

THE  
STATUTES  
OF  
HIS MAJESTY'S PROVINCE  
OF  
UPPER-CANADA.

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PASSED IN THE FOURTH SESSION OF THE SIXTH PROVINCIAL PARLIAMENT OF UPPER CANADA, MET AT YORK, ON THE FIRST DAY OF FEBRUARY, IN THE FIFTY-FIFTH YEAR OF THE REIGN OF OUR SOVEREIGN LORD GEORGE THE THIRD, AND PROLOGUED ON THE FOURTEENTH DAY OF MARCH FOLLOWING:

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CHAP. I.

*An Act to grant to His Majesty a sum of money to provide for amending and repairing the Public Highways in this Province.*

[Passed the 14th March, 1815.]

MOST GRACIOUS SOVEREIGN;

**W**HEREAS it would much advance the general prosperity of this Province if the Public Highways and Roads were amended, may it please your Majesty that it may be enacted, and be it enacted by the Kings 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, intituled, "An Act to repeal certain parts of an act passed in the fourteenth year of His Majesty's Reign, intituled, "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 out of the rates and duties already raised, levied and collected, or hereafter to be raised, levied and collected, to and for the uses of this Province, there be granted to His Majesty, his heirs and successors, the sum of Twenty Thousand Five Hundred Pounds, to be issued out of the funds now remaining or hereafter to come into the Receiver General's hands, unappropriated and arising from such rates and duties as last aforesaid; which said sum of twenty thousand five hundred pounds, shall be disposed of, appropriated and applied, in repairing the roads already laid out, in opening new roads, and building and repairing bridges in the several Districts of this Province.

II. *And be it further enacted by the authority aforesaid, That the said sum of twenty thousand five hundred pounds, shall be appropriated in the following manner, that is to say:—To the Eastern District, the sum of two thousand five hundred pounds;*

Preamble.

£20,500 appropriated for repairing the roads; opening new ones, & building and repairing bridges.

How to be applied. Eastern District, 2,500 pounds.

## GORDON DRUMMOND, ESQUIRE, PRESIDENT.

**How to be applied.** which said sum of two thousand five hundred pounds, shall be laid out and expended in the following manner, that is to say—on the road leading from the Province line in front of the township of Lancaster and Charlottenburgh, to the eastern boundary of the township of Cornwall, one thousand two hundred pounds; on the front road in the township of Cornwall, from the eastern to the western boundary thereof. (fifty pounds of which sum to be applied to rebuilding the bridges burnt by the enemy on the west of Major Joseph Anderson's house) one hundred and fifty pounds; in repairing the road and erecting a bridge at MacMartin's mills, and on the back road commonly called Dundas's Street, leading from the Province line through the township of Lancaster and Charlottenburgh and Cornwall, until it intersects the main road in front, near the late John Mattice's, four hundred pounds; on the road leading to Saint Andrew's Church, on the Riviere Aux Raisin, to the town of Cornwall, fifty pounds; on the front road in the township of Osnaburgh, one hundred pounds; on the front road in the township of Williamsburgh, one hundred pounds; on the front road in the township of Matilda, one hundred pounds; on the road leading from Dundas's Street, in the township of Charlottenburgh, at or near Saint Raphael's Church, to the road known by The Road laid out by Joseph Fortune, where it enters the county of Glengary, and from thence on the said road laid out by Joseph Fortune to the sixth concession of Hawksbury, in the western division of the county of Prescott, four hundred pounds.

**District of Johnstown**  
£2,500.

**How to be applied.**

To the District of Johnstown, two thousand five hundred pounds; which said sum of two thousand five hundred pounds shall be laid out and expended in the following manner, that is to say—on the front or Pennoyer's road, leading from the Eastern District to the Midland District, and passing Adam Coles, in front of Elizabethtown, one thousand pounds; on the road leading from Daniel Jones's front Mill in Elizabethtown aforesaid, to the said Midland District, and passing Justice Seeiye's in Elizabethtown aforesaid, and the furnace in the rear of Lansdown in the said District of Johnstown, one thousand five hundred pounds.

**Midland District,**  
£2,500.

**How to be applied.**

To the Midland District, two thousand five hundred pounds, which said sum of two thousand five hundred pounds, shall be laid out and expended in the manner following, that is to say—on the road leading from the Carrying place to Townsend Carman's two hundred and fifty pounds; on the road from Thomas Evers in Hallowell to Vanalstine's Mills, sixty pounds; from the western boundary of the township of Richmond to Johnson's in Thurlow, six hundred and thirty pounds; from the Napanee Mills to Kingston, three hundred and fifty pounds; on the road leading from the second concession bridge, Cataraque, to David Purdy's, two hundred and seventy pounds; from Kingston eastward, six hundred and thirty pounds; Mill Creek Bridge, Ernestown, forty pounds; first concession bridge, Cata-  
raque, one hundred pounds; Thurlow Bridge, ninety pounds; Bridge Parrot Bay, eighty pounds.

**Newcastle District,**  
£2,500.

**How to be applied.**

To the District of Newcastle, two thousand five hundred pounds, which said sum of two thousand five hundred pounds, shall be laid out and expended in the manner following, that is to say—on Dundas's Street from the river Trent, to the east line of the township of Cramahe, six hundred and twenty-five pounds; in repairing the Bridge on Mud Creek, at the head of the Bay of Quinty, and opening the road from thence to the Carrying place, fifty pounds; on the road leading from the Carrying place at the head of the Bay of Quinty, to the Mills on lot number thirty four, Brohen's front in the township of Murray, and from thence to Dundas's Street, six hundred and twenty five pounds; in making and repairing Bridges and Causeways from the east line of the township of Cramahe, on the road in front of the second

concession of the said township of Cramabe, to the house of Jacob Choat, in the township of Hope, three hundred pounds; on the road leading from the house of John Burn, Esquire, in the township of Hope, to the western line of the District of Newcastle, nine hundred pounds.

To the Home District, two thousand five hundred pounds, which said sum of two thousand five hundred pounds, shall be laid out and expended in the following manner, that is to say—on the Dundas Street, from the eastern boundary line of the township of Whitby, to the western boundary line of the township of Pickering, and for completing the Bridge over the river Ner, in the said township of Pickering, the sum of one thousand one hundred pounds; on the Dundas Street from the western boundary line of Pickering, to Cooper's Mill on the river Humber, in the township of York, for creating a bridge over the said river Humber, nigh to the said Mill, and for completing the Bridge over the river Don, the sum of nine hundred pounds; on the Dundas Street from the aforesaid Bridge, on the river Humber, to the river Credit, and for opening and making the road through the Indian Reserve on the said river Credit, the sum of two hundred and fifty pounds; on the Dundas Street, from the said Indian Reserve to the Dundas Mill, and from thence to the western boundary of the Home District, the sum of two hundred and fifty pounds.

To the District of Niagara, two thousand five hundred pounds, which said sum of two thousand five hundred pounds, shall be laid out and expended in the following manner, that is to say—from the Grand River to the Union Hotel, in Ancaster, by Vanderlips, three hundred pounds; from the Union Hotel in Ancaster, to the Forty Mile Creek, by Mr. George Hamilton's farm in Barton, three hundred and fifty pounds; from the outlet at Burlington Bay, to Stoney Creek, fifty pounds; from Anderson's in Gramsby, on a division line between lots number eight and nine to the Twenty Mile Creek, fifty pounds; from the Forty Mile Creek to the Twelve Mile Creek by Runchy's, two hundred pounds; from the forks at the Ten Mile Creek to the Four Mile Creek road, near Mr. Fry's Black Swamp road, two hundred pounds; from the forks near the Twelve Mile Creek, on the middle or Hockinton road, to the Four Mile Creek, near Servase's (lake road) one hundred pounds; from Read's (Ten Mile Creek) to St. David's, one hundred pounds; from St. David's to Queenstown, one hundred pounds; from Niagara to Chippawa, one hundred and fifty pounds; from Chippawa to Fort Erie, river road, two hundred and fifty pounds; from Mrs. Tice's to Hany's, in Clinton, (by Beaver Dam and Ball's Mills) one hundred and fifty pounds; from Beaver Dams by Street's Mills to Holly's, fifty pounds; for a Bridge at Butler's Creek, near Niagara, on the Black Swamp road, fifty pounds; for a bridge over a Creek in the town of Niagara, between lot number fourteen and fifteen, being near the commencement of the Black Swamp road, fifty pounds; from the cross roads in Barton, through Glanford to the Grand River, one hundred pounds; from the north boundary of the Garrison Reserve at Fort Erie, in a due west direction, on what is commonly called the Garrison line, passing through Bertie, one hundred pounds; from the mouth of Chippawa, following the Lyons Creek line of road, past the house of Crowell Willson and Cook's Mills, from thence to Sugar Loaf, one hundred pounds; from Chippawa up the Creek by Ebenezer Cavier's, to the said bending to Caoberry, fifty pounds.

To the District of London, the sum of two thousand five hundred pounds, which said sum of two thousand five hundred pounds, shall be laid out and expended in the following manner, that is to say—on Talbot road from Port Talbot to Big Creek, passing through the townships of Southwold, Yarnouth, and White and Bayham, in the county of Middlesex, and through part of the townships of Wallingham and Middleton, in the county of Norfolk, and from Port Talbot to Delaware, in such

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places as the commissioners may deem most expedient, the sum of one thousand and fifty pounds; from Big Creek to Hart Smith's following the Windham line, fifty pounds; from the settlement at the mouth of Big Otter Creek, to where the road from that place intersects Falbot road, twenty-five pounds; from Kittle Creek to Westminster plains, seventy-five pounds; from Halkin's in the township of Oxford, up Dundas Street, to the extent of the settlement, or to the line of the Niagara District, two hundred pounds; from Yeighs to Delaware, three hundred pounds; on the front road, from Spengeon's to Dedrick's, seventy-five pounds; from Backhouse's to Robert Munroe's, seventy-five pounds; from Backhouse's through Walsingham, to Falbot road, seventy-five pounds; from Helche's to Brown's in Charlotteville, fifty pounds; from Brown's to Norwich, following the line between Windham and Middleton, where it may be practicable, one hundred and fifty pounds; on the road from Malcolm's Mills to Mrs. Ryerfis, one hundred and twenty-five pounds; opening the town line between Windham and Townsend, seventy-five pounds; from Robert Henderson's in Charlotteville, to lot number twelve, following the concession line, seventy-five pounds; from Dark's to Soverien's Mills, between lots number six and seven, fifty pounds; from the mouth of Patterfson's Creek to Park's, fifty pounds.

Western District,  
£3,000.

How to be applied.

To the Western District, the sum of three thousand pounds, which said sum of three thousand pounds, shall be laid out and expended in the following manner, that is to say—in the wilderness from Delaware to Moravian town, one thousand five hundred pounds; from Moravian Town along the main road to Sandwich, including bridges, six hundred pounds; Sandwich to Amherstburgh, including bridges at the Turkey and Canara rivers, and other bridges, six hundred pounds; Amherstburgh to Sturgeon Creek, three hundred pounds.

Governor to appoint two or more (not exceeding four) Commissioners for each District.

Duty of Commis'srs.

III. *And be it further enacted by the authority aforesaid*, That from and after the passing of this act, it shall and may be lawful for the Governor, Lieutenant Governor or person administering the Government of this Province, to appoint two or more, not exceeding four, Commissioners for each and every District of the Province, for carrying the provisions of this act into effect, which Commissioners shall have full power and authority, and they are hereby required to proceed to repair and amend such roads, and build such bridges in each and every District of this Province, as herein before described; to which he or they shall respectively be appointed; and the said commissioners shall cause the work required by this act to be done and performed between the first day of May and the first day of December: *Provided always*, That all work done upon the road, under and by virtue of this act, shall be by public contract, entered into by the said commissioners, with such persons as may make the lowest proposals under proper security for fulfilling the same.

Work to be done by contract.

Commissioners to advertise for contracts.

IV. *And be it further enacted by the authority aforesaid*, That all commissioners appointed under this act, shall on or before the first day of May next, put up advertisements in the most public places in their respective divisions, stating the particulars of work to be done upon the roads by public contract; giving one month for persons wishing to contract, to deliver in their proposals, a copy of which advertisement and of the contract entered into, shall accompany their vouchers, of the expenditures of the monies paid into their hands.

Commissioners to account.

V. *And be it further enacted by the authority aforesaid*, That the said commissioners appointed by this act, shall, on or before the first day of January, transmit to the

Governor, Lieutenant Governor or person administering the Government of this Province, a true account of the expenditures of the money by him received under and by virtue of this act, (in detail) with proper vouchers accompanying the same, to be laid before the Legislature for their inspection.

VI. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Governor, Lieutenant Governor or person administering the government of this Province, to direct the money appropriated and apportioned as aforesaid, for each and every district thereof, to be paid to any one of the said commissioners for each district as may apply for the same: *Provided always,* That if any of the said sums of money, herein before granted, shall not be expended on the highways, before the first day of December next, each and every commissioner appointed by virtue of this act, shall be obliged to repay to the Receiver General of this Province, all such sum or sums of money, unexpended, as shall be by him received under the authority of this act.

Money hereby granted to be paid to any one of the Comrs.

Money not expended, to be repaid to the Receiver General.

VII. *And be it further enacted by the authority aforesaid,* That before any commissioners shall proceed to carry into execution the several powers and authorities by this act imposed, he shall take the following Oath — "I, A. B. do swear, that I will faithfully and impartially, to the best of my skill and judgment, perform and carry into execution, the several powers and authorities in me vested, in and by a certain act of the Legislature of this Province, intituled, "an act to grant to his Majesty a sum of money to provide for amending and repairing the public highways in this Province," without favor or affection to any person or persons whomsoever, and will duly and faithfully account for all monies which shall from time to time come into my hands, for the purpose of carrying the provisions of the said act into execution, so help me God." Which said oath shall be taken before any one of his Majesty's Justices of the Peace in and for the district for which such commissioners shall be appointed, and a certificate of such oath, the Justice administering the same, is hereby required to transmit to the office of the Governor, Lieutenant Governor or person administering the government of this Province, with all convenient speed, after such oath shall have been by him administered.

Oath to be taken by the Commissioners.

Certificate thereof.

VIII. *Provided nevertheless and it is hereby declared,* That nothing herein contained shall repeal or amend any of the provisions of any existing act or acts of this Province, for raising or levying the rates thereby imposed, or compelling the labor by such acts or in any of them required to be done and performed on any public highways and roads comprised in such acts, but all and every such act and acts is and are declared to be and continue in full force: *Provided always,* That nothing in any former law or statute of this Province contained, shall from and after the passing of this act, be held and construed to empower or authorize any magistrate or overseer, in any such law or statute mentioned, in any manner to interfere or give directions touching or concerning any road or highway to be laid out or repaired under or by virtue of this act; nevertheless the said magistrate and overseer and every of them, is and are hereby authorized to carry into execution all and every such power and authority as by such law or statute they are vested with, in all cases in which the executing such power will not impede or interfere with the powers or authorities given in and by virtue of this act.

This act not to repeal any former acts for levying rates or imposing statute labour.

Nothing in any former statute shall empower any magistrate &c. to interfere concerning any road to be laid out or repaired under this act.

IX. *And be it further enacted by the authority aforesaid,* That the money hereby granted to his Majesty, shall be paid by the Receiver General in discharge of such warrant or warrants as shall, for the purpose herein set forth, be issued, by the Gov.

How money hereby granted, to be paid and accounted for.

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ernor, Lieutenant Governor or person administering the government of this Province; and the Receiver General shall account to his Majesty, his heirs and successors for the same, through the Lords Commissioners of his Majesty's treasury for the time being, in such manner and form, as his Majesty, his heirs and successors shall be graciously pleased to direct.

X. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Governor, Lieutenant Governor or person administering the government of this Province, to order that the sum of twenty-five pounds shall be paid out of any money now in the Receiver General's hands, or which may hereafter come into his hands, unappropriated, to each and every commissioner to be appointed under and by virtue of this act, as a compensation for his services, in carrying the provisions of this act into effect.

Governor, &c. authorised to order £25 to each commissioner, as a compensation for his services.

## •CHAP. II.

*An Act to repeal an Act passed in the fifty-fourth year of His Majesty's reign, intituled "an Act to supply in certain cases the want of County Courts in this Province, and to make further provision for proceeding to outlawry in certain cases therein mentioned."*

[Passed the 14th March, 1815.]

Preamble.

WHEREAS doubts have arisen respecting the construction of an Act of the Legislature of this Province, passed in the fifty-fourth year of His Majesty's reign, intituled, "An Act to supply in certain cases the want of County Courts in this Province": Be it therefore 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, intituled, "an act to repeal certain parts of an act passed in the fourteenth year of His Majesty's reign, intituled, 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 such part of the said act as provides that it shall and may be lawful for the Court of Kings Bench in this Province, on the usual return of "non est inventus" to the alias and pluries writs of capias, to issue a writ of exigent and award a writ of proclamation as therein is set forth, shall in all cases that have arisen or may hereafter arise, be taken and considered to mean that such alias and pluries writs of capias, must be taken out and returned as aforesaid, when by law they are usually required, before the writ of exigent or proclamation shall issue or be awarded in manner aforesaid; but that the said act shall not extend or be construed to extend to make necessary alias or pluries writs of capias, or any more or other writs of capias, before the issuing of the exigent and awarding proclamation than are required in similar cases by the law of England

Such part of the the act passed in the 54th of the King as provides that it shall be lawful for the court of K. B. on the usual return of "non est inventus" to the alias and pluries writs of capias to issue a writ of exigent, &c. shall be considered to mean where by law they are required.

By the law of England.

And whereas it is expedient that some further and more particular provision be made respecting process of outlawry in this Province,

*Be it therefore enacted by the authority aforesaid,* That the said act of the Parliament of this Province passed in the fifty-fourth year of His Majesty's reign, intituled, "an act to supply in certain cases the want of County Courts in this Province," be and the

Nothing herein contained shall extend to make void any pro-