

Laws of Her Majesty's Province of United Canada, passed in the year 1851. York: Stewart Derbishire and George Desbarts, 1851.

14 & 15 Victoria – Chapter 57

An Act to remove doubt as to Municipal Corporate Bodies acquiring Public Works without the limits of such Municipalities. 30th August, 1851.

Whereas in and by an Act passed in the twelfth year of Her Majesty's Reign, intituled, *An Act for the better management of the Public Debt, Accounts, Revenue and Property*, it is provided, That it shall be lawful for the Governor in Council to enter into arrangements with any of the Municipal or District Councils, or other local Corporations or authorities, for the transfer to them of any of the Public Roads, Harbours, Bridges, or Public Buildings, which it may be found more convenient to place under the management of such District or Municipal Council, or other local authority; And whereas it is doubtful whether, under the provisions of the said Act, any District or Municipal Council, or local Corporation or authority, could acquire any such Public Roads, Harbours, Bridges or Public Buildings situate beyond and without the limits of such District or Municipal Council, or other local Corporation or authority; And whereas it is expedient to remove such doubt: 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 it shall and may be lawful to and for any Municipal Corporation, or other local corporate body or authority, to contract for, purchase, acquire and hold any such Public Roads, Harbours, Bridges or Public Buildings, which, in and by the said recited Act, could lawfully be disposed of, whether the same be situate within the limits of such Municipal Corporation, or other corporate body or authority, or otherwise; any thing in the said recited Act to the contrary notwithstanding.

II. And be it enacted, That if any person or persons shall cut, break down or destroy in any other way any of the Gates or Toll-houses erected on any road whereon Tolls may lawfully be taken, every such person so offending, and being lawfully convicted, shall be deemed guilty of a misdemeanor, and be punished by fine and imprisonment; and if any person or persons shall place or remove any earth, stone or timber on any such road, to the damage of the same, or shall forcibly pass or attempt to pass any of the gates without having first paid the legal Toll at such Gate, such person or persons shall pay all damage by him or them committed, and shall forfeit and pay a fine of not more than Five Pounds, nor less than Ten Shillings, to be recovered before any Justice of the Peace of the County or United Counties, or Mayor or Chief Officer of any City, Town or incorporated Village in which such Toll Gate is situate.

III. And be it enacted, That the fines and forfeitures authorized to be imposed by this Act, shall be levied and collected by distress and sale of the offender's goods and chattels, under the authority of any Warrant or Warrants to be issued for that purpose by such Justice as aforesaid, or any other

Justice of such County or United Counties, or Mayor or Chief Magistrate of any City, Town or incorporated Village in such County or United Counties, who is hereby empowered to grant the same.

IV. And be it enacted, That if any person or persons shall, after proceeding on such road, with any of the carriages or animals liable to pay Toll, turn out of the same road into any other road, and shall enter the said road beyond any of the said Toll-gates, without paying Toll, whereby such payment shall be evaded, such person or persons shall, for every such offence, forfeit and pay the sum of Five Shillings, to be recovered before any Justice of the Peace for the County or United Counties in which such road is situate.

V. And be it enacted, That all fines and forfeitures collected under authority of this Act, shall be paid to the Treasurer of the local authorities or Companies owning the respective roads in respect of which such lines and forfeitures shall be imposed, for the use of such local authorities and Companies respectively.

VI. And be it enacted, That every such local corporate body or authority, shall keep every such road in good and sufficient repair, and upon default thereof shall and may be indicted at any Court of General Quarter Sessions of the Peace or other Court of Superior Jurisdiction of any County or Union of Counties within or along the boundary of which such road shall be out of repair, and upon being convicted, the Court before which such conviction shall be had, shall direct such local corporate body or authority to make the necessary repairs, for the want of which such prosecution shall have been commenced, within such time as to the Court shall seem reasonable; and that in case such repairs shall not be completed within such time, the County Council of the locality within or along the limits of which the road may be situate in part or wholly, shall and may cause the necessary repairs to be made, and the amount expended on such repairs, together with twenty-five per cent, of increase thereon, shall and may be recovered from the corporate body or authority owning the road and so neglecting to make such repairs, by action of debt in any Court of competent jurisdiction.

VII. And be it enacted, That any person or persons appointed to collect Tolls at any Toll-gates in Upper Canada, who shall demand Tolls at a higher rate than is authorized by law, from any person or persons passing through the same, or wilfully make any unnecessary delay in opening the same, shall incur a penalty of One Pound Five Shillings, to be levied in the same manner as other penalties imposed by this Act.

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