

Laws of His Majesty's Province of Upper Canada in North America, passed in the year 1824.
York: Charles Fothergill, 1824.

5 George IV – Chapter 10

An Act to Repeal part of and Amend an Act passed in the fiftieth year of His Late 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 also to Repeal part of and Amend the Provisions of an Act passed in the fifty-ninth year of His Late Majesty's Reign, entitled, "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 Jan. 19th, 1824.

Whereas it is expedient to repeal part of, and amend an Act passed in the fiftieth year of His Late Majesty's Reign entitled, "*An Act 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 also to extend the provisions of the said Act, and also to repeal part of and amend the provisions of an Act passed in the fifty-ninth year of His Late Majesty's Reign, entitled, "*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:*"

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, 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 the fifth clause of the said recited Act, and the sixth clause of the said last mentioned Act be, and the same are hereby repealed.

II. And be it further Enacted by the authority aforesaid, That no road hereafter to be laid out under the provisions of the said first recited Act shall be more than sixty-six, nor less, than forty feet in the width:— Provided always nevertheless, That nothing in this clause contained shall extend, or be construed to extend, to affect any road now established under the provision of the said recited Act.

III. Provided always nevertheless, And be it further Enacted by the authority aforesaid, That when any Road now or hereafter established, shall be altered, it shall not be lawful for the Surveyor of Roads reporting such alteration, to lay out such New Road of a less width than the one proposed to be altered.

IV. 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 His Majesty's Justices of the Peace, at their Special Sessions, in the month of March in each and every year, or at any General Quarter Sessions of the Peace, upon

application in writing, signed by at least Twelve Freeholders residing in any Town, Township, or place, of this Province, requesting permission to lay out and apply part of the Statute Labour of such Town, Township, or place, on the highways and roads of any adjoining Town, Township, or place, for the said Justices, so assembled, to permit the same when it shall appear manifestly advantageous to the inhabitants making such application, in such proportion as to the majority of the said Justices then and there present may seem meet.

V. And be it further Enacted by the authority aforesaid, That when any person or persons liable to the rate of one-eighth of a penny per acre on land for the purposes of the Highways shall lay out any money on roads in the Town, Township, or place where the same situated, or cause labour to be done thereon the approbation of the Justices of the Peace, or the majority of them, assembled in any General Quarter Sessions for the District in which such land is situated, having been first obtained, it shall and may be lawful for the Justices or the majority of them, so assembled at any subsequent Sessions when application shall be made for that purpose, if it shall appear to them, or the majority of them, that the same has been judiciously laid out, and manifestly for the public advantage, by their order to the Treasurer of such District, the amount to be set off and allowed against any arrears that may have already accrued, or may hereafter accrue, on the said lands, or such part thereof as may to them appear to have been expended for the general good of the Town, Township, or place where the same it situated.

VI. And be it further Enacted by the authority aforesaid, That in all cases when application shall be made to any Surveyor or Surveyors of the High-ways, to have any New Road laid out, or any Road already laid out altered, those making the application, (after a sale of the Old Road, so altered, shall have taken place, and the proceeds of such sale been paid over to the owner of the land through which the New Road may pass,) shall be deemed liable to pay any further sum, which shall be ascertained by a Jury, in manner as by the laws now in force is directed; and in case the owner or owners, agent or agents thereof shall, within three months from the date of the report of such New Road, or the alteration of such Road or Roads, make application to be compensated for the land taken for the same, in manner as by the laws now in force is directed, no order shall issue directing Statute Labour thereon, unless a discharge nr acquittal for the same, or release for the land taken for such purpose from the owner or owners thereof, or proof of a tender having been made for the value thereof, so ascertained, be produced to the General Quarter Sessions.— Provided nevertheless, That nothing in this Act contained shall extend, or for construed to extend, to prevent the said Justices of the Peace from directing the same to be paid out of the public money of the District, if to them it shall appear that the said alteration is of manifest utility to the public at large, and not of a local nature.

VII. And whereas much inconvenience has arisen by the sale of portions of the original Government appropriations and allowances for Highways and Roads in the several Townships in this Province:— Be it therefore Enacted by the authority aforesaid, That the ninth clause of the Act passed by the Legislature of this Province in the fiftieth year of the Reign of His Late Majesty, King George the Third, 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,”* be Repealed and the same is hereby Repealed, so far as regards the aforesaid

Government appropriations for such Highways and Roads.— Provided always, That nothing in this Clause contained shall restrain any Surveyor of Highways from Selling and Conveying any Road which he is now by Law authorised to Sell and Convey.

VIII. 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 Five Shillings for each Cart or Waggon Team, and Driver, for each day; and every person liable to perform such labour, may compound for the same, if he or she should think fit, by paying to the Overseer the sum of Two Shillings and Six-pence, for and in lieu of such day's duty or labour respectively, at the time, and in the manner directed by Law.