

## Chapter 383

### Private Toll Roads and Bridges

#### 383.010

##### NOTES OF DECISIONS

Where a corporation was authorized to use part of a public road to construct a toll road, it did not acquire the right to exclude another corporation formed for the same purpose from using the same part of the public road when necessary and convenient. Canyonville & Galesville Road Co. v. Stephenson, (1880) 8 Or 263.

A contract with a toll road company was a lease, enforceable under the sections of this chapter. Tillamook County v. Wilson River Rd. Co., (1907) 49 Or 309, 89 P 958.

#### 383.070

##### NOTES OF DECISIONS

The action of the district attorney under this section is a suit for cancellation, not a law action. Tillamook County v. Wilson River Rd. Co., (1907) 49 Or 309, 89 P 958.

A county could not join a claim to avoid a lease because it was made without authority or not fully executed, with an action for the forfeiture of the lease of a county road

for failure of the lessee to comply with terms thereof. Id.

The right to collect tolls was a franchise which could not be forfeited by a third person in a collateral proceeding, even though this section authorized the district attorney to maintain an action. Boyer v. Burton, (1916) 79 Or 662, 149 P 83, 156 P 281.

#### 383.090

##### NOTES OF DECISIONS

Where an answer denied that the plaintiff kept a posted signboard giving the rates of toll, plaintiffs were not entitled to a judgment on the pleadings in an action to recover tolls. Boyer v. Burton, (1916) 79 Or 662, 149 P 83, 156 P 281.

#### 383.220

LAW REVIEW CITATIONS: 46 OLR 130.

#### 383.320

LAW REVIEW CITATIONS: 47 OLR 368.