each vehicle of any kind and one horse or other beast of draught and not more than ten hundred weight of load, (each additional ten hundred weight being reckoned as one horse, and any fraction of ten hundred weight as ten hundred weight).....	0	0	6
For each additional horse or beast of draught attached to such vehicle, or saddle horse, or other beast and its rider.....	0	0	2
For each horse not attached to any vehicle and without a rider, ox, cow, or head of cattle, or non-enumerated quadruped.....	0	0	1
For each sheep, pig, or goat.....	0	0	0½
On the several Public Bridges mentioned in the said Schedule A, and for each time of passing over the same,—the same Tolls as on the Public Roads aforesaid for animals and carriages and for each foot passenger.....	0	0	1