

the provisions of an Act passed in the twelfth year of Her Majesty's Reign, intituled, 'An Act to authorize the formation of Joint Stock Companies for the construction of Roads and other works in Upper Canada,' as extends the provisions of the Act cited in the Preamble to this Act to Rail-roads or Tram Roads, shall be and is hereby repealed: Provided always, that nothing herein contained shall in any manner interfere or be construed to interfere with the rights that the Brantford and Buffalo Joint Stock Rail-road Corporation, or any person or persons or body corporate may have in any manner legally acquired, under the provisions of the said recited Act, repealed by this Act: Provided also, that nothing contained in this Act, or in any Acts passed during the present session, shall be construed to prevent the said Brantford and Buffalo Joint Stock Rail-way Company, or any other Company organized under the provisions of the Act hereby repealed, from proceeding to carry on its operations or from exercising or enjoying or continuing to exercise or enjoy all or any of the rights, powers and privileges which such Company or Companies might have exercised or enjoyed if the said Act had not been repealed.

CAP. CXXII.

An Act to amend the Act, intituled, *An Act to authorize the formation of Joint Stock Companies for the construction of Roads and other Works in Upper Canada*, and to extend the provisions thereof.

[30th August, 1851.]

Preamble,
12 Vict. c. 81:

WHEREAS it is expedient to amend the Act passed in the second Session of the third Parliament of this Province, intituled, *An Act to authorize the formation of Joint Stock Companies for the construction of Roads and other works in Upper Canada*, and to extend the provisions thereof to other objects: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the Seventh and Sixteenth Sections of the said Act be repealed.

Sect. 7 & 16 re-
pealed.

Case of any Company
wishing to extend
their works provided
for.

Borrowing money.

New stock.

Registry of new
subscribers.

Rights and liabilities
of new subscribers.

II. And be it enacted, That if at any time after the formation of any such Joint Stock Company, the Directors shall be of opinion that it would be desirable to extend or alter the projected line of road,—to construct any side roads to intersect the original main roads,—or that the original capital subscribed will not be sufficient to complete the work contemplated by such Company to be executed or to be extended or altered, it shall and may be lawful for the said Directors, under a Resolution to be passed by them for that purpose, either to borrow upon the security of the said Company by Bond, or Mortgage of the Road and Tolls to be collected thereon, a sufficient sum of money to complete the same, or to authorize the subscription of such number of additional shares as shall be named in their Resolution, a copy whereof, under the Hand of the President and Seal of the Company, shall be engrossed at the head of the subscription list to be opened for subscribers to the additional number of shares thereby authorized to be subscribed; and that when such a number of new shares shall have been subscribed as the Directors shall deem it desirable to have registered, the President shall deliver such new list of subscribers to the Register having the custody of the original Instrument, who shall attach such new list of subscribers thereto, which shall thenceforth be held and taken to be part and parcel of the said Instrument; and all the subscribers thereto, and those who may thereafter enter their names as subscribers thereon, with the consent of such Directors, to be signified by producing a receipt from the Treasurer of such Company, that the person desiring to subscribe to the said new stock list has paid an instalment of six per cent. on his shares, shall be subject to all the liabilities, and entitled to all the rights, benefits, privileges and advantages to which the original subscribers

subscribers shall thenceforth be entitled, and as well to the first line of road as to any extension thereof as aforesaid, and which the said Companies are hereby authorized to construct, and which shall thenceforth be considered as part and parcel of the original line, and such additional shares or Stock shall and may be called in, demanded and recovered in the same manner and under the same penalties as is or are or may be provided or authorized in respect of the original Shares or Stock of any such Company.

III. And be it enacted, That Tolls may be taken by any such Company at each time of passing each gate upon any road constructed by such Company for any portion of such Road on either side or on both sides of such gate not being more than halfway to the next gate, or gates on the same Road, if any, and not exceeding five miles in the whole, or for the whole of such Road, if the length thereof do not exceed five miles, and there be only one gate thereon, at the following rates per mile, that is to say: for every vehicle, whether loaded or otherwise, and for the horse or other beast, or one of the horses or other beasts drawing the same, one penny; and for every additional horse or other beast drawing any such vehicle, one half penny; for every horse and rider, one half penny; for every led horse, one half penny; for every score or number less than a score of sheep, swine or neat cattle, one half penny: Provided always, that any Company may in their discretion charge a greater or less toll according to the weight or quantity drawn by each team, not exceeding however the above rates of toll in any case.

Rates of toll limited.

IV. And be it enacted, That the tolls to be taken or levied by any Company formed or to be formed under the said Act cited in the preamble of this Act as amended and extended by the Act of the Parliament of this Province, passed in the Session thereof held in the thirteenth and fourteenth years of Her Majesty's Reign, chaptered fourteen, and intituled, *An Act to extend the Acts for the formation of Companies for constructing Roads and other works to Companies formed for the purpose of acquiring Public Works of like nature, upon any Road granted or transferred to such Company under the authority of the said Acts and the Act passed by the Parliament of this Province in the Session thereof held in the twelfth year of Her Majesty's Reign, chaptered five, and intituled, 'An Act for the better management of the Public Debt, Accounts, Revenue and Property'*, shall be regulated by the next preceding section of this Act, all the provisions of which section shall apply to every such Company and Road: Provided however, that lower rates of toll upon any road hereafter transferred under the said Acts, may be fixed or established in the Order of the Governor in Council transferring the same to any such Company.

Tolls to be regulated by the next preceding section.

V. And be it enacted, That any Company now or hereafter to be formed under the provisions of the said in part recited Act and this Act, for the construction of any Turnpike Road, may in their discretion form the same in part or in whole either of metal, timber, charcoal or any other suitable material for constructing a firm, substantial and smooth surface, whether the material be mentioned in the registered Instrument of Incorporation or not.

Provisions of the same how to apply. Proviso.

Materials to be used in the construction of Roads.

VI. And be it enacted, That the provision contained in the thirty-fourth clause of the said in part recited Act, passed in the twelfth year of Her Majesty's Reign, shall extend to all Turnpike Road Companies chartered by any other Act of the Parliament of this Province, in the same manner as if the said thirty-fourth clause had been and were part of the said several Acts respectively incorporating Road Companies in Upper Canada.

The 34th. clause of 12 Vict. c. — to extend to all incorporated Turnpike Road Companies.

VII. And be it enacted, That if any Arbitrator named by any party according to the provisions of this or the said in part recited Act, shall refuse or neglect to take upon him the duties thereby imposed, it shall be lawful for the Judge of the County Court, as provided by the said Act, to nominate a Councillor, as therein also provided, to act in the place of such Arbitrator so refusing or neglecting as aforesaid, and that every Arbitrator so appointed by the Judge of the County Court as aforesaid, shall and he is hereby required to hear and determine the matter to be submitted to him with all convenient speed after he shall have been so nominated as aforesaid.

If arbitrator refuse or neglect to perform duties, who shall act in his place.

Vacancies occurring amongst Directors, how to be filled up.

VIII. And be it enacted, That if any vacancy or vacancies shall at any time happen amongst the Directors of any of the said Companies during the current year of their appointment by death, resignation or permanent residence without the County or Counties in which the Road is situated in respect of which such vacancy or vacancies shall occur, or by any other cause, such vacancy or vacancies shall be filled up for the remainder of the year in which they may so happen, by a person or persons to be nominated by a majority of the remaining Directors, unless otherwise provided by some By-law or Regulation of the Company in which such vacancy may occur.

When two companies may unite, and be formed into one.

IX. And be it enacted, That it shall and may be lawful for any two Companies formed for the construction of Roads, which may intersect or be contiguous to each other, to unite and form one consolidated Company on such terms as to them may seem meet.

Notice to be served prior to company commencing any work.

X. And be it enacted, That no Company to be formed under the provisions of this and the said in part recited Act, shall commence any work until ten days after the Directors shall have served a written notice upon each Municipal Councillor or at the Dwelling House of each Councillor for any Township through which such Road or other work shall be intended to pass or be constructed.

Certain Instruments or Receipts, with whom to be registered.

XI. And be it enacted, That any Instrument or Receipt required by the said Act in the preamble of this Act mentioned, or by this Act to be registered, which hath been or shall be made, executed or entered into for the construction of any Road or other work situated or being or intended to be made partly in two or more Counties, shall be considered well registered in pursuance of the said Act and of this Act if the same hath been or shall be registered with the Register of any County in which such Road or other works shall be partly situated or intended to be made.

As to when the first year mentioned in the 6th sect. of the said act cited in the preamble of this act, shall terminate.

XII. And be it enacted, That the first year mentioned in the sixth section of the said Act, cited in the preamble of this Act, during which the affairs of any such Company shall be managed by Directors named in the Instrument, in such section referred to, shall terminate with the last day of December next, after the formation of such Company, in respect of every such Company, as shall have been formed during the present year or shall be hereafter formed, and that the term of office of the present Directors of every such Company, as shall have been formed previous to the present year, shall expire with the last day of December next, and the Directors of every Company formed or to be formed under the authority of the said Act and of this Act, shall be annually elected to serve after the expiration of the term of office of the previous Directors, for one year, commencing with the first day of January, and such annual Election shall take place according to the provisions of any By-law, which the Directors of the Company for which such Election shall be held, shall have passed or shall from time to time pass for the regulation of the annual Election of the Directors of such Company, not interfering with the qualification of voters mentioned in the said sixth section: Provided however, that if the annual Election of Directors for any such Company, shall for any cause not take place regularly at the time appointed, such Company shall not thereby be dissolved, but the Directors thereof for the time being, shall in that case continue to serve until another Election of Directors shall be held, which, in such case, shall take place at such time as shall have been or shall be provided for by any By-law passed by the Directors of such Company for that purpose.

Term of office of the present Directors.

Directors to be annually elected.

Election how to take place.

Proviso: Directors to continue in office till next election.

C A P . C X X I I I .

An Act to explain and amend the Acts for preventing obstructions in Rivers and Rivulets in Upper Canada.

[30th August, 1851.]

Acts of Canada 7
Vict. c. 36, 10 & 11
Vict. c. 20 explained
and amended.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an