

Laws of His Majesty's Province of Upper Canada, passed in the year 1857. Toronto: Stewart Derbshire & George Desbarats, 1857.

20 Victoria – Chapter 69

An Act to provide for the disposal of Road Allowances in the Rural Municipalities of Upper Canada. Assented to 10th June, 1857.

Whereas it has become necessary to provide more fully for the stopping up and sale of original road allowances in Upper Canada: Therefore, Her Majesty, by and with the advice and consent of (he Legislative Council and Assembly of Canada, enacts as follows:

- I. So much of the one hundred and eighty-seventh section of the Upper Canada Municipal Corporations Act of 1849, as amended by the Upper Canada Municipal Corporations Law Amendment Act of 1850, or of the thirty-second section of the Upper Canada Municipal Corporations Law Amendment Act of 1853, as prevents the Municipalities of Townships and the Municipal Councils of Counties in Upper Canada from passing By-laws for stopping up original allowances for roads in such Townships or Counties, or from selling and conveying any original allowance for road, shall be and the same is hereby repealed.
- II. It shall be lawful for the Municipality, of each of the Townships of Upper Canada from time to time to make a By-law or By-laws for the stopping up and sale of any original allowance for road, or any part thereof, within such Township, and thereby to determine and declare the terms upon which such original allowance for road shall be sold and conveyed; Provided always, that such By-law or By-laws, before they have any force, shall be confirmed by a By-law of the County Council of the County in which such Township is situate, at some ordinary session thereof, held not sooner than three months nor later than one year next after the passing thereof.
- III. It shall be lawful for the Municipal Council of each County or Union of Counties in Upper Canada, from time to time to make a By-law or By-laws for the stopping up or stopping up and sale of any original allowance for road or parts thereof within such County or Union of Counties, which is subject to the sole jurisdiction and control of the Municipal Council thereof, and not being on the limits of any Village, Town or City therein.
- IV. In all cases where a Public Road has been opened or where a new road shall be opened in lieu of the original road allowance, and for which compensation shall have been or shall be paid, the Municipal Council of the Township or of the County shall in their respective jurisdictions, have power to sell such original Road allowance to the party or parties next adjoining to whose land or lands the same shall have run or be run, and in case of his, her or their refusal to become the purchaser or purchasers thereof, at such price or prices as such Municipal Corporation shall think reasonable, then to any other person or persons whomsoever, but. not for a less sum than the price it was offered for to the party refusing to purchase it.

V. In all cases where a public road has been opened, or where a new road shall be opened in lieu of an original Road allowance, and for which no compensation has been or shall be paid, the Municipal Council of the Township or County in their respective jurisdictions shall have power and they are hereby authorized and required upon the report in writing of the Township or County Surveyor, or of a Deputy Provincial Land Surveyor, that such new road allowance or travelled road is sufficient for the purposes of a public road or highway, to convey such original road allowance to the party or parties through whose land or lands the same shall have run or shall run, in lieu of such new road.

VI. When any such Road is, in the opinion of such Municipality, useless to the public, and lies between lands owned by different parties, such Municipality shall, subject to the conditions aforesaid, sell and convey a part thereof to each of such parties, as to such Municipality shall appear to be just and reasonable.

VII. It shall not be lawful for any Municipality, whether County or Township, after the passing of this Act, to close up any public road or highway, whether such road or highway be an original road allowance, or a road which has been opened by the Quarter Sessions, County or Township Councils through any land, by which any person shall be excluded from ingress or egress to and from his farm or place of residence over the said road, but all such roads shall remain open for the use of the person who shall require the same.

VIII. No By-law for the stopping up, or stopping up and sale of any original allowance for Road shall be passed until one month's notice thereof shall have been given by written or printed notices posted in at least six public places in the vicinity of such Road allowance, and published in at least one local newspaper for three successive weeks, and it shall be the duty of the Township or County Clerk, as the case may be, to give such notice on the application of the party applying therefor, on payment of the reasonable expenses attendant thereon.