

Laws of His Majesty's Province of Upper Canada, passed in the year 1816. York: R. C. Horne, 1816.

56 George III – Chapter 39

An Act to grant to His Majesty a sum of Money, to amend and repair the Public Highways and Roads in this Province, and to build and repair Bridges in the several Districts thereof. Passed 1st April, 1816.

Whereas, it would very 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 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 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 one thousand pounds, to be issued out of the funds now remaining, or hereafter to come into the hands of the Receiver General, unappropriated and arising from such rates and duties as last aforesaid, which said sum of Twenty-one Thousand 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 enacted by the authority aforesaid, That part of the said sum of Twenty-one Thousand Pounds, shall be appropriated in the following manner, that is to say, the sum of Eleven Thousand One Hundred and Twenty-five Pounds, in repairing and opening one Great Road through the Province, from the line of division or separation between the Provinces of Upper and Lower Canada, in the Eastern District, to the village of Dundas, in Flamborough-West, and from thence on the main road usually travelled through Burford, Oxford, and Deliware [Delaware], to Amherstburgh in the Western District, and from the village of Dundas in the township of Flamborough-West, along the main road leading therefrom, to the town of Niagara, by the route of John Pettit's tavern in Salt-Feet, Andersons in Grimsby, Runchy's in Louth, Shipman's and Robert Brown's in Grantham, and from said Robert Brown's on the road commonly called and known as the Black-Swamp road, to that street in said town of Niagara, between lots number 378 and 379, and along said street to centre or central street, passing the corner of lots, number 202 and 203, and from the town of York, to the landing in Holland-river, in the township of Guilliamsbury, and for the payment of Commissioners to superintend the said road.

III. And be it further enacted by the authority aforesaid, That the sum of one thousand pounds be expended in the Eastern District; the sum of one thousand pounds on the road leading from the Eastern District to the District of Ottawa, (described as follows,) on the road beginning by

building a bridge over the River-de-Grass [Grasse River], in the county of Glengary, township of Lancaster, between lots number 25 and 26, from thence on the established road through a part of Lancaster-West and East Hawkesborough [Hawkesbury], to the Province line of Lower Canada; the sum of one thousand pounds in the District of Johnstown; the sum of one thousand pounds in the Midland District; the sum of one thousand five hundred pounds in the District of New-Castle; the sum of one thousand six hundred and twenty-five pounds in the Home District; the sum of one thousand pounds in the District of Gore; the sum of one thousand pounds in the District of Niagara; the sum of one thousand pounds in the London District, and the sum of one thousand pounds in the Western District.

IV. And be it further enacted by the authority aforesaid, That it shall and may be lawful, for the Governor, Lieut. Governor or person administering the government of this Province, to appoint one fit and discreet person in each and every District to Superintend according to the true intent and meaning of this Act, the expenditures of such monies as may hereby be appropriated in establishing, repairing and amending one permanent, general and useful high-road, and the necessary bridges thereon throughout this Province.

V. And be it further enacted by the authority aforesaid, That at any time after the passing of this Act, it shall and may be lawful, for the Governor, Lieut. Governor or person administering the government of this Province, to pay the money appropriated as aforesaid, for each and every District, to the commissioner who may be appointed to superintend such great road as aforesaid, for such District, by warrant on the Receiver General of this Province.

VI. And be it further enacted by the authority aforesaid, That it shall and may be lawful, for the Governor, Lieut. Governor or person administering the government of this Province, to order that the sum of fifty pounds, part of the said sum of twenty-one thousand 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 for superintending the said road as aforesaid.

VII. And be it further enacted by the authority aforesaid, That the remaining sum of eight thousand, eight hundred and seventy-five pounds, shall be applied and expended on the roads and bridges hereinafter designated, in the different Districts of this Province; in the Eastern District, the sum of one thousand pounds, which said sum of one thousand pounds, is to be laid out and disposed of as follows; that is to say, on the front road commencing at the Province line in the township of Lancaster, to Ranold Gun's tavern in said township of Lancaster, two hundred and seventy-five pounds; on a road leading from the front road in the township of Charlottenburgh below the Presbyterian Church, with such offsets as may be necessary according to law, until it intersects the road on the south bank of the river Aux-Raison, by Alexander McGuien's dwelling-house, one hundred pounds; on a road leading from the village of Williamstown to Dundas-street, at the east line of Archibald Cameron's farm, fifty pounds; on a road leading from River-de-Grass, in the eighteenth concession of the township of Lancaster, by Allan Cameron's in the fourteenth concession, and from thence to John McDonnell Balvain's mill, and from thence to the front of the tenth concession two hundred pounds; on a road leading from St. Andrews Church, to the town of

Cornwall, seventy-five pounds; on the road beginning at John Louck's mills; in the fourth concession of the township of Osnabruck, and from thence to the settlement in the township of Finch, one hundred pounds; on the road leading from Jacob Wenger's in the township of Williamsburgh, to the sixth concession one hundred pounds; on the road leading from the Church in the township of Matilda to the township of Mountain, one hundred pounds. In the District of Ottawa, the sum of one thousand pounds, which said sum of one thousand pounds, is to be laid out and disposed of as follows; that is to say, on the road beginning at the dwelling-house of Simon Sharman, from thence up the Grand or Ottawa river on said road, to the settlement near Point Zadico, four hundred pounds. On the road laid out by Chancey Johnston, through a part of West Hawkesbury and a part of Longueil, to the settlement at or near Philo Hall's, thence from said settlement, to the settlement on the Petits Nation [Petite Nation La Liève] river, at or near the mills of John Chessor in Plantagumet [Plantagenet], which road is not all laid out and established as the law directs, therefore it shall not be lawful to expend any money on any place, or places of either of the before described roads, until such place or places have first been laid out and established as the law directs, but in case any place or places of the before described roads, are not so laid out and established as the law directs, on or before the tenth day of August next, then it shall be lawful for the total amount of the beforementioned sums of money, to be expended on such parts of the before described roads as are by law laid out and established; five hundred pounds on the road beginning at or near the farm of Robert Morris, from thence on the direct road to the mills near Joseph Valeys, on the banks of the Grand or Ottawa river, one hundred pounds. To the District of Newcastle, three hundred pounds, which said sum of three hundred pounds, shall be laid out and expended in the following manner, on the road from the east side of the township of Cramahe, passing the mills on lot number thirty-four, and following the same to the carrying place, the sum of two hundred pounds; and on the road leading from the carrying place to the river Trent, one hundred pounds. To the Home District, the sum of five hundred and seventy-five pounds, which said sum of five hundred and seventy-five pounds, shall be laid out as follows, on the Lake road from the Western Boundary line of the township of Toronto, to the river Credit, one hundred pounds; on the Lake road from the river Credit, by the river Humber to York, one hundred and twenty-five pounds; on the road from Cooper's mills by Major Givins's to the town of York, one hundred pounds; on the Danforth road, from the Western Boundary line of Scarboro, passing by Palmers to the Markham road, near Jones's on the same road, one hundred and fifty pounds, for building a bridge over Elmsley creek in the town of York, on the front street below the Government House, one hundred pounds. To the District of Gore, one thousand pounds, which said sum of one thousand pounds, shall be laid out and expended in the following manner, on the road leading from Kent's to Secord's mills, fifty pounds; on the Lake road through Salt-Fleet, fifty pounds; on the side line road between lots number 2 and 3 in Salt-Fleet, fifty pounds; on the Concession road from Secord's mills to Street's, one hundred pounds; on the lake road from the east side of Trafalgar, to the beach including a bridge across the sixteen mile creek, one hundred and fifty pounds; from the mill of John Erb, Esq. on the road by Joshua Wedge's to the settlement near the mill of James Crook, Esq. one hundred and fifty pounds; for building a bridge across the outlet of Burlington Bay, two hundred pounds; on the road to the Grand river by Choats's one hundred pounds; the road from Hopkins's to Cases's near the beach, fifty pounds; on the Dundas street west of the Dundas mills, one hundred pounds. To the District of Niagara, one thousand pounds, shall be laid out and expended in the following manner, that is to say, from

Charles Anderson's in Grimsby, on a division line between lots number 8 and 9, to the twenty mile creek, near Peter McCollum's, the sum of fifty pounds; from the twenty mile creek, near Peter McCollum's to Canborough, past Abner Owens's where the road has been laid out by authority, the sum of fifty pounds; to build a bridge across the forty mile creek, on a road leading up the Mountain from the store of Henry Nelles, on the main road to or near John Beamer's, where it intersects the road leading from Anderson's to the twenty mile creek, on the division line between lots number 8 and 9, and to dig the hill, the sum of fifty pounds; from Shipman's at the twelve mile creek, to Services' at the four mile creek, on the middle road, the sum of sixty pounds; from Brown's at the ten miles creek to Queenston by St. Davids, and to open the road as laid out by authority through the woods in Phillipsfield, the sum of one hundred and fifty pounds; from Services' on the road leading up the four mile creek to St. Davids, the sum of thirty pounds; from Ball's mill in Louth, twenty mile creek, to the Beaver-dam by Brown's bridge, and for building a bridge across the fifteen mile creek on the said road, the sum of sixty pounds; from Niagara to Chippawa, the sum of fifty pounds; from Chippawa to Fort Erie, the sum of one hundred pounds; from Cook's mill on Lyons's creek to the Sugar Loaf, the sum of fifty pounds; to build a bridge across Lyons's creek, the sum of one hundred pounds; from Queenston through the townships of Stamford and Thorold, to where the road from Cavers' on Shippawa, intersects at the township line between Thorold and Pelham, and from thence by Richard McAlpin's in Pelham, to Horton's in Gainsborough, to the Beaver creek bridge near Heslop's, and from thence to Crosby's where it crosses the Chippawa, and from thence to Canboro mills, and from thence to the Grand river in a direction to where it will strike Davis's mills in the District of London, the sum of two hundred and fifty pounds. In the District of Johnstown, one thousand pounds, which sum of one thousand pounds, shall be laid out and expended as follows, on the road leading from Daniel Jones's front mills in Elizabethtown, to the Midland District, passing Justice Seely's in Elizabethtown and the furnace in the rear of Lansdown, six hundred pounds; on the road leading from Uriah Stone's in Elizabethtown, to Joseph Eason's in Wolford on the river Rideau, seventy-five pounds; on the road leading from Johnstown, passing David Spencer's mills in Edwardsburgh, to Gideon Adams, Esq. in south Gower, one hundred pounds; on the road leading from James Humphrey's in Edwardsburgh, in front to Lewis Grant's mills in Edwardsburgh aforesaid, one hundred pounds; on the road leading from David Joneses in front of Augusta, passing Major Burritt's in Augusta aforesaid, to Himan Harris's on the river Rideau, one hundred pounds; to building a bridge across the south branch of the river Rideau, near Liman Clothier's mills in the township of Oxford, twenty-five pounds. To the Midland District, one thousand pounds, which sum of one thousand pounds, shall be laid out and expended as follow's, on the road leading from the carrying place to Runnel's, through Ameliasburgh, three hundred pounds; on the bridge at Washburn's, fifty pounds; on the road from Eyer's in Holowell to Van Alstine's fifty pounds; from Mrs. Finkle's in Earnest-town to Kingston, one hundred pounds; on the first concession bridge, Cataraque [Catarauqui], two hundred pounds; from Kingston Eastward, on the back road passing the Iron works, one hundred and fifty pounds; from the third Concession of Kingston to Loughborough, one hundred pounds; from Henry Ridnor's in Ameliasburgh, on the road leading from Demiriskes mills, fifty pounds. To the London District, one thousand pounds, which sum of one thousand pounds shall be laid out and expended as follows, from Malcolm's mills towards Ryers's, fifty pounds; from Hart Smith's to the east line of Bayham's, seventy-five pounds; from Glover's to Niel Brown's, one hundred pounds; from Samuel Brown's to Fairchild's, one hundred pounds; for a bridge at Big creek,

seventy-five pounds; for the Concession line at Tisdale's mills, one hundred pounds; for opening a road towards the Delaware village on the Grand River, one hundred pounds; on Talbot road from the east line of Bayham to Port Talbot, two hundred pounds; from Port Talbot to the east line of the township of Oxford, two hundred pounds. To the Western District, one thousand pounds, which sum of one thousand pounds shall be laid out and expended as follows, from the east line of the township of Oxford, to the east line of the township of Mersea in the new settlement, five hundred and twenty-five pounds; from the east line of the township of Mersea to Amherstburgh, four hundred pounds; on the Communication line from Pointe-aux-Pins to Chatham on the Thames, seventy-five pounds.

VIII. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the Governor, Lieut. Governor or person administering the Government, to appoint, not exceeding two Commissioners in each and every District of this Province, who shall be entitled to receive the sum of twenty-five pounds each, for their services in carrying into effect the Repairing and Amending the foregoing roads, and building bridges particularly designated by this Act; and it shall and may be lawful for the Governor, Lieut. Governor or person administering the Government of this Province, to pay the money appropriated and apportioned as aforesaid, for each and every District, for the roads hereinbefore particularly recited, to any Commissioner who may be appointed for such District as aforesaid, by warrant on the Receiver General of this Province, which said sum of twenty-five pounds, part of the said sum of twenty-one thousand 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 superintending the said roads herein before recited.

IX. And be it further enacted by the authority aforesaid, That the said Commissioners appointed by this Act, shall respectively, on or before the first day of January next, transmit to the Governor, Lieut. 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 House of Assembly for inspection. Provided always, That if any of the said sum or sums of money, 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 repay before the first day of February ensuing 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.

X. And be it further enacted by the authority aforesaid, That in all cases where balances shall, or may remain in the hands of any Commissioner or Commissioners, under the authority of any former Act of the Parliament of this Province unexpended, it shall and may be lawful to, and for such Commissioner or Commissioners as aforesaid, and he or they are hereby required to pay, or cause to be paid, on or before the first day of July, to such commissioner or commissioners, as shall or may be appointed under the authority of this Act, the whole of such unexpended balances as aforesaid: Provided always, That in all cases where the commissioners having such balances as aforesaid, shall or may have entered into contracts, not exceeding the amount of such unexpended balances, it shall and may be lawful to, and for the said commissioners, on the

completion of the contract in manner agreed on, to pay and satisfy the same, out of such balances as aforesaid.

XI. And be it further enacted by the authority aforesaid, That if any commissioner or commissioners as aforesaid, shall neglect or refuse to pay over any such balances remaining unexpended, in his or their hands, in manner as aforesaid, he shall forfeit and pay the sum of one hundred pounds, for every such neglect or refusal as aforesaid, to be recovered in His Majesty's Court of His Bench, by action of debt, bill, plaint or information, wherein no essoin, privilege, protection or wager of law shall be allowed, and only one imparlance, one half of which said sum shall be given to the person suing for the same, and the other half paid into the hands of His Majesty's Receiver General, to and for His Majesty, His Heirs and Successors, for the public uses of the said Province, and the support of the Government thereof, to be accounted for to His Majesty, through the Commissioners of His Treasury for the time being, in such manner and form as it shall please His Majesty to direct.

XII. And be it further enacted by the authority aforesaid, That all Commissioners appointed under this Act, shall put up Advertisements in the most public places in their respective Districts and Divisions, stating the particulars of the work to be done upon the Roads, giving one month for persons wishing to contract, to give in their proposals, a copy of which advertisement, and of the contract entered into, shall accompany their vouchers of the expenditure of the monies paid into their hands.

XIII. And be it further enacted by the authority aforesaid, That before any Commissioner 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, entitled an "Act to Grant to His Majesty, a sum of money to Amend and Repair the Public Highways and Roads in this Province, and to Build and Repair Bridges in the several Districts thereof," 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 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, Lieut. Governor, or person administering the Government of this Province, with all convenient speed, after such oath shall have been by him administered.

XIV. 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 Governor, Lieut. Governor, or person administering the Government of this Province, and shall be accounted for by the Receiver General of this Province, to His Majesty, His Heirs and Successors, through the Lords Commissioners of His Treasury for the time being, in such manner and form as His Majesty, His Heirs and Successors, shall be graciously pleased to direct.