

Laws of His Majesty's Province of Upper Canada in North America, passed in the year 1808.
York: John Cameron, 1808.

48 George III – Chapter 2

An Act for granting to his Majesty a certain sum of Money out of the Funds applicable to the uses of this Province, to defray the expences of amending and repairing the Public Highways and Roads, laying out and opening new Roads, and building Bridges in the several Districts thereof. Passed 16th March, 1808.

Most Gracious Sovereign,

Whereas it would be very much advance the general prosperity of this Province if the public highways and roads already laid out in the several districts thereof, were amended and repaired, and new additional roads were laid out and opened in certain parts of this Province, to which at present there is very difficult access, and certain bridges are also become indispensibly necessary, the want of which at present much endangers the lives of the King's subjects; and whereas the rates heretofore imposed, and the duty by law required to be performed on the said public highways and roads, are altogether inadequate to the several purposes aforesaid, and the imposing additional burthens by levying district rates sufficient for the purposes aforesaid, would in the present circumstances of this Province, be inconvenient, and the necessary provision can only be made out of the surplus of certain duties as yet unappropriated in order therefore to defray the expences of repairing, amending, laying out and opening such highways and roads, and making such bridges as aforesaid, May it please your Majesty that it may be enacted, and be it therefore enacted by the King's Most Excellent Majesty, by & with the advice & consent of the legislative council & assembly of the Province of Upper Canada, constituted & assembled by virtue of & 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, & to make further provision for the government of the said Province,"*" & by the authority of the same, That from and 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 Sixteen hundred Pounds, to be issued out of the fund 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 sixteen hundred pounds shall be disposed of, appropriated and applied, in repairing the roads already laid out, and laying out and opening new roads and making bridges in the several districts of this Province.

II. And be it further enacted by the authority aforesaid, That the said sum of sixteen hundred pounds shall be apportioned in the following manner; to the Eastern District the sum of two hundred pounds, to the District of Johnstown the sum of two hundred pounds, to the Midland District of the sum of two hundred pounds, to the District of Newcastle the sum of two hundred pounds, to the Home District the sum of two hundred pounds, to the District of Niagara the sum of two hundred pounds, to the District of London the sum of two hundred pounds, to the Home

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District the sum of the two hundred pounds, to the District of Niagara the sum of two hundred pounds, to the District of London the sum of two hundred pounds, and to the Western district the sum of two hundred pounds.

III. And be it further Enacted by the authority aforesaid, that at any time form and after the passing of this act, it shall and may be lawful for the Governor, Lieutenant Governor or person administering the Government, to appoint one or more commissioner or commissioners for each and every district of this Province, for carrying the provisions of this Act into execution, which said commissioner or commissioners shall have full power and authority forthwith to proceed to repair and amend, lay out and open such roads, and repair and build such bridges, in each and every district of this Province, to which he or they are respectively appointed.

IV. 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 so apportioned as aforesaid, for each and every district thereof, to be paid to any one of the commissioners for such district or districts, whom it may please the Governor, Lieutenant Governor, or person administering the Government, to appoint, to receive the same. Provided nevertheless, and it is hereby declared, that nothing herein contained shall repeal or annul, or be held or construed to repeal or annul any of the provisions in any existing act or acts of this Province contained, or raising or levying the rates thereby imposed, or compelling the labour by such acts in any of them required, to be done and performed, on any of the public highways and roads comprised in such act contained, but all and every such act and acts is and are hereby declared to be and continue in full force. Provided also, that nothing in any former law or statute of this Province contained, shall from and after the passing of this act, be held or construed to empower or authorize any magistrate or overseer in any such law or statute mentioned, in any manner to interfere or give any directions touching or concerning any road or highway to be laid out, opened or repaired, under and by virtue of this act; nevertheless, the said magistrates and overseers, and every of them, is and are hereby authorized to carry into execution all and every such power and authorities as by such law or statutes they are invested with, in all which the executing such powers will not impede or interfere with the powers or authorities given in and by this act.

V. And be it further enacted by the authority aforesaid, That if any action or suit shall be commenced against any person or persons for any thing done or acted in pursuance of this act, then and in every such case, such action or sum shall be commenced or prosecuted within three calendar months after the fact committed, and not afterwards, and the defendant or defendants in any such action or suit, shall and may plead the general issue, and give this act and the special matter in evidence, at any trial to be had thereupon, and that the same was done in pursuance and by the authority of the present act, and if the same shall appear to have been done, or if any such action or suit shall be brought after the time limited for bringing the same, then the jury shall find for the defendant or defendants, or if the plaintiff or plaintiffs shall become non-suit or discontinue, his, her or their action after the defendant or defendants shall have appeared, or if judgement on demurrer shall be pronounced for the defendant or defendants, the defendant or defendants in all and every the several cases aforesaid, shall and may recover treble costs, and

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have the like remedy for the recovery thereof, as defendants are in any other cases by law entitled to.