

## C H A P. VIII.

An Act to repeal part of and amend the Laws now in force for laying out, amending and keeping in repair the Public HIGHWAYS and ROADS in this Province.

[Passed 12th July, 1819.]

Preamble.

**W**HEREAS, it is expedient to amend the Laws now in force, for providing for the laying out, amending and keeping in repair the Public Highways and Roads in this Province, Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That from and after the first Monday in the month of March, which will be in the year of our Lord, one thousand eight hundred and twenty, the thirtieth clause of an Act of the Parliament of this Province, passed in the fiftieth year of His Majesty's Reign, entitled, "An Act to provide for the laying out, amending and keeping in repair the Public Highways and Roads in this Province, and to repeal the Laws now in force for that purpose," and so much of an Act passed in the fifty-sixth year of His Majesty's Reign, entitled, "An Act to repeal and amend part of an Act passed in the fiftieth year of His Majesty's Reign, entitled, 'An Act to provide for the laying out, amending and keeping in repair the Public Highways and Roads in this Province, and to repeal the Laws now in force for that purpose,'" as enacts "that any person liable to perform the duty imposed by the before recited Act, may compound for such duty, if he or she may think fit, by paying to the Overseer the sum of ten shillings, for each cart, waggon, team and driver for each day, and every person liable to perform such labour, may compound for the same, if he or she shall think fit, by paying to the Overseers the sum of five shillings, for and in lieu of such day's duty or labour respectively," at the time and in the manner directed by the aforesaid Act, shall be and the same are hereby repealed.

After first Monday in March 1820, the 30th clause of 50th Geo 3. c. 1, and certain parts of 56th Geo 3. c. 41, repealed.

After first Monday in March 1820, what persons are to perform labour on the highways, and in what proportion

II. *And be it further enacted by the authority aforesaid,* That from and after the first Monday in March, which will be in the year of our Lord one thousand eight hundred and twenty, every person included or inserted in or upon the Assessment Roll of any Township, reputed Township or Place, shall, in proportion to the estimate of his real and personal property stated on the said Roll, be held liable to work on the Highways and Roads in each and every year as follows, (that is to say,) if his property be not rated at more than twenty-five pounds, then his proportion of Statute labour on the Highways, shall be two days; if at more than twenty-five pounds, and not more than fifty pounds, three days; if at more than fifty pounds, and not more than seventy-five pounds, four days; if at more than seventy-five pounds,

pounds, and not more than one hundred pounds, five days; if at more than one hundred pounds, and not more than one hundred and fifty pounds, six days; if at more than one hundred and fifty pounds, and not more than two hundred pounds, seven days; if at more than two hundred pounds, and not more than two hundred and fifty pounds, eight days; if at more than two hundred and fifty pounds, and not more than three hundred pounds, nine days; if at more than three hundred pounds, and not more than three hundred and fifty pounds, ten days; if at more than three hundred and fifty pounds, and not more than four hundred pounds, eleven days; if at more than four hundred pounds, and not more than five hundred pounds, twelve days; and for every hundred pounds above the sum of five hundred pounds, till it amounts to one thousand pounds, one day; and for every two hundred pounds above the sum of one thousand pounds, till it amounts to two thousand pounds, one day; and for every three hundred pounds above the sum of two thousand pounds, till it amounts to three thousand five hundred pounds, one day; and for every five hundred pounds above the sum of three thousand five hundred pounds, one day. *Provided always,* That every person possessed of a waggon, cart, or team of horses, oxen, or beasts of burthen or draft used to draw the same, shall be liable to work on the Highways not less than three days, any thing herein contained to the contrary in any wise notwithstanding.

III. *And be it further enacted by the authority aforesaid,* That from and after the first Monday in the month of March, which will be in the year of our Lord one thousand eight hundred and twenty, every Lot or parcel of Land in this Province, subject to be rated and assessed, but which by reason of its remaining unoccupied or for other cause may not be included in the Assessment Roll of the Township, reputed Township, or place, wherein the same is situated, shall nevertheless be rated and assessed at one eighth of a penny per acre, annually, towards defraying the expence of laying out, amending, and keeping in repair the public Highways and Roads in such Township, reputed Township, or place, to be levied by distress and sale in case of non-payment, in the same manner by the Collectors in the different Districts respectively, as the other Rates and Assessments shall and may be levied and collected by virtue of the Laws then in force for that purpose.

Lands subject to be assessed but not included in the Assessment roll of any township, to be rated at 1/8th of a penny per acre, for amending the roads.

IV. *And be it further enacted by the authority aforesaid,* That the Treasurer of each and every District in this Province, is hereby authorised and empowered to receive from any person or persons paying the same, the Rates or Taxes by this Act imposed, for or in respect of all such Lands as are not returned on the Assessment Roll of any Township, or place, and that in case any Lands charged with such Rates and Taxes shall be unoccupied, and no distress can be found thereon at the time such Rates or Taxes shall be payable, it shall and may be lawful for the Collector, for the time being, of the Township or place in which such Lands are situated, at any time thereafter, to enter upon the said Lands, when there shall be any distress thereupon to be found in the actual possession of the owner or occupier thereof, and having obtained a warrant for that purpose from any of His Majesty's Justices of the Peace, to levy the amount of such Rates and Taxes

Treasurer to receive such rate, and if not paid, and the land unoccupied, the rates may be levied by distress at any time after, when occupied.

Distress

in arrear, by distress and sale, as they might have done upon the same Lands if in the occupation of such persons at the time the Rates and Taxes became due, and after deducting the legal charges of distress and sale, as well as the amount of such Rates and Taxes in arrear, such Collector shall pay the overplus, if any there be, to the person or persons occupying the premises on which such distress was made.

Rates to accumulate by increased proportions if suffered to remain in arrear.

V. *And be it further enacted by the authority aforesaid,* That when the Rates and Assessments chargeable upon any Lot, piece, or parcel of Land, by virtue of this Act, shall be in arrear and unpaid for the space of three years, the said Rates and Assessments, so in arrear, shall be increased in the proportion of one third, and if suffered to remain five years in arrear, the whole shall be increased in the proportion of one half, and if suffered to remain eight years in arrear, the amount of such arrears shall be doubled, and the said Rates and Assessments shall be charged thenceforward in double the amount that would grow due according to the existing Rate or Assessment, and such Rates, so increased respectively, shall be charged against the Lands in the accounts of the Treasurer herein directed to be kept, and shall be levied in the manner herein before provided.

Statute labor may be compounded for.

VI. *And be it further enacted by the authority aforesaid,* That any person liable to perform the duty imposed by this or any other Law now in force, may compound for such duty, if he or she may think fit, by paying to the Overseer the sum of seven shillings and six pence for each cart, waggon, team, and driver, for each day, and every person liable to perform such labor may compound for the same, if he or she shall think fit, by paying to the Overseer the sum of three shillings and nine pence, for and in lieu of such day's duty or labor respectively, at the time and in the manner directed by Law.

Rates of composition

Treasurer to charge lands in his District with the rates hereby imposed.

VII. *And be it further enacted by the authority aforesaid,* That the Treasurer of each and every District of this Province, in the account which he is required to keep, for every Parish, Township, reputed Township, or place, according to the provisions of a certain Act passed in the present Session of the Parliament of this Province, entitled, "An Act to repeal the several Laws now in force relative to raising, levying, and collecting Rates and Assessments in this Province, and further to provide for the more equal and general Assessment of Lands and other ratable property throughout this Province," shall charge each lot or parcel of Land with, or credit for the amount of Taxes and Rates hereby imposed, as well as of those accruing under the last mentioned Act, and that the said books or accounts shall be produced to the Justices, and shall be subject to public inspection in the same manner as is provided by the said Act, except that no more than one fee for search shall be exacted by the Treasurer for inspection of both heads of Rates or Assessments at the same time.

Books to be open,

Fee for search.

Collectors to pay over monies to the Treasurer.

VIII. *And be it further enacted by the authority aforesaid,* That the Collectors throughout this Province, shall pay over the monies by them received or levied at any time under this Act to the Treasurers of their respective Districts, in the manner provided by an Act of the Parliament of this Province,

vince, passed in the fifty-third year of His Majesty's Reign, entitled, "An Act to alter and amend an Act passed in the forty-eighth year of His Majesty's Reign, entitled, 'An Act for the better regulation of Parish and Town Officers throughout this Province,'" and shall be entitled to deduct at the rate of five pounds for every hundred pounds, and no more, as a compensation for their services in collecting and paying over, and the Treasurer shall give a receipt for all money paid to him by any Collector.

Compensation to Collectors.

IX. *And be it further enacted by the authority aforesaid,* That for every distress levied under this Act, the following fees, and no more, shall be taken: for the warrant of distress, two shillings and six pence; for every mile travelling to execute the same, four pence; and for every selling and making return, two shillings.

Fees on warrant of distress, &c.

X. *And be it further enacted by the authority aforesaid,* That the Treasurer of each and every District in this Province shall be entitled to deduct the sum of four pounds for every hundred pounds paid into his hands, under the provisions of this Act, and shall, on the first day of June in every year, pay over the remainder to the Overseer of the Highways for the division in which the Lands are situated, in respect of which, the Rates and Taxes in his hands shall have been received, who shall apply the same to the use of the Highways within the year of his appointment, and the receipt of such Overseer shall be a sufficient acquittance to the Treasurer.

Compensation to the Treasurer.

Monies to be paid over by him to the Overseers of the highways.

XI. *And be it further enacted by the authority aforesaid,* That the Overseers of Highways shall, in the accounts which they are required by the said Act, passed in the fiftieth year of His Majesty's Reign, entitled, "An Act to provide for the laying out, amending, and keeping in repair the public Highways and Roads in this Province, and to repeal the Laws now in force for that purpose," to keep, produce, and verify on oath, account for all sums of money received and expended by them under this Act, and shall be liable to be punished for misapplying or refusing or neglecting to apply or account for such monies, in the same manner as is provided by the last mentioned Act, with respect to the monies therein appointed to be received and accounted for by the said Overseers, and that any Rates or Taxes paid to the Overseers, and not applied by them during their year, shall be paid over by the Justices receiving the same, to the Overseers for the next ensuing year, to be by them applied in like manner as herein before directed.

Overseers to render account on oath.

Money not expended by Overseers shall be paid over to their successors.

XII. *And be it further enacted by the authority aforesaid,* That if any Overseer, in verifying his accounts, shall swear falsely, he shall, upon conviction thereof, suffer all the pains and penalties to which persons convicted of wilful and corrupt perjury are liable; And whereas, it is provided by a certain Act passed in the fifty-sixth year of His Majesty's Reign, entitled, "An Act to repeal and amend part of an Act passed in the fiftieth year of His Majesty's Reign, entitled, 'An Act to provide for the laying out, amending, and keeping in repair the public Highways and Roads in this Province, and to repeal the Laws now in force for that purpose,'" that every male inhabitant, from the age of twenty-one years to fifty, not rated on the Assessment

Perjury.

for

Power given to the Magistrates in certain cases to exempt from Statute labor on the highways.

for any Town, Township, or place within this Province, shall be compelled to work on the Highways three days in every year, within the Township, Town, or place he may reside in, under the same penalty as is imposed by any Act on persons rated on the Assessment List; and whereas, in some instances the operation of the said provision may be found too severe, *Be it therefore enacted by the authority aforesaid*, That from and after the passing of this Act, persons gaining their livelihood by the wages of daily labor, and possessing no ratable property, or not being assessed at more than twenty-five pounds, who, by reason of age, sickness, or numerous family, or misfortune, may be in poor and indigent circumstances, and also, persons emigrating to this Province with intent to become permanent Settlers and Landholders therein, and not having resided six months in the Province, may apply to the Justices at any Special or Petty Sessions, held for the District wherein such person shall reside, and the said Justices, having first given notice to the Overseer to appear on the part of the Township or place to which such person may belong, shall examine and inquire into the situation and circumstances of the person making such application, and if it shall appear to the satisfaction of such Justices, or the majority of them there assembled, that such person is really poor and indigent, and a deserving object of such relief, or that he has emigrated to this Province with intent to become a permanent Settler and Land-holder therein, and has not resided six months in the Province, the said Justices may, in their discretion, exempt such person respectively from the performance of such Statute duty upon the Highways, and from all composition money in lieu thereof.

This Act not to vary or annul any provision except as herein expressly enacted.

XIII. *And be it further enacted by the authority aforesaid*, That nothing in this Act contained, shall be construed to vary, repeal, or annul any clause, matter, or thing in the said Acts contained, further than is herein expressly declared and enacted.

Continuance of this Act.

XIV. *And be it further enacted by the authority aforesaid*, That this Act shall continue and be in force for eight years, and from thence to the end of the then next ensuing Session of Parliament, and no longer.

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## C H A P. IX.

An Act to repeal and amend certain parts of an Act passed in the thirty-fourth year of His Majesty's Reign, entitled, "*An Act to establish a COURT for the COGNIZANCE of SMALL CAUSES in each and every DISTRICT of this Province;*" and also, of an Act passed in the thirty-seventh year of His Majesty's Reign, entitled, "*An Act to extend the JURISDICTION and regulate the Proceedings of the DISTRICT COURTS and COURT of REQUESTS.*"

[Passed 12th July, 1819.]

Preamble.

**W**HEREAS, it is expedient to alter and amend the Table of Fees now established by an Act passed in the thirty-fourth year of His Majesty's