

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 9

An Act to Amend, and make perpetual 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;" and also to 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. Passed Jan. 19th, 1824.

Whereas it is expedient to Amend and make Perpetual a certain Act of the Parliament of this Province, 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 Late 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and by the authority of the same,— That the Fourteenth Clause of the said recited Act, shall be, and the same is hereby repealed.

II. And be it further Enacted by the authority aforesaid, That any person liable to perform Statute Labour on the highways, (except such persons as being resident in any Town in this Province, shall be liable by law to perform more than six days labour,) may compound for such duty, if he or they think fit, by paying to the Officer hereinafter mentioned the sum of Two Shillings and Sixpence for, and in lieu of, each day's duty or labour respectively, at the time, and in the manner directed by Law.

III. And be it further Enacted by the authority aforesaid, That when any person residing in any Town in this Province shall be liable by law to work on the Highways and Roads more than six days in any one year, he shall, in lieu of such labour, pay to the Surveyor of Streets, to be appointed as is hereinafter mentioned, for such Town, on or before the first day of May in each year, the sum of Two Shillings and Six-pence for, and in lieu of, each day's duty or labour respectively.

IV. And be it further Enacted by the authority aforesaid, That after the present year, the Justices of the Peace in and for the several Districts of this Province, shall have power, at any general or adjourned Sessions of the Peace in and for such District, to appoint a Surveyor of Streets in and for each Town within their respective Districts, and to remove such Officer, so appointed, at their will and pleasure.

V. And be it further Enacted by the authority aforesaid, That such Surveyor of Streets shall, before entering upon his office, take an oath in open Court, before such Justices, that he will well and faith fully execute the duties thereof, and shall, with two sureties, to be approved of by such Justices, enter into a Bond to His Majesty, His Heirs and Successors, in such sum as to the Justices may seem meet, to account well and truly for all such monies as shall come into his hands by virtue of his said office.

VI. And be it further Enacted by the authority aforesaid, That the Justices of the Peace, acting within their respective divisions for the time being, shall and may, (at any Special Session to be holden for that purpose,) order the Surveyor of Streets in any Town within their division, to make or amend any Street, Highway, or Road within such Town, as they shall think necessary; and the said Surveyor of Streets shall, within ten days after having received such order, summon such persons within the said Town as are obliged to perform Statute Labour, and order them to work on such part of the Streets, Highways, or Roads within the said Town, or adjacent thereto, as they shall be directed to make or repair; and every person neglecting or refusing to obey such order, shall he subject to the like penalties, to be recovered and applied in the like manner as in case of persons refusing to obey the order of any Overseer of Highways in this Province, under the laws now in force.

VII. And be it further Enacted by the authority aforesaid, That the monies which shall be paid to any Surveyor of Streets under this Act, in commutation of labour, shall be expended by him, under the direction of the Justices acting within the division in which the Town is situated for which such Surveyor is appointed, in making, or amending the Streets, Highways, or Roads in such Town.

VIII. And be it further Enacted by the authority aforesaid, That it shall and may be lawful for the Justices of the Peace acting within any division in any District of this Province, at any Special Session holden for that purpose, if they shall see fit, to direct the Surveyor of Streets, to be appointed under this Act for any Town within their division to expend part of the monies to be paid into his hands; or to apply part of the Statute Labour to be done under his orders in amending any Highway or Bridge in the vicinity of such Town.

IX. And be it further Enacted by the authority aforesaid, That the Surveyors of Streets, and all persons acting under their directions, in the executions of such orders as they shall have received from the Justices of the Peace relative to the performance of their duty on Streets and Highways, are hereby discharged from any action of Trespass which may be brought in any of His Majesty's Courts within this Province, for any act or acts that the said Surveyors, or any person on persons acting under their directions, as aforesaid, may be the execution of such orders or directions, have committed or done.

X. And be it further Enacted by the authority aforesaid, That from and after the passing of this Act, so much of the several laws of this Province as relates to the choosing or appointing of Overseer of Highways for any Town, shall be, and the same is hereby repealed.

XI. And be it further Enacted by the authority aforesaid, That the Justices of the Peace in and for each District of this Province in General Quarter Sessions assembled, shall have power from time to time to limit and appoint, by order, the remuneration which shall be paid to the Surveyors of Streets in the several Towns with in their respective Districts, and shall authorise the same to be deducted and retained by such Surveyors out of the monies which they shall receive by virtue of this Act.

XII. And be it further Enacted by the authority aforesaid, That if any person liable to pay money, in lieu of Statute Labour, under this Act, shall refuse or neglect to pay the same to the Surveyor of Streets authorised to demand the same, within ten days after demand made for that purpose, it shall be lawful for any two Justices of the Peace acting within the division, upon proof thereof on oath, to issue their warrant for levying double the amount thereof together with costs, by distress and sale of the goods and chattels of such person so neglecting or refusing, which money, so levied shall be applied in the same manner as the composition money directed to be paid by this Act.

XIII. And whereas the money received by Treasurers of Districts, and by them paid over to the Overseer of Highways in the Township where the land lies, on which the said money was collected, may be more beneficially expended under the direction of the Justices of the Peace:—
Be It Therefore Enacted by the authority aforesaid, That the tenth clause of the said Act, in so far as relates to the same, shall be, and the same is hereby repealed; And that the Treasurer of each and every District of this Province shall, after the passing of this Act, pay to the order of the Magistrates, in Special Sessions of the Peace, in the month of March, in their respective divisions assembled, or any other Special Sessions within the divisions where such land is situated, all such sum or sums of money as may have been paid in or collected for the said rate of on eighth of a penny per annum, to be by the said Justices of the Peace laid out, by contract or otherwise, to the best advantage on the Highways within the Township where the land lies, from which the said rate was paid or collected.