

*Laws of His Majesty's Province of Upper Canada*, passed in the year 1836. Toronto: Robert Stanton, 1836.

6 William IV – Chapter 28 (Session 1)

**An Act to provide for the making and keeping in repair the West Gwillimbury Road and Bridge, and to authorise the erection of a Toll Gate thereon. Passed 20th April, 1836.**

Whereas divers inhabitants of the County of Simcoe have by their Petition set forth the necessity of expending a sum of money for putting and keeping in repair the Bridge and Road leading from Yonge Street, near the Holland Landing, through part of West Gwillimbury, to Evans' Tavern in the said Township, known as the Road laid out and established by George Lount, Esquire, Deputy Surveyor, and upon which the public money has hitherto been expended: 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 Thomas Drury, Joseph Hodgins, Adney Penfield, William Laughton, and Francis Phelps, be Commissioners with power to make such improvement on the said Bridge and Road as to them may be deemed expedient and necessary, and who shall have power to do and perform all and whatsoever act and acts, thing and things necessary and proper to carry the intentions of this Act into effect; and who shall after the completion of such Bridge and Road have power to erect a Gate and fix such tolls and rates as to them may appear just and necessary; and shall report to the Governor, Lieutenant Governor, or person administering the Government of this Province, for the information of the Legislature, on or before the first day of December in each and every year, all matters by them done by virtue of this Act, with an account in detail of all monies by them received and paid under the provisions thereof.

II. And be it further enacted by the authority aforesaid, That it shall be lawful for the Governor, Lieutenant Governor, or person administering the Government, so soon after the passing of this Act as he may deem expedient, to authorise and direct His Majesty's Receiver General of this Province to raise, by loan, from any person or persons, body politic or corporate, who may be willing to advance the same upon the credit of the tolls to be collected under the authority of this Act, a sum not exceeding one thousand pounds, at a rate of interest not exceeding six per cent, payable half-yearly in this Province.

III. And be it further enacted by the authority aforesaid, That it shall be lawful for the Receiver General of this Province to cause or direct any number of Debentures to be made out for any such sum or sums of money, not exceeding in the whole the sum of one thousand pounds, as any person or persons, bodies politic or corporate shall agree to

advance on the credit of the said 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 that for each loan or advance three several Debentures shall issue at the same time, bearing date on the day on which the same shall actually be issued, and being each for the payment of one-third of the sum so advanced, at the expiration of eight, nine, and ten years respectively, with interest at the rate aforesaid, from the date of each Debenture until the same shall be discharged; and every such Debenture shall and may be signed by the Receiver General of this Province.

IV. 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 Debentures 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 same, 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, and shall suffer as in cases of felony.

V. And be it further enacted by the authority aforesaid, That the Receiver General of the Province shall before each Session of the Provincial Parliament, transmit to the Governor, Lieutenant Governor, or person administering the Government, correct accounts of the numbers, amounts, and dates of the different Debentures 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 the same, to be laid before the Legislature of the Province.

VI. And be it further enacted by the authority aforesaid, That the interest growing due upon the said Debentures shall be payable in half-yearly periods, to be computed from the dates thereof, and shall and may be paid on demand by the Receiver General of the Province who shall take care to have the same endorsed on each Debenture at the time of payment thereof, expressing the periods up to which the interest shall have been paid, and who shall take receipts for the same respectively; and that the Governor, Lieutenant Governor, or person administering the Government shall after the thirtieth day of June and the thirty-first day of December in each year, issue warrants to the Receiver General for the payment of the amount of interest that shall have been advanced according to the receipts to be taken by him, as aforesaid.

VII. And be it further enacted by the authority aforesaid, That a separate warrant shall be made to the Receiver General by the Governor, Lieutenant Governor, or person administering the Government for the time being for the payment of each Debenture as the same becomes due, and be presented in favour of the lawful holder thereof; and that such Debentures as shall from time to time be discharged and paid off shall be cancelled and made void by the Receiver General.

VIII. And be it further enacted by the authority aforesaid, That at any time after the said Debentures or any of them shall respectively become due, according to the terms thereof, it shall be lawful for the Governor, Lieutenant Governor, or person administering the Government, (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 after the insertion of the said notice for three months, if 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 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.

IX. And be it further enacted by the authority aforesaid, That it shall be lawful for the Governor, Lieutenant Governor, or person administering the Government, to nominate and appoint, under his hand and seal, such person or persons as he shall see fit to fill any vacancy or vacancies, which from time to time may happen in the said Board of Commissioners by death, resignation or otherwise.

X. And be it further enacted by the authority aforesaid, That the said Commissioners may from time to time appoint such engineers, agents, officers, workmen and servants as they may think fit, and pay them with such salaries as they may deem just and reasonable to carry into effect the provisions of this Act, taking, when necessary, good security for the faithful discharge of the trust reposed.

XI. And be it further enacted by the authority aforesaid, That no Commissioner or Secretary, appointed under the provisions of this Act, shall be directly or indirectly concerned, engaged or interested in any contract or agreement for the performance of any work which may be necessary under the authority of this Act.

XII. And be it further enacted by the authority aforesaid, That the said Commissioners shall at their first general meeting, held after the said Bridge and Road shall be completed, ascertain and fix the rates and dues to be taken by this Act, and that it shall be lawful for the said Commissioners to alter the said rates and dues at any subsequent meeting, after giving two months notice of their intention so to do, and that a schedule of rates and dues shall be affixed on the gate of the said Bridge.

XIII. And be it further enacted by the authority aforesaid, That the said Commissioners, 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.

XIV. And be it further enacted by the authority aforesaid, That the said several tolls or dues shall be paid to such person or persons, and in such manner and under such regulations as the said Commissioners shall direct or appoint, and in case of denial or neglect of payment of any such tolls or dues, or any part thereof, on demand, to the person or persons appointed to receive the same, as aforesaid, the said Commissioners may sue for and recover the same in any Court having jurisdiction thereof.

XV. And be it further enacted by the authority aforesaid, That if any person shall wilfully or maliciously break down, damage or destroy any bank, gate, or any works, machine or device to be erected or made by virtue of this Act, or do any other wilful act, hurt or mischief, to disturb, hinder or prevent the carrying into execution this Act, or completing, supporting, or maintaining the said Bridge, every such person so offending shall be deemed guilty of a Misdemeanor.

XVI. And be it further enacted by the authority aforesaid, That any person or persons who shall after proceeding on any part of the said Road with any of the carriages or animals liable to toll, turn out of the same into any other road, and shall enter the said Road beyond the said Turnpike Gate, without paying toll, whereby such payment shall be evaded, such person or persons shall for every such offence forfeit and pay the sum of ten shillings, which said sum shall be expended on the said Road or Bridge towards the payment of the principal and interest of the sum expended thereon; and any one Magistrate of the Home District shall, on conviction of said offender, fine him in the said penalty, to be collected in the same way as other forfeitures under this Act.

XVII. And be it further enacted by the authority aforesaid, That all persons whosoever shall have liberty to use with horses, cattle and carriages the Bridge, Road and approaches to be made, as aforesaid, upon payment of such tolls and dues as shall be established by the said Commissioners.

XVIII. And be it further enacted by the authority aforesaid, That all penalties and forfeitures for offences against this Act, or against any rule or by-law of the said Commissioners, to be made in pursuance thereof, shall upon proof of the offences respectively, before any two Justices of the Peace for the Home District, either by confession of the party or parties, or by the oath of one or more credible witness or witnesses, be levied by distress and sale of the goods and chattels of the parties offending, by warrant under the hands and seals of such Justices, and the overplus, after such penalties and forfeitures and the charges of such sale are deducted, shall be returned, on demand, to the owner or owners of such goods and chattels; and in case such sufficient distress cannot be found or such penalties or forfeitures shall not be faithfully paid, it shall be lawful for such Justices, by warrant under their hands and seals, to cause such offender or offenders to be committed to the Common Gaol of the

Home District, there to remain without bail or main prise, for such time as the said Justices may direct, not exceeding twenty days, unless such penalties and forfeitures and all reasonable costs and charges attending the same shall be sooner paid and satisfied.

XIX. And be it further enacted by the authority aforesaid, That all penalties and forfeitures against this Act, or against any rule, order or by-law of the Commissioners, to be made in pursuance thereof, when levied and satisfied shall be paid to the said Commissioners, to be with all other monies received by them transmitted to His Majesty's Receiver General of this Province, to be accounted for to His Majesty through the Lords Commissioners of His Majesty's Treasury, in such manner as His Majesty shall be pleased to direct.

XX. And be it further enacted by the authority aforesaid, That if any complaint shall be brought against any person or persons for any thing done or to be done in pursuance of this Act, or in execution of the powers and authorities or the orders and directions hereinbefore given and granted, every such suit shall be brought or commenced within six calendar months next after the fact committed, or in case there shall be a continuation of damages then within six calendar months after the doing or committing such damages shall cease, and not afterwards; and the defendant or defendants in such action or suit may plead the general issue, and give this Act and the special matter in evidence at any trial to be had thereon, and that the same was done in pursuance and by authority of this Act, and if it shall appear to be done so, or if any action or suit shall be brought after the time hereinbefore limited for bringing the same, then a verdict shall be given for the defendant.

XXI. And be it further enacted by the authority aforesaid, That whenever the Commissioners appointed under this Act shall be named therein, it shall be taken and construed to mean the majority of the said Commissioners, who shall have power to make and subscribe such rules and regulations as to them shall appear needful and proper touching the management and disposition of the monies coming into their hands, and touching the duties and conduct of the officers, clerks and servants employed by them, and all such other matters as appertain to the conduct of the said Commissioners in carrying into effect the provisions of this Act.

XXII. And be it further enacted by the authority aforesaid, That the said Commissioners shall have power and authority to appoint one of their own number or some other person to act in all matters relating to the management and controul of works to be carried on under their orders and directions, subject to such restrictions as the said Commissioners or a majority of them shall think proper and expedient to impose; and the said Commissioners shall and may allow to the person appointed by them, as aforesaid, for his services, out of the monies which shall come into their hands, under the provisions of this Act, such sum as they may consider proper.

XXIII. And be it further enacted by the authority aforesaid, That the said Commissioners shall hold their first meeting at such time and place as the majority of the said Commissioners may name and appoint.

XXIV. And be it further enacted by the authority aforesaid, That all monies which shall be raised by Debenture under the provisions of this Act, shall be paid by the Receiver General of this Province in discharge of such warrant or warrants as may from time to time be issued by the Governor, Lieutenant Governor, or person administering the Government of the Province, in favour of the said Commissioners, and shall be accounted for through the Lords Commissioners of His Majesty's Treasury in such manner and form as His Majesty, his Heirs and Successors shall be graciously pleased to direct.