

Laws of His Majesty's Province of Upper Canada, passed in the year 1833. York: Robert Stanton, 1833.

3 William IV – Chapter 38

An Act to raise a sum of Money to improve certain Roads in the vicinity of the Town of York, and for other purposes therein mentioned. Passed 13th February, 1833.

Whereas the Inhabitants of the Town of York, and of the Home District generally, will be much benefited by the Improvement of the three Public High Roads approaching the said Town of York commonly called Dundas Street, Yonge Street and the Kingston Road, by which more easy and safe access may be had to the said Town, and the trade thereof increased: and whereas it is expedient to raise a sum of Money by way of Loan to Macadamize or otherwise Improve the said Roads, the annual Interest whereof to be paid by certain Tolls levied on the said Roads, and also to establish a fund for the liquidation and redemption of the said loan:—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 it shall and may be lawful for the Receiver General of this Province, so soon after the passing of this Act as may be deemed expedient, to raise by way of loan from any person or persons, Body Politic or Corporate, who may be willing to advance the same on the credit of the Tolls to be levied and collected on the roads hereby authorized to be improved, and not paid or chargeable against the general revenues of the Province, any sum or sums of money not exceeding Ten Thousand Pounds, to make, complete and Macadamize, or otherwise improve the said Roads.

II. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the Receiver General for the time being to cause or direct any number of Debentures to be made out for such sum or sums of money, not exceeding in the whole the said sum of Ten Thousand Pounds, as any person or persons, Bodies Corporate or Politic, shall agree to advance on the credit of the Tolls, which Debentures shall be prepared and made out in such method and form as His Majesty's Receiver General shall think most safe and convenient, and shall be signed by the Receiver General for the time being.

III. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the Receiver General for the time being to pay such sum and sums of money out of the said loan so to be raised on the said Debentures, as the Trustees may require for such part of the work as may be completed, or for such materials as may be there furnished, on such Trustees certifying that such work has been finished or such materials furnished and delivered, not exceeding in the whole the sum of Ten Thousand Pounds.

IV. And be it further enacted by the authority aforesaid, That the Interest due upon the said loan or Debentures shall and may be payable in half yearly periods, to be computed from the date thereof, out of the funds hereafter provided, and shall and may be paid by the Receiver General of this Province for the time being, who shall take care to have the same endorsed on each Debenture at the time of payment thereof, expressing the period up to which the said Interest shall have been paid, and shall take receipts for the same respectively; and that the Receiver General of this Province shall pay the Interest on the said Loan or Debentures half-yearly, as the same becomes due, out of the funds provided for by this Act.

V. And be it further enacted by the authority aforesaid, That if any person or persons shall forge or counterfeit any such Debenture as aforesaid which shall be issued under the authority of this Act and uncanceled, or any stamp, endorsement or writing thereon or therein, or tender in payment any such forged Debenture, or any Debenture with such counterfeit endorsement or writing thereon, or shall demand to have any such counterfeit Debenture, or any Debenture with such counterfeit endorsement or writing thereupon or therein exchanged for ready money by any person or persons who shall be obliged and required to exchange the same, or by any other person or persons whomsoever knowing the Debenture so tendered in payment or to be exchanged, or the endorsement or writing thereupon or therein to be forged or counterfeited, with intent to defraud His Majesty, His Heirs and Successors, or the persons appointed to pay off the said Debentures, or any of them, or any other person or persons, bodies Politic or Corporate, then every such person or persons so offending, being thereof lawfully convicted, shall be adjudged a Felon.

VI. And be it further enacted by the authority aforesaid, That at any time after the said Debentures or Loan, or any part thereof respectively become due according to the terms thereof, it shall and may be lawful for the Receiver General of this Province, if he thinks proper so to do, to direct a notice to be inserted in the Upper Canada Gazette, requiring all holders of the said Debentures to present the same for payment according to this Act; and if after the insertion of the said notice for three months any Debenture then payable shall remain out more than six months from the first publication of such notice, all Interest on such Debentures after the expiration of the said six months shall cease, and be no further payable in respect of the time which may elapse between the expiration of the said six months and their presentment for payment.

VII. And be it further enacted by the authority aforesaid, That the Receiver General of this Province for the time being, shall transmit to the Governor, Lieutenant Governor or person Administering the Government of this Province, a correct account of the numbers, amount and dates of the different Debentures made up to the thirty-first December, inclusive, which he may have issued under the authority of this Act; of the amount of the Debentures redeemed by him, and the interest paid thereon respectively; and also of the amount of the said Debentures outstanding and unredeemed at the periods aforesaid, and of the expenses attending the issuing of the same; together with the amount of Tolls received on the said Road, to be laid before the Legislature of this Province.

VIII. And be it further enacted by the authority aforesaid, That the Trustees hereinafter mentioned shall have full power and authority to cause the necessary Surveys and Estimates to be made preparatory to the commencing the said improvements, and by public tender, or otherwise as they shall deem most advantageous, to Contract for the construction and completion of any part of the said Roads or improvements, or for the supply of any materials therefor; for the due performance of all which contracts the said Trustees shall demand and take such good and sufficient security as they shall deem reasonable in each case.

IX. And be it further enacted by the authority aforesaid, That Jesse Ketchum, D'Arcy Boulton the younger, Charles Coxwell Small, George Denison and Charles Thompson, be Trustees for making, constructing, and improving the said Roads under the authority of this Act; and that the said Trustees shall have full power and authority, so soon as the improvements contemplated by this Act shall have been completed upon the said Roads, or on any one mile of any one of the said Roads, to erect Toll Gates and houses at such places as they shall think convenient, and from time to time to establish the rate of Tolls to be demanded thereat, and to appoint Keepers to attend the said Gates and collect the Tolls payable thereat, and from time to time to alter and change the situation of such Gates as they shall find expedient and circumstances require, and to remove the Keepers and appoint other Keepers in their place and stead as they shall deem to be proper; and that the said Trustees shall have full power and authority to appoint an Engineer or other fit and proper person to Superintend the progress of the several Works hereby authorized to be undertaken, and to remove him at their pleasure, and to appoint another person in the place of the one so removed.

X. And be it further enacted by the authority aforesaid, That the said Trustees shall on the second day of January in each year make up an account, and transmit the same to the Lieutenant Governor, of such work and of all matters by them done or performed by virtue of the authority so vested in them, to be laid before the Legislature at its next meeting.

XI. And be it further enacted by the authority aforesaid, That the said Trustees if they think proper may commute the Tolls with any, person or persons by taking of him or them a certain sum either monthly or annually in lieu of such Tolls; and that the said Trustees shall affix in a conspicuous place at all such Toll Gates a table of the rates of Toll to be exacted and taken, to be plainly and legibly printed.

XII. And be it further enacted by the authority aforesaid, That if any person or persons shall, after proceeding upon any of the said Roads with any of the carriages or animals liable to Toll, turn out of the same into any other Road, and shall enter the said. Roads beyond the said Turnpike Gate or Gates without paying Toll, whereby such payment shall be evaded, shall for every such offence forfeit and pay the sum of Ten Shillings, which said sum shall be expended on the said Roads or towards the payment of the Principal or Interest of the sum expended thereon, and any one Magistrate of the said Home District shall on conviction of said offender fine such person in the said penalty, and from whose judgment there shall be no appeal.

XIII. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said Trustees to expend the sum of Four Thousand Pounds on Yonge Street, commencing at the Northern limit of the Town of York; on the Western Road called Dundas Street the sum of One Thousand Five Hundred Pounds; and commencing at the Eastern limit of the said Town to expend Two Thousand Pounds on the Eastern Road leading to Kingston.

XIV. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the said Trustees, after having expended the said sums of Money herein before provided, to apply so much of the remaining sum of Two Thousand Five Hundred Pounds, or so much thereof as may not be applied in paying the Interest on the said loan for one year, in such manner as a majority of them may deem expedient: Provided always, that such sum or sums of Money be applied in the Improving of all or any of the said Roads, and be drawn from the funds remaining in the Receiver General's hands so raised by such loan as aforesaid.

XV. And be it further enacted by the authority aforesaid, That if any person or persons occupying or possessing any enclosed lands near any Toll-houses or Toll-gates, which shall be erected in pursuance of this Act, shall knowingly permit or suffer any person or persons to pass through such lands, or through any gate, passage, or way thereon, with any carriage, or with any horse, mare, gelding or other animal liable to the payment of the Toll whereby such payment shall be avoided, every person or persons so offending, and also the persons riding or driving the animal or carriage whereon such payment is avoided being thereof convicted, shall for every such offence severally forfeit and pay any sum not exceeding Ten Shillings which shall be laid out in improving such road.

XVI. Provided always, And it is hereby further enacted by the authority aforesaid, That all persons, horses or carriages, going to or attending or returning from any funeral of any person shall pass the gate free of Toll.

XVII. And be it further enacted by the authority aforesaid, That all the said money so raised and collected at such Toll Gates as aforesaid, shall be paid to the said Trustees as often as they may demand the same of such Collectors, and that they shall at least once in every three months pay the same into the hands of the Receiver General or so much thereof as may be required, to pay the Interest on the said loan for fifteen years, and the surplus thereof to be applied in extending and improving such roads as the Trustees may think best according to the amount of travelling on such roads.

XVIII. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the Trustees of such roads to raise such Tolls on the said roads from and after the expiration of fifteen years from the passing of this Act, as will enable them to keep such roads in repair, pay the interest on the said loan, and redeem the principal sum of Ten Thousand Pounds within a period of not less than thirty years from the passing of this Act.

XIX. 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 for the time being, from time to time by commission under his hand and seal to nominate and appoint

such person or persons as he may think fit to fill any vacancy or vacancies which may happen in the said Board of Trustees by death, resignation or otherwise.

XX. And be it further enacted by the authority aforesaid, That nothing in this Act contained shall be construed to prevent the Receiver General from issuing any Debentures authorised to be issued by this Act, redeemable at a shorter period than thirty years from the date of any such Debenture, and from issuing other Debentures for a renewed loan to replace the same or any part thereof, so that the whole sum of Ten Thousand Pounds be liquidated within the period of thirty years.