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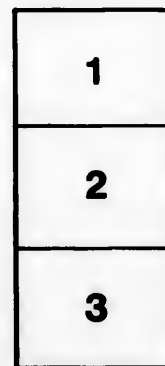
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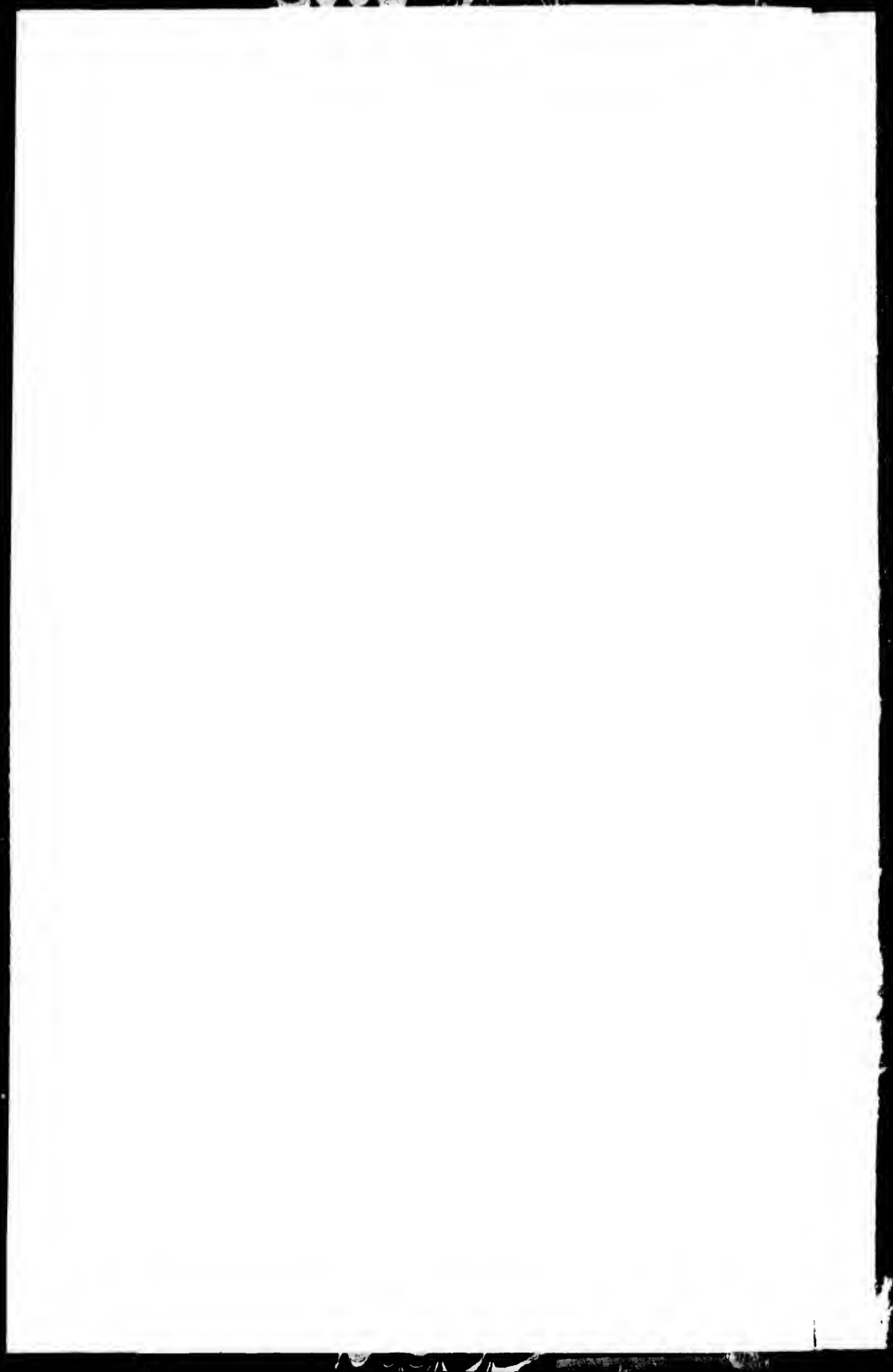
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AN ACT

To repeal, alter, and amend, the Laws now in force for the regulation of the several Macadamized roads within this Province.

WHEREAS the Laws now in force for the regulation of the Macadamized roads within this Province require amendment, and it is of great importance that one uniform system should be adhered to for regulating the construction, management and maintenance of the same, *Be it therefore enacted by the Queen's Most Excellent Majesty*, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, &c. &c. &c. That from and after the passing of this Act, the 8th, 9th, 10th, 11th, 12th, 15th, 16th, 17th, 18th and 19th clauses of an Act passed in the 3rd year of the reign of His late Majesty King William the Fourth, entitled "An Act to raise a sum of money for the improvement of the roads in the vicinity of the Town of York, and for other purposes therein mentioned," and also the 8th, 9th, 10th, 11th, 12th, 13th, 14th, 15th, 16th, 17th, 20th, 21st, 22d, 23d, 27th, 30th, 31st, 35th, 36th, 37th, 38th, and 39th, clauses, and so much of the 3rd clause of an Act passed in the sixth year of the reign of His said late Majesty, entitled, "An Act to continue the improvement of certain roads in the Home District," as relates to the power of Trustees, and also the 3rd, 6th, 7th, 8th, and 9th, clauses of an Act passed in the seventh year of His said late Majesty, entitled, "An Act for granting a further sum for completing the Macadamization of Yonge Street and other roads in the Home District"; and also the 3rd clause of an Act passed in the first year of the reign of Her present Majesty Queen Victoria, entitled "An Act for continuing the improvement of the Lake Road, West of the City of Toronto," and also so

Acts repealed.

Chas. 7th.

much of an Act passed in the 7th year of His late Majesty's reign, entitled, "An Act to raise a sum of money to Macadamize the main road leading from Hamilton to Brantford in the District of Gore, and for other purposes therein mentioned"; also of an Act passed in the same year, entitled, "An Act to authorize the construction of a Macadamized road from Dundas to Waterloo, in the Gore District"; also of an Act passed in the same year, entitled, "An Act to raise a sum of money to Macadamize the roads leading from Brockville to Saint Francis, Charleston, Lyndhurst, Beverley, and Portland, in the District of Johnstown, and to authorize the erection of Toll Gates on the said roads"; also of an Act passed in the same year, entitled, "An Act to raise a sum of money to Macadamize the road between the town of Kingston and the village of Napanee, in the Midland District, and for other purposes therein mentioned"; and also of an Act passed in the same year, entitled, "An Act to raise a sum of money to Macadamize the main road from Queenston to the West Boundary Line of Grimsby, in the Niagara District, and for other purposes therein mentioned," and of any other Act passed by the Legislature of this Province, as may be contrary to or inconsistent with the provisions of this Act, shall, and the same are hereby declared to cease and stand repealed.

Present Trustees
in Districts to form
boards of Commis-
sioners of Turn-
pike Trusts.

2. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the present Trustees of the several Turnpike Trusts in this Province to form a Board within their respective Districts, to be known by the style and title of the Commissioners of the District Turnpike Trust; and the said Commissioners for the time being shall have power and authority over the several Macadamized roads within the limits of their Districts respectively, so far as the improvement of the same has been authorized by any Act of the Legislature of this Province.

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3. *And be it further enacted by the authority aforesaid,* That no person who shall be appointed a Commissioner by virtue of this Act, shall act as such Commissioner, unless he shall, before he shall act as such, take and subscribe before any Justice of the Peace for the District, (who is hereby authorized to administer the same) the oath following; that is to say—

Commissioners appointed to take an oath before serving

“I, A. B. do swear that I will truly and impartially, according to the best of my judgment, execute and perform the several powers, authorities, and trusts, reposed in me as a Commissioner by virtue of an Act passed in the third year of the reign of Her Majesty Queen Victoria, entitled, “An Act to repeal, alter, and amend, the Laws now in force for the regulation of the several Macadamized roads within this Province.”

Oath.

4. *And be it further enacted by the authority aforesaid,* That it shall be lawful for the said Commissioners, and they are hereby authorized and empowered to make, divert, shorten, vary, alter and improve, the course of any part of the above mentioned roads within their own trusts, upon, through, in and over any private lands or grounds, making or tendering satisfaction to the owners thereof or persons interested therein, for the same, and for any damages they may sustain thereby, in such manner as they shall think proper, so that any such road shall not exceed one chain in width, together with such foot-paths, causeways, bridges, arches, banks, culverts, ditches, drains, and fences, on the line of such road as they shall think necessary and expedient; and it shall also be lawful for such Commissioners and their Engineer or Surveyor and Workmen, with or without carts or carriages, from time to time, to enter upon the lands and grounds through which or whereupon such roads, foot-paths, causeways, bridges, arches, banks, culverts, ditches, drains, and fences is, or are, intended to be made or pass, and also upon any adjoining lands or grounds, to

Commissioners may alter roads and pass through private lands.

Persons removing
stakes or marks to
be fined.

Certain grounds
prohibited being
used.

If Owners of lands
are not satisfied
with compensation
tendered the
Court of Quarter
Sessions to deter-
mine.

stake out the same in such manner as the said Trustees shall think necessary and expedient, without being deemed a trespasser or trespassers, and without being subject or liable to any fine, penalty or punishment, for entering or continuing upon such lands or premises respectively for any of the purposes of this Act; and if any person shall pull up, remove, or destroy any stakes or other marks used for the purposes aforesaid, every person so offending shall forfeit and pay for every such offence a sum not exceeding twenty shillings: *Provided always*, That it shall not be lawful for the Commissioners appointed under and by virtue of this Act, in altering or diverting the course of any part of the Turnpike roads, under their care and management, to take or pull down any dwelling house, or to take and make use of any orchard, garden, planted walk or avenue to a house, or any enclosed ground planted as an ornament or shelter to a house, or set apart as a nursery for trees, or any part thereof respectively, without the consent of the owner or proprietor thereof in writing first had and obtained: *Provided always*, That if the owners or occupiers of any lands or grounds taken by the Commissioners for the purposes of this Act, shall not be satisfied with the allowance offered, the same shall be decided by a jury of the District in which such road shall be situated, at the Court of Quarter Sessions, to be impannelled and sworn for that purpose at the request of the party aggrieved, and if such verdict shall not exceed the amount offered, the owner of the said land shall pay the costs of the Court on the assessment of such damages; and in case the verdict of the said jury shall exceed the offer made by the said Commissioners, then the costs of such trial and assessment shall be paid by the said Commissioners out of any moneys in their hands for the purposes of the said Act.

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5. *And be it further enacted by the authority aforesaid,* That it shall be lawful for the Commissioners under this Act to treat, contract and agree, with the owners of, and persons interested in any lands, tenements, hereditaments and premises, with their appurtenances, which they shall deem necessary to purchase for the purpose of widening, diverting, altering and improving, any of the Turnpike roads, for the purchase thereof, and for the loss or damage such owners or persons may otherwise sustain, and also to contract and agree with any person or persons whomsoever, for the purchase or demise from him, her, or them, of and to hold, any land or ground for the purpose of digging stones, gravel and materials therefrom, for the repair or use of the said roads, and at any time after to sell the ground so purchased, by public auction or tender: *Provided always,* That the entering into any such agreement or contract shall not be compulsory against any person or persons unwilling to enter into the same: and after any new road shall be completed, the lands or grounds constituting any former road or roads, or so much and such part thereof, as in the judgment of the Commissioners may thereby become useless or unnecessary or shall and may be stopped up as public highways, shall be vested in and shall and may be sold and conveyed by the said Commissioners in the manner before mentioned, and the money arising from such sale shall be applied for the purposes of this Act, for repairing and maintaining the Turnpike roads; or it shall be lawful for the said Commissioners, instead of making such sale as aforesaid to give up to the owners of any adjoining lands whose building, land or ground shall be taken for the purposes of this Act, any part or parts of the present or old roads in lieu of and in exchange for the same in such way and manner as such Commissioners and Owners or Proprietors shall agree upon and think fit.

Commissioners to agree with owners for purchase of lands required.

Agreement not to be compulsory on owners.

Roads no longer used vested in Commissioners and may be sold or conveyed in lieu of lands taken.

Commissioners may not derive any profit from such Office.

Commissioners of, sending against this clause, to pay £100 and be incapable of serving longer.

6. *And be it further enacted by the authority aforesaid,*—That no Commissioner shall, from and after this Act shall be in force, enjoy any office or place of profit, or have any share or interest, or be in any manner, directly or indirectly concerned in any contract or bargain for making or repairing, or in any way relating to the roads for which he shall act, or for building or repairing any toll-house, toll-gate, or weighing-engine thereon—or for supplying any materials for the use thereof—nor shall any such Commissioner let out for hire any wagon cart or other carriage, or any horse, cattle or team for the use of the Turnpike Roads for which he shall act as Commissioner, nor by himself, or by any other person for or on his account, directly or indirectly receive any sum or sums of money to his use or benefit out of the sums appropriated by any Act of the Legislature for making said roads, or out of the Tolls collected out of the said roads—and if any person after having been appointed a Commissioner of said roads, shall, without having first duly resigned such office at some meeting of the Commissioners of the said roads, hold any such office or place, or be concerned in any such contract or bargain, or shall sell any such tools or implements or let out for hire any wagon, cart, carriage, horse, cattle, or team, or receive any money out of the appropriations aforesaid or out of the tolls collected on said roads, every Commissioner so offending, shall for every such offence forfeit and pay the sum of one hundred pounds, to be recovered in the manner hereinafter provided, and from and after the conviction of any such offence be incapable of acting as a Commissioner of said roads; and all acts, orders, matters and things made or done as a Commissioner by the party so convicted shall from thenceforward be null and void to all intents and purposes—and all and every such contract or bargain shall be and is hereby declared to be void, and shall not be enforced or carried into effect by the

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other Commissioners entering into the same—
Provided always that all acts, orders, matters and things made or done by such Commissioner previous to his being convicted of any such offence shall be good, valid and effectual—and further *provided* that nothing in this enactment contained shall extend or be deemed or construed to extend to any Commissioner who shall receive any sum or sums of money paid out of the appropriation aforesaid or out of the tolls collected on said roads, by way of purchase money, damages, rent, recompense or satisfaction, agreed upon or awarded to such Commissioner for any lands, grounds or tenements purchased or taken for the purpose of directing or altering or for the use of said roads or for a repository for materials to be used thereon, or for damage done to any enclosed or private grounds of such Commissioner in taking materials therefrom, or in carrying and conveying them over the same, or to prevent any such Commissioner from selling or disposing of, for the use of the Turnpike roads, any materials or any timber grown or growing on the grounds of such Commissioner.

Not to prevent
 Commissioners
 from being paid
 for lands, &c. &c.

7. *And be it further enacted by the authority aforesaid,*—That it shall and may be lawful for the Commissioners acting under the authority of this Act, and they are hereby empowered and required, by writing under their hands, to appoint a competent Engineer or Surveyor, whose duty it shall be, to superintend the construction and repairing of the Turnpike roads under their care or management; to inspect and measure materials, make surveys and report upon all proposed alterations, and generally to assist, under the directions of the Commissioners in or about the execution of this act, for making and maintaining such roads—and the said Commissioners are hereby empowered by writing under their hands, to appoint such Collector or Collectors of the Tolls arising on such roads, and a Clerk or Clerks, and such other Of-

Commissioners
 may employ a Ser-
 veyor or Engineer.

May also appoint
 Collectors of Tolls
 and Clerks, &c.,
 and pay the same.

ficers as the said Commissioners shall think necessary—and such Engineer or Surveyor, Clerks, Collectors and other Officers; or any of them from time to time to remove, or on removal, death or resignation of any such Engineer, Clerks, Collectors and other Officers to appoint others in their stead, and may and are hereby authorised out of any moneys arising on such Turnpike Roads to allow and pay to such Engineer, Collectors, Clerks, and other Officers, and to such other persons as shall be assisting them or any of them in or about the execution of this Act, in making and repairing such roads, such salaries, rewards and allowances for their attendance, care, labor and services, as such Commissioners shall deem reasonable—*Provided always*, that it shall not be lawful for the Commissioners to appoint or continue the person who may be appointed to act as their Clerk in the execution of this Act, or the partner of any such Clerk, to be or to hold the offices of Clerk and Engineer or Surveyor for the purposes of this Act; or to appoint or continue the person who may be appointed Engineer or Surveyor or the partner of such Engineer or Surveyor to be Clerk and Engineer or Surveyor for the purposes of this Act; and if any person shall act in both capacities of Clerk and Engineer or Surveyor, or if any person being the partner of such Clerk shall act as Engineer or Surveyor, or being the partner of such Engineer or Surveyor, shall act as Clerk in the execution of this Act, every person shall for every such offence forfeit and pay the sum of Fifty Pounds to be recovered in the manner hereinafter provided.

Persons may not act in the two capacities of Clerk and Surveyor.

Commissioners to take security from any Officers appointed by them.

8. *Provided always, and be it further enacted by the authority aforesaid*,—That the Commissioners shall and they are hereby required to take sufficient security from the Engineer or Surveyor, Clerks and Collectors of Tolls, and if they shall so think proper, shall and may also take such security from

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any other officer to be appointed under and by virtue of this Act.

9. *And be it further enacted by the authority aforesaid,*—That if the Engineer or Surveyor, or Clerk, or other officer to be appointed by the Commissioners, under and by virtue of this Act, shall have any part, share or interest in any contract or bargain for work, materials or tools, to be done or provided upon, for, or on account of the Turnpike Roads or any part thereof, under his or their care and management, or shall upon his or their own accounts, directly or indirectly, let to hire any team, or sell and dispose of any timber, stone or other materials to be used or employed in making or repairing such roads, he or they shall forfeit for every such offence the sum of Fifty Pounds.

Engineer, Surveyor, or Clerk to have no share in contracts.

10. *And be it further enacted by the authority aforesaid,*—That it shall be lawful for the Engineers or Surveyors to the Commissioners, under this Act, and for all such persons as he or they shall appoint, to search for, dig, gather, take and carry away any materials for making or repairing the Turnpike Roads, in or out of the lands of any person or persons where the same may be had or found in any township or place in which any of such roads shall lie or be situate, or in any adjoining township or place, not being an orchard, garden, planted walk or avenue to any house, or any enclosed ground, planted as an ornament or shelter to an house, or set apart as a nursery for trees, making and tendering such satisfaction for such materials, and for the damage done to the owners or occupiers of the land where or from whence the same shall be dug, gathered and carried away, or over which the same shall be carried, as the said Commissioners shall judge reasonable, and also to carry through and over any enclosed lands or ground, not being an orchard, garden, planted walk or avenue to any house, or any enclosed ground planted as an ornament or shelter to a house, or set apart as a nursery for trees, paying

Officers appointed by Commissioners may dig and carry away materials required from any ground, with certain exceptions, by paying for the same.

or tendering for the damage done in going through or over any enclosed lands or grounds for or with such materials, such sum or sums of money as the said Commissioners shall deem reasonable, and in case of any difference between such Commissioners, Engineer or other persons appointed or employed as aforesaid, and the owners and occupiers of such lands or any of them concerning such payments and damages as aforesaid, any two or more Justices of the Peace for the District, on ten days notice thereof being given in writing by either party to the other, shall hear, settle and determine the matter of such payment and damages, and the costs attending the hearing and determining the same.

Justices on ten days' notice to hear, and determine any difference.

Materials not to be taken from enclosed grounds without notice being given to owners or occupiers.

In case of non-attendance by owner or occupier, Justices may order thereupon.

11. *Provided always, and Be it further enacted by the authority aforesaid,*—That it shall not be lawful for any Engineer, or any other person or persons acting under the authority of this Act, to dig, gather, get, take or carry away any materials for making and repairing the Turnpike Roads from any enclosed land or ground, until notice in writing, signed by the Engineer shall have been given to the owner or owners of the premises from which such materials are intended to be taken, or his or their known agent, or to the occupiers of the premises from which such materials are intended to be taken, or left at the house or last or usual place of abode of such owner or occupier to appear before any two or more Justices of the Peace acting in and for the District, to shew cause why such materials shall not be had therefrom, and in case such owner, agent or occupier shall attend pursuant to such notice, and shall not show sufficient cause to the contrary, such Justices shall, if they think proper, authorise such Engineer or other person to dig, get, gather, take and carry away, such materials, at such time or times as to said Justices shall seem proper; and if such owner, agent or occupier shall neglect or refuse to appear, the said Justices shall and may,

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upon proof on oath of the service of such notice, which oath they are hereby empowered to administer, make such order therein as they shall think fit, as fully and effectually to all intents and purposes as if such owner or occupier had attended; *Provided always*, That the Commissioners shall not be required to pay any larger sum as a satisfaction for any materials raised, taken or carried away from any lands or grounds for making or repairing the Turnpike Roads, than such sum of money as shall appear to the two or more Justices settling and determining such satisfaction, that such materials might or could have been [actually sold for in case the same had not been raised, taken or carried away by such Commissioners; and in case the said Justices shall be of opinion that the said materials before they had been so raised, taken or carried away, could not have been sold or disposed of, then the said Justices shall only assess the damage done to lands or grounds of the owners or occupiers thereof, by the raising, gathering and carrying away the same.

Justices to assess damages, and determine valuation of materials taken.

12. *And be it further enacted by the authority aforesaid*,—That if the Engineer or Surveyor or any other person employed by him shall by reason of the searching for, digging or getting any gravel, sand, stone, or other materials for repairing the Turnpike roads, make or cause to be made any pit or hole in any lands or grounds as aforesaid, wherein such materials shall be found, the said Engineer or Surveyor shall forthwith cause the same to be sufficiently fenced off, and such fence supported and repaired during such time as the said pit or hole shall continue open, and shall within three days after such pit or hole shall be opened or made, where no gravel, stones or materials shall be found, cause the same forthwith to be filled up, levelled and covered with the turf or clod which was dug out of the same, and where any such materials shall be found, within fourteen days after having dug up sufficient materials in such pit

Pits or holds made by Engineers or Surveyors in digging for materials to be fenced in or filled up, as the case may require, under a penalty of twenty shillings.

or hole, if the same is not likely to be further useful, cause the same to be filled up, sloped down or fenced off, and so continued—and if the same is likely to be further useful, the said Engineer shall secure the same by posts and rails or other fences to prevent accidents to persons or cattle; and in case such Engineer or Surveyor shall neglect to fill up, slope down or fence off such pit or hole in manner and within the time aforesaid, he shall forfeit the sum of twenty shillings for every such default.

13. *And be it further enacted by the authority aforesaid,*—That it shall be lawful for the Engineer or Surveyor and such other person and persons as shall be appointed by the Commissioners under this Act, from time to time, to cut, make and maintain drains or water courses upon and through any lands lying contiguous to any of the Turnpike roads, and also to make ditches in such places and in such manner as such Engineer by order of such Commissioners shall judge necessary—and make sufficient fences and barriers and other erections on any part or parts of the said roads, in order to prevent any rivulet or current of water from flooding the same as such Engineer shall judge necessary, making such satisfaction to the owner or occupier of such lands so to be used, cut through or built upon, for the damages which they or any of them may sustain thereby as such Commissioners shall judge reasonable—and in case of any difference between such owner or occupier and such Commissioners touching such damages, the same shall be finally settled by any two or more Justices of the District.

Engineers or Surveyors may order drains &c. to be cut through any private lands.

Satisfaction to be made to owners.

In case of difference, Justices to determine.

Commissioners to meet when and where they may please to appoint.

14. *And be it further enacted by the authority aforesaid,*—That the Commissioners appointed under and by virtue of this Act shall and may from time to time meet at such time and place on or near the Turnpike roads as to them shall seem convenient, and may adjourn themselves to meet at any place and time as the major part of them pre-

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sent at any meeting shall appoint, and all orders and determinations of the Commissioners in the execution of this Act shall be made at meetings to be held in pursuance thereof and not otherwise, and that no order or determination shall be made unless the major part of the Commissioners present shall concur therein; and that all acts, orders and proceedings relating to this Act which are directed to be had, made, done or exercised, by or before the said Commissioners, and all the powers and authorities vested in them generally, shall and may be had, made, done and exercised by the major part of the Commissioners who shall be present at the respective meetings to be held by virtue of this Act, the whole number present not being less than five; and that all acts, orders or proceedings had, made or done by or before such five Commissioners shall have the same force and effect as if the same were had, made or done, by or before all the said Commissioners—and that a Chairman shall and may in the first place be appointed at any meeting to be held by virtue and for the purposes of this Act, who shall have the casting or decisive vote in case of an equal number of votes, (including the Chairman's vote,) and that no order or determination at any meeting of the said Commissioners once made, agreed upon, or entered into, shall be revoked or altered at any subsequent meeting, unless notice of the intention to make such revocation or alteration shall have been given by three or more Commissioners by writing under their hands to the Clerk to the said Commissioners at a previous meeting and entered in the book of proceedings of such meeting, and unless notice signed by any two or more Commissioners shall have been affixed on all the Turnpike Gates then erected on such roads, twenty-one days at least before such meeting, nor unless such revocation or alteration shall be agreed to be made by a greater number of Commissioners than concurred in the making of any such order or determination, and

No order to be made without concurrence of majority.

Business not to be conducted by less than five Commissioners.

Chairman to be appointed, who shall have a casting vote.

How orders made are to be revoked.

Commissioners to defray their own expenses except 10s. per day for room.

at their several meetings the Commissioners shall pay and defray their own expences, except any sum not exceeding ten shillings per diem for the use of the room wherein they shall meet.

Proceedings to be entered in books.

Books to be open to Commissioners.

Entries made in Books to be read in evidence in all cases of appeal, &c.

Commissioners to order a book or books to be kept by their Clerk.

Entries to be received as evidence in all courts—and to be open to inspection of Commissioners without fee.

15. *And be it further enacted by the authority aforesaid,*—That all orders and proceedings of the Commissioners appointed under and by virtue of this Act, together with the names of the Commissioners present at every meeting shall be entered in a book or books to be kept by the Clerk to the said Commissioners for that purpose, and be signed by the Chairman of the meeting or meetings at which such orders or proceedings shall be from time to time made or had—and that such book or books shall be open at all seasonable times to the inspection of any of the Commissioners without fee or reward—and such orders and proceedings so entered and signed by the Chairman of such meeting or meetings as aforesaid shall be deemed and taken to be original orders and proceedings, and which said book or books, as well as the book or books in which the oath directed to be taken by the said Commissioners shall be entered shall and may be read in evidence in all courts whatsoever—in all cases of appeal and in all prosecutions, suits and actions whatsoever.

16. *And be it further enacted by the authority aforesaid,*—That the Commissioners under this Act shall and they are hereby required from time to time and at all times, to order and direct a book or books to be provided and kept by their Clerk for the time being, in which book or books the Clerk shall enter or cause to be entered, true and regular accounts of all sums of money received, paid, laid out and expended for or on account of each road respectively, and of the several articles or things for which such sums of money shall have been disbursed, laid out and paid, and all books containing the accounts and proceedings of the Commissioners in the execution of this Act shall be admitted in evidence in all Courts and by all

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Judges, Justices and others without proving the facts therein contained, unless such facts or any of them shall be first controverted, and all such books shall be preserved and kept by the Clerk for the time being of such Trustees, and shall at all seasonable times be open to the inspection of the said Commissioners without fee or reward, and the said Commissioners may take copies or extracts from the said book or books without paying any thing for the same, and in case the said Clerk shall refuse to permit the Commissioners to inspect the said book or books or to take such copies or extracts as aforesaid, such Clerk shall forfeit and pay any sum of money not exceeding £5 for every such offence.

Non-compliance
of Clerk to cause
a forfeiture of £5.

17. *And be it further enacted by the authority aforesaid,*—That the Commissioners appointed under and by virtue of this Act may sue and be sued in the name of their Clerk for the time being, and that no action or suit to be brought or commenced by or against the Commissioners in the name of such Clerk shall abate or be discontinued by the death or removal of any Commissioners or Clerk, or any of them or by the act of any Commissioner or Clerk without the consent of the said Commissioners, but that the Clerk for the time being to the said Commissioners shall always be deemed to be the Plaintiff or defendant (as the case may be) in every such action or suit—*Provided always* that such Clerk shall be reimbursed out of the monies belonging to the Turnpike road Trust all such costs, charges and expenses as he shall be put to or become chargeable with or liable to by reason of his so being made Plaintiff or Defendant.

Commissioners to
sue and be sued in
the name of their
Clerk.

Clerk to be re-im-
bursed.

18. *And be it further enacted by the authority aforesaid,*—That every Commissioner who shall order or direct the expenditure of any money for or toward the making or repairing or altering any road not comprehended in this Act, or for or towards the performance of any Act, matter or thing

Commissioners di-
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not authorised by this Act, such Commissioner shall be personally liable to the Trust for the repayment of the money so expended at the suit of any person or of any Commissioner or of the Clerk to the said Commissioners on behalf of the Trust.

Commissioners directing expenditure of money in certain cases liable.

—*Provided always* that no Commissioner shall be personally subject or liable (except as next hereinafter mentioned) to the payment of any sum or sums of money laid out or expended in or towards the making, repairing or altering the Turnpike roads authorised by this Act—nor shall execution issue against the goods and chattels of any Commissioner by reason of his having acted as such Commissioner or having signed or authorised or directed any contract or security to be entered into relating to any such roads, unless in such contract or security such Commissioner shall have, in express words, rendered himself so personally liable.

Commissioners to examine revenues and debts of trust.

19. *And be it further enacted by the authority aforesaid*,—That it shall and may be the duty of the Commissioners, and they are hereby required, to hold a general meeting on the first Monday in November in each year, when they shall examine into the revenues and debts of the Trust: and the Clerk to the Commissioners shall forthwith make out a statement of the debts, revenues and expenditure received and incurred on account of the Trust, in the form contained in the Schedule to this Act annexed, which said statement shall be submitted to the Commissioners assembled at such meeting, and when approved by the majority of them shall be signed by the Chairman of said meeting, and the said statement being so approved and signed, the said Clerk shall within ten days thereafter, transmit the same to the Lieutenant Governor of the Province for the information of the Legislature, and if such Clerk shall refuse or neglect to make out such statement as aforesaid, or to transmit the same within the time hereinbefore mentioned, the Clerk so offending shall forfeit and

Statement to be transmitted by Clerk to Lieutenant Governor for information of Legislature.

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aforesaid pointed from the said Commissioner appointed under the Act they are received much the what paid for such as shall the said persons as not other missioner shall up such same, due on aforesaid fuse or ers, or point, v ed by t pers, w or pow in any ful for the Dis on beh Justice their ha officers and up found, compla

pay the sum of fifty pounds, to be recovered as hereinafter directed.

20. *And be it further enacted by the authority aforesaid*,—That all such officers as shall be appointed by the Commissioners under this Act shall from time to time, when thereunto required by the said Commissioners, deliver to them or to such person or persons as they shall for that purpose appoint, true exact and perfect accounts in writing under their respective hands, of all monies which they and every of them respectively shall have received to that time, by virtue of any Act, and how much thereof has been paid and disbursed and for what purpose, together with the proper vouchers for such payments, and shall pay all such monies as shall remain in their, or any of their, hands to the said Commissioners or to such person or persons as they shall appoint to receive the same and not otherwise, within such time as the said Commissioners shall limit and appoint, and if such officer shall refuse or neglect to produce or deliver up such accounts and the vouchers relating to the same, or shall refuse or neglect to pay the money due on such account within the time or in manner aforesaid, or if any such officer or person shall refuse or neglect to deliver up to the Commissioners, or to such person or persons as they shall appoint, within ten days after being thereunto required by the said Commissioners, all the books, papers, writings, tools and implements in his custody or power relating to the execution of this Act, then in any and every of the said cases it shall be lawful for any two or more Justices of the Peace for the District, upon complaint made to them by or on behalf of the said Commissioners, and such Justices are hereby required by warrant under their hands and seals to summon such officer or officers, person or persons to appear before them, and upon his or their appearing or not being to be found, to hear and determine the matter of such complaint in a summary way, and to settle the said

Officers to render to Commissioners just and true accounts of all monies received by them, and of the disbursements.

In case of refusal or neglect, justices may summon the person so refusing or neglecting before them; and determine the matter in a summary way.

Warrant of distress may be levied on the goods and chattels of offender.

Justices may by warrant commit in certain cases.

account or accounts if produced, and if upon confession of the officer or officers, person or persons against whom any such complaint shall be made, or by the oath or oaths of any witness or witnesses (which oath or oaths such Justices are hereby empowered and required to administer) or upon inspection of the said accounts if produced, it shall appear to such Justices that any of the money which shall have been collected or received shall be in the hands of such officer or officers, person or persons, such Justices may and they are hereby authorised and required on non-payment thereof, by warrant under their hands and seals, to cause such money to be levied by distress and sale of the goods and chattels of such officer or person respectively, and if no goods and chattels can be found sufficient to answer and satisfy the said money and the charges of distraining and selling the same, or if such officer or other person shall not appear before the said Justices at the time and place appointed by them for that purpose, unless for some sufficient reason, or if appearing shall refuse or neglect to give and deliver up to the said Justices an account of all his receipts and payments as aforesaid, or to produce and deliver up to the said Justices the several vouchers and receipts relating to such accounts respectively, or the books, accounts, papers, writings, tools and implements in his custody, or power relating to the execution of this Act; then, and in either of the cases aforesaid, such Justices may, and they are hereby authorised and required by warrant under their hands and seals to commit such officer or person to the common gaol of the District, there to remain without bail or mainprisé in case he shall be committed for non-payment of any money received by him or in his hands, until he shall have accounted for and paid the full amount thereof, or compounded with the Commissioners and paid such composition in such manner as the said Commissioners may appoint, (which composition the said

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Commissioners are hereby empowered to make,) or in case he shall be committed for not delivering up any account, books, papers, writings, tools or implements as aforesaid, or make satisfaction in respect thereof to the said Commissioners; *Provided*, That no person who shall be committed for want of sufficient distress, shall be detained in prison by virtue of this Act for a longer period of time than six calendar months.

Period of imprisonment not over six months.

21. *And be it further enacted by the authority*

aforesaid, That it shall be lawful for the Commissioners under this Act, and they are hereby authorized and empowered to continue all and every or any of the Toll Gates or Toll Houses now standing or being in, upon or across any of the Turnpike roads or on the sides thereof, and from time to time at any special meeting to be holden for that purpose, of which meeting public notice, specifying the time and place and the purpose thereof, shall have been given in some newspaper published and circulated in the District, and also by affixing a copy of such notice on all the Turnpikes, Toll Gates, or Side Bars, (if any) which shall be standing on such road, fourteen days previously to such meeting, to order and direct, by some order in writing, that there be erected and built in, upon, or across any of the Turnpike roads or any part thereof, or upon the sides thereof, or any part thereof, when and where they shall judge necessary, such and so many Turnpikes, Toll Gates, Side Bars and Chains, with Toll Houses, Out-houses and other conveniences thereto, and also to take in and enclose on the sides of such roads or any part thereof, suitable garden spots for each of such Toll Houses, not exceeding one-eighth of a Statute acre to each Toll House, as the said Commissioners shall direct or appoint; and also shall or may from time to time, at any such meeting, or at any other meeting to be called as aforesaid, and by such order as aforesaid, from time to time order and direct

Toll Gates at present erected may stand.

Commissioners may order others to be built.

Gardens to be enclosed for toll keepers.

Toll Gates may be taken down and removed.

any of such Toll Gates, Turnpikes, Side Bars and Chains to be taken down or discontinued or to be removed or placed elsewhere, upon, across or on the sides of such roads, in such situations as to them the said Commissioners may appear fit or eligible.

Lamps to be placed in front of toll houses.

22. *And be it further enacted by the authority aforesaid,* That it shall be lawful for the Commissioners to order and direct one or more lamp or lamps to be erected and placed on or against or in front of each and every of the Toll Houses on the roads, and also to order and direct, at what times of the year and during what hours such lamp or lamps or any of them shall be kept lighted; and all and every the collector and collectors of tolls on such roads who shall neglect or omit to observe or fulfil the orders of the said Commissioners in respect to the keeping or lighting such lamp or lamps, shall forfeit and pay any sum not exceeding twenty shillings for every such neglect or omission; and in case any person shall wilfully damage or injure any lamp so set up as aforesaid, or extinguish the light therein, such person shall forfeit and pay any sum not exceeding forty shillings for every such offence.

Punishment for injuring lamps.

Weighing Machines to be erected where thought necessary by the Commissioners.

23. *And be it further enacted by the authority aforesaid,* That it shall be lawful for the said Commissioners at any of their respective meetings if they think proper, to order or cause to be built and erected at any of the Turnpikes or Toll Gates on the roads under their care and management, one or more crane or cranes, machines or engines, proper for the weighing of wagons or carriages, conveying any goods or merchandize whatsoever, and by notice on a board, for that purpose, to be put up at or near to every such weighing machine, to order and direct all and every such wagons or carriages as shall come within one hundred yards of any such crane, machine or engine on such Turnpike roads to be weighed, together with the lading thereof.

Notices to be put up directing carriages to be weighed.

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24. *And be it further enacted by the authority aforesaid,* That the keeper of every Toll Gate or Bar where any weighing engine shall be erected, or any other person who shall be appointed by the Commissioners to the care of such weighing engines, shall and he is hereby required to weigh all such wagons, carts, and other carriages liable to be weighed as shall pass laden through such gates or bars respectively, and which he shall believe to carry greater weights than are allowed to pass without paying additional toll; and if any collector or person so appointed shall permit any such wagon, cart or carriage to pass by or through any Toll Gate of which he is in charge, with a greater weight than that allowed, without weighing the same, and receiving the additional toll, he shall, for every offence, forfeit the sum of five pounds, and if the owner or driver of any wagon, cart or other carriage, shall refuse to allow the same to be weighed, or shall resist any gate-keeper or other person appointed, in weighing the same, the owner or driver so offending shall forfeit and pay any sum not exceeding five pounds.

Keepers of Toll Gates to weigh the carriages.

Toll gatherer to be fined if he permits carriages to pass with over-loads.

25. *And be it further enacted by the authority aforesaid,* That it shall be lawful for the Commissioners appointed under this act to continue to demand and receive the tolls now directed to be taken and collected by an act passed by the Legislature of this Province, for making and maintaining the Macadamized roads; and they are hereby also empowered at a meeting to be held for that purpose, of which meeting, one calendar month's notice shall have been given in writing, to be affixed at all Turnpike Gates, which shall be then erected upon such roads, and in some public newspaper published in the District from time to time, to lessen or reduce all or any of the Tolls to be taken and collected as aforesaid, for and during such time as the Commissioners shall think proper; and afterwards, at any meeting to be held as aforesaid from time to time, as they

Tolls as at present received.

Commissioners may increase or lessen Tolls giving proper notice of so doing under certain restrictions—and to fix tolls at new toll gates.

shall see occasion, to increase all or any of the tolls so lessened to any sum or sums of money; and also, upon any Toll Gates, Turnpikes, Side-bars, and Chains being removed and placed elsewhere, or upon the erection or buildings of such other Toll-gates Turnpikes, Side-bars, or chains, as the said Commissioners shall direct, they are hereby authorized and empowered at any meeting to be held as aforesaid, to fix such toll to be demanded, taken, collected and received at every such toll-gate, turnpike or side-bar, so removed and placed or erected elsewhere as may be found necessary and expedient to answer the purposes of this act: *Provided always*, that the amount of Tolls collected upon each of the Turnpike roads mentioned in this act, shall not be less, annually, after deducting the expense of collection, than will pay the interest of the principal sum expended in constructing the same respectively; and also pay such further sum as may be found necessary to keep the said roads in repair, together with the salaries of the Engineer or Surveyor, and Clerk or Clerks.

After twelve years Tolls sufficient to pay all expenses and redeem principal may be levied.

26. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for the Commissioners appointed under this act, to raise such tolls on the Turnpike roads from and after the expiration of twelve years from the passing of this act, as will enable them to keep such in repair, pay the necessary Officers employed in the execution of this act, and redeem the balance of the principal sum expended in constructing said roads, within a period of not less than twenty six years from the passing of this act.

Tolls may be to farm let.

27. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for the Commissioners of the Turnpike roads, at a public meeting, to let to farm the tolls of the several gates erected upon such Turnpike roads in the manner hereinafter mentioned, that is to say—The Commissioners shall cause notice to be given of the

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time and place for letting the same for at least one month before the day appointed for that purpose, by affixing the same upon every toll gate belonging to such Turnpike roads, and by insertion thereof in some public newspaper circulating in the District; and specifying in every such notice the sum which the said tolls produced in the preceding year, clear of the salary for collecting the same, in case any hired collector was appointed, and that they will let such tolls by auction to the best bidder upon his producing sufficient sureties for the payment of the money monthly, and that they will be put up at the sum which they were let for or produced in the preceding year, clear of the salary of the collector.—The highest bidder shall be the farmer or renter of the said tolls, and shall forthwith enter into a proper agreement for the taking thereof, and paying the money at the time specified in such notice with such surety or sureties for the payment thereof and under such conditions and in such manner as the said Commissioners shall think fit; and if the person being the highest bidder shall not forthwith enter into such agreement, it shall and may be lawful to put up the said tolls again immediately for another bidder, and in like manner to continue putting up the same until a bidder shall be found who shall enter into such agreement; and in case no bidder shall offer, or in case the same shall not be let at such auction, it shall be lawful for the said Commissioners to accept a private tender for the same, and to demise or let to farm all or any of such tolls at any sum not less than the sum at or for which they shall then have been last let; or the said Commissioners may appoint a collector of such tolls or fix some future day for letting thereof, as they shall judge most proper, upon giving such notice thereof as aforesaid; and shall and may in that case put them up at such sum as they shall think fit, and if the person who shall be the farmer, renter or collector of such tolls shall take a greater

Notice being given.

Terms of letting Tolls:

Manner of letting Tolls.

or less toll from any person than what is authorised or directed by the Commissioners under this Act, he shall for every such offence forfeit the sum of five pounds; and the said agreement for renting the tolls shall, if the Commissioners think fit to vacate the same, become null and void.—*Provided always*, that when the Commissioners shall put up the tolls to let to farm, the said Commissioners may, if they think fit, appoint some person to bid for the same on their account, to the intent that such tolls may not be let for less than an adequate value, and also that nothing in this Act shall be construed to empower the Commissioners to let to farm the said tolls for a longer period at one time than twelve calendar months.

Commissioners may appoint some person to bid to prevent the letting below adequate value.

Tolls may be taken at any hour of day or night previous to the cattle or carriages passing through.

Tolls vested in Commissioners.

Commissioners may compound for Tolls.

28. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for the Commissioners under this Act, or any person appointed collector of the tolls to be taken by virtue of this Act, to demand and take every day (such day for the purposes of this Act being computed from 12 of the clock at night to 12 of the clock of the next succeeding night) the several and respective tolls directed to be taken by the Commissioners at the several and respective Toll Gates and Turnpikes, Side Bars and Chains, in, upon, across or on the sides of the Turnpike roads or any part thereof, and which tolls or sums of money shall be demanded and taken as aforesaid, before any horses, cattle, or carriage whatsoever shall be permitted to pass through any Toll Gate, or Turnpike, or Side Bar or Chain, and the tolls or sums of money to be levied and collected by virtue of this Act, are hereby vested in the Commissioners for the purposes thereof in manner to be thereby directed.

29. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for the Commissioners and they are hereby empowered, from time to time as they shall see convenient to compound and agree for any term not exceeding

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one year at any one time with any person for the tolls payable for any horses, cattle, or beasts, or carriages, passing through any of the Turnpikes or Toll Gates of the roads under their care and management and collected and taken under the authority of this Act, and also that the Commissioners shall have power to make such equitable arrangement with any person desiring or having occasion merely to cross or not travelling a greater distance than three hundred yards on any Turnpike road, and without any intention to evade the tolls, as to them may appear just and reasonable.

30. *And be it further enacted by the authority aforesaid,*—That the Commissioners under this Act shall, and they are hereby required to put up or cause to be put up, and afterwards to be continued, at every Toll Gate within the District, a Table painted in distinct and legible black letters on a board with a white ground, containing at the top thereof the name of the gate at which the same shall be put up, and also a list of all the tolls payable at every such gate, distinguishing severally the total amount of tolls payable under this act, and also a list of the several gates which shall be wholly or partially cleared by the payment of tolls at the Toll Gate or Bar where such table of tolls shall be affixed, and the said Commissioners shall also provide tickets, denoting the payment of toll, and on such several tickets shall be specified the name of the gate at which the same respectively shall be delivered, and also the names of the several gates freed by such payment, one of which tickets shall be delivered gratis to the person paying the toll, and on the production of such ticket therein mentioned as being cleared as aforesaid by the payment of the toll at the gate where such ticket was delivered, the person producing the same shall pass through the gate or gates therein mentioned without paying any further or additional toll.

Boards to be put up at every toll gate with list of tolls and list of gates wholly or partially cleared by paying toll at such place and tickets to be given to persons paying tolls.

In case of death or delinquency of toll gatherer, any two Commissioners may appoint a person in his place.

In case of refusal to give up toll house, &c. any Justice of peace may remove the person from and put Commissioners or their officers in possession.

31. *And be it further enacted by the authority aforesaid,*—That upon the death, incapacity, refusal, neglect or absconding of any collector or receiver of Tolls at any Turnpike or weighing machine upon any of the Turnpike roads, any two or more of the Commissioners, though not assembled at any meeting, by writing under their respective hands, shall and may nominate and appoint a proper person in his place, to continue until the next meeting of the Commissioners, in the stead of such collector or receiver as shall so die, become incapable, refuse, neglect or abscond, which person so nominated and appointed shall have the like power and authority and be answerable and accountable in the same manner in all respects, as the person who shall die, become incapable, refuse, neglect, or abscond, would have had and been subject to if living, and if any collector or receiver of tolls as aforesaid, who shall be discharged from his office by the said Commissioners, or the wife or widow, or any of the children, family or representatives of any collector or receiver who shall die, abscond, refuse or neglect to perform his duty, or be discharged, or any other person having the possession of any toll house or building or weighing machine, erected by virtue of this act, shall neglect or refuse to deliver up such possession for the space of three days after demand thereof made and notice in writing given for that purpose by any two or more of such Commissioners or by their Clerk then and in any of the said cases, it shall and may be lawful for any Justice of the Peace for the District, by warrant under his hand and seal, to order any Constable or other peace officer for the same place with such assistance as shall be necessary to enter such house or building or weighing machine in the day time and to remove the person who shall be found therein, together with his goods out of the same, and to put the said Commissioners or any of their officers in the possession thereof.

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32. *And be it further enacted by the authority aforesaid,*—That during such time as the tolls arising on any of the Turnpike roads or any part or parts thereof, shall be leased demised or let to any person whatsoever, it shall and may be lawful to and for the lessee or farmer thereof or such other person as he shall authorise and appoint to occupy and enjoy the toll house or toll houses at which the said tolls so let are to be collected and to arise with all the appurtenances and conveniences to the same toll house or toll houses belonging for the purpose of collecting such tolls during so long time only as such lessee or farmer shall duly and regularly pay his rent or rents and perform the covenants, agreements and conditions of such lease demise or let ting, but no further or otherwise.

Any person farming tolls to have possession of all toll houses and appurtenances.

33. *And be it further enacted by the authority aforesaid,*—That in case all or any of the tolls arising by virtue of this Act shall be demised or let to farm to any person in any manner whatsoever, and the lessee or farmer thereof shall neglect or refuse to perform the terms and conditions on which the same shall be so demised or let, or in case the rent or rents agreed to be paid by such lessee or farmer shall be in arrear for the space of seven days next after any of the days on which the same ought to be paid, pursuant to the agreement for letting to farm thereof, or in case any such lease or agreement shall in any other manner become void, then and in any of those cases it shall and may be lawful for any Justice of the Peace for the District, by warrant under his hand and seal to order a constable or other Peace Officer with such assistance as shall be necessary to enter upon and take possession of any toll-house or toll-houses, toll-gate, bar or chain, or weighing machine, and the buildings or appurtenances, thereto belonging and to remove and put such lessee or farmer of the tolls arising thereat respectively or other person who shall be found therein together with his goods out of and from the possession of

Rents remaining in arrear seven days—or any non-fulfilment on part of lessee will render the person so in default subject to ejectment, and Commissioners may vacate agreement.

the said toll-house or toll-houses and from the collection of tolls and to put the said Commissioners or any of them or their new appointed Officer or other person acting by or under their authority into the possession thereof; and thereupon it shall be lawful for the said Commissioners (if they shall think fit) to vacate and determine the contract and agreement, (if any) for demising or letting the said tolls to such lessee or farmer and the same shall be from that time utterly void to all intents and purposes [save as to covenants or agreements for payment up to that time of the rent or rents thereby reserved or other covenant or agreements on the lessee's part which shall have been holden] as if such demise or agreement had never been made, and it shall be lawful for the said Commissioners in every such case to demise or let to farm the said tolls again to any other person or cause them to be collected as if no former demise, contract or agreement had been made relative thereto any rule of law or right to the contrary notwithstanding.

Certain exceptions

Tolls may be let to other persons.

Names of toll gatherers to be printed legibly so as to be seen at every toll house which if neglected or too much or too little toll taken or exempt persons or refusing to tell the Christian and surname of toll keeper, or to omit giving ticket, or hindering any person, paying toll, or abusing any common traveller —to subject such keeper to fine of five pounds.

34. *And be it further enacted by the authority aforesaid*—That every Toll Collector on the Turnpike roads shall place or cause to be placed on some conspicuous parts of the front of the several toll-houses at which they shall be respectively stationed, and so that the name shall appear to public view, their Christian and surnames painted in black on a board with a white ground, each of such letters of such name or names to be at least two inches in length and of a breadth in proportion, and that such board shall be and remain at such toll-house during the whole of the time that the person whose name shall be expressed thereon shall be on duty thereat; and if any Collector of the said tolls shall not place such board and keep the same there during the time he shall be such Collector as aforesaid or shall demand and take a greater or less toll from any person than he shall be authorised to do by virtue of the orders and resolutions

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of the Commissioners made in pursuance of this Act or shall demand and take a toll from any person who shall be exempt from the payment thereof, and who shall claim such exemption, or shall refuse to permit or suffer any person to read or shall in any wise hinder any person from reading the inscriptions on such board or shall refuse to tell his Christian and surname to any person who shall demand the same on being paid the said tolls or any of them, or shall in answer to such demand give a false name, or shall refuse or omit to give to the person paying the toll a ticket denoting the payment of the tolls and naming and specifying the toll gate at which such ticket has been delivered, and the toll-gate or toll-gates [if any] freed by such payment, or upon legal toll being paid or tendered shall unnecessarily detain or wilfully obstruct hinder or prevent any passenger from passing through any Turnpike or Toll-gate, or shall make use of any scurrilous or abusive language to any Commissioner, traveller or passenger, then and in every such case every such toll Collector shall forfeit and pay any sum not exceeding five pounds for every such offence.

35. *And be it further enacted by the authority aforesaid,*—That during such time as the tolls or any part thereof shall be leased to any person whomsoever, it shall be lawful for the lessee or farmer thereof or such other person as he shall by writing or writings under his hand authorise and appoint to demand and take such tolls so leased, demised or farmed and to use all such means and methods for the recovery thereof in case of non-payment or evasion as any Collector of such tolls appointed under this Act is authorised and empowered to use, and such lessee or farmer or other person as aforesaid, so demanding and taking such tolls, shall be subject to the like pains and penalties and forfeiture, and shall be liable to the like actions and prosecutions as any collector of such

Persons farming tolls have authority to sue for and recover the same, and be subject to the like pains and penalties as collectors appointed by Commissioners

tolls appointed by the Commissioners is subject or liable.

Persons appointed as toll collectors may give evidence in disputed cases.

36. *And be it further enacted by the authority aforesaid,* That in case any dispute, suit or litigation shall arise, touching or in any wise relating to the tolls granted by this Act, the person appointed to collect the same or any other person acting under the authority of the Commissioners shall not be incompetent to give evidence in any such dispute, suit or litigation on account of his being appointed to collect such tolls.

Toll houses, gates, bars, tools, implements and every thing appertaining thereto—vested in Commissioners.

37. *And be it further enacted by the authority aforesaid,* That the right, interest, and property of and in all the toll gates and toll houses, weighing machine and other erections and buildings, lamps, bars, toll boards, direction boards, mile stones, posts, rails, fences and other things which shall have been, or shall be erected and provided in pursuance of any Act of the Legislature for improving the Turnpike roads in this Province with the several conveniences and appurtenances thereunto belonging and the materials of which the same shall consist, and all materials, tools and implements which shall be provided for making and repairing said roads shall be vested in the Commissioners under this Act for the time being, and they are hereby authorised and empowered to apply and dispose of the same as they shall see fit.

Persons not to drive by the side of road in certain cases.

38. *And be it further enacted by the authority aforesaid,* That if any person shall drive any wheeled carriage upon that part of the road between the stones or hard road and the ditch, when that part of the road is not sufficiently firm to resist the pressure of the wheels without forming ruts, further than may be necessary in passing any other vehicle or in turning on, off, or upon such road, or shall cause any injury or damage to be done to the posts, rails or fences, or shall willfully pull down or damage any bridge, wall or any other building or erection made by the Commissioners under this Act, or repairable by them, or shall haul or draw

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or cause to be hauled or drawn upon any part of the Turnpike roads, any timber, stone or other thing which shall be carried principally or in part upon wheeled carriages or sleighs to drag or trail upon such road to the prejudice thereof, or if any person shall leave any wagon, train, cart or other carriage whatever upon such road without some proper person in the sole custody or care thereof, longer than may be necessary to load or unload the same, except in cases of accident, and in cases of accident, for a longer time than may be necessary to remove the same, or shall lay any timber, stones, rubbish or other thing whatever upon such road to the prejudice, interruption and danger of any person travelling thereon, or if any person shall, after having blocked or stopped any cart, wagon or other carriage in going up a hill or rising ground, cause or suffer to be and remain on such road any stone or other thing with which such cart or carriage shall have been blocked or stopped, or if any person shall pull down, damage, injure or destroy any lamp or lamp-post put up, erected or placed in or near the side of the Turnpike road or toll houses erected thereon, or shall wilfully extinguish the light of any such lamp; or if the occupier of any land or premises adjoining said roads shall suffer his cattle to lie about the same, or if any person shall wilfully pull down, break, injure or damage any table of tolls put up or fixed at any Toll gate or Bar or any part of the Turnpike roads, or wilfully or designedly deface or obliterate any of the letters, figures or marks thereon, or if any person shall throw any earth, rubbish or other matter or thing into any drain, ditch, culvert or other water course made or repairable by virtue of this Act, so as to obstruct the waters from running or draining off the Turnpike roads; or if any person shall, without being there-to authorised by the Engineer or Surveyor for the time being, shovel up, scrape, gather or carry away any stones, gravel, sand or other materials,

Timber may not be trailed on road.

Carriages may not be left on road except in cases of accident.

Nothing may be put upon the road to hinder travellers or prejudice the same.

Lamps and lamp-posts preserved.

Cattle may not be suffered to lie upon the road.

Roads, drains, ditches, &c., protected.

Persons prevent-
ing others liable to
fine.

dirt or soil from any part of the Turnpike roads, or dig any holes or ditches on the allowances for the same; or if any person shall in any manner wilfully prevent any other person from passing him or any carriage under his care upon such roads, every person offending in any of the cases aforesaid, shall forfeit and pay a sum not exceeding forty shillings for every such offence.

Persons pulling
down or destroying
any gate or bar or
fence, shall be guilty
of misdemeanor.

39. *And be it further enacted by the authority aforesaid,*—That if any person shall unlawfully and maliciously throw down, level or otherwise destroy, wholly or in part, any Turnpike Gate, or any Chain, Rail, Post, Bar or other Fence belonging to any Turnpike Gate, or Bar set up or erected to prevent passengers passing by without paying the toll directed to be paid by the Commissioners under this Act, every such offender shall be deemed guilty of a misdemeanor, and being convicted thereof shall be punished accordingly.

Persons from
whom toll may not
be taken.

40. *And be it further enacted by the authority aforesaid,*—That no toll shall be demanded or taken by virtue of this Act for any horses or carriages attending the Lieutenant Governor of the Province for the time being, or for the horse of any officer or soldier on the march or on duty, or for any horse or other beast, or any cart, carriage or wagon employed in conveying or carrying the arms or baggage of any such officer or soldier, or in carrying or conveying any sick, disabled, or wounded officer or soldier or for any wagon, cart or other carriage, or the horse, horses, or beasts drawing the same, employed in conveying any Ordnance or Barrack or Commissariat or other Public Stores, of or belonging to Her Majesty, her heirs or successors for the use of Her Majesty's Forces; *Provided always,* That such wagon, cart or other carriage, and such horse or other beast so employed in carrying and conveying such officers or soldiers arms, munitions or stores as aforesaid, shall belong to Her Majesty or be impressed for the performance of such services, or for any

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horse or carriage that shall only cross any Turnpike road and not pass above one hundred yards thereon; or for any horse, beast or other cattle or carriage employed in carrying or conveying, (having been employed only in carrying or conveying on the same day) any dung, soil, compost or manure for improving lands, or any ploughs, harrows or implements of husbandry, (unless laden also with some other thing not hereby exempted from toll); or any hay, straw, fodder for cattle and corn in the straw which has grown or arisen on the land or ground in the occupation of the owner of any such hay, straw, fodder or corn in the straw, potatoes or other agricultural produce, and which has not been bought, sold or disposed of, nor is going to be sold or disposed of, or for any horse or other beast employed in husbandry, going to or returning from plough or harrow, or to or from pasture or watering place, or going to or returning from being shod or farried; such horse or other beast not going or returning on those occasions more than one mile on the Turnpike road, or of or from any person or persons going to or returning from his, her or their usual place of religious worship, on Sundays, or from any persons attending funerals, or from any wagon, cart or other carriage employed at days' wages by the Commissioners in carrying or conveying materials for making or repairing the turnpike roads or from the Engineer or Surveyor, or from the Commissioners appointed under this act, when personally passing through any Turnpike, Toll Gate, Side Bar or Chain, upon or across any of the Turnpike roads in the District.

Horses, cattle and carriages exempt in certain cases.

41. *And be it further enacted by the authority aforesaid* — That if any person shall claim or take the benefit of the exemption mentioned in this Act, not being entitled to the same, every such person shall for every such offence forfeit any sum not exceeding forty shillings; and in all cases the

Persons fined for improperly claiming exemption.

proof of exemption shall lie upon the person claiming the same.

Persons evading, by any means, the payment of tolls, or aiding others so to do, subject to fine.

42. *And be it further enacted by the authority aforesaid,*—That if any person shall with any horse, cattle, beast or carriage, go off or pass from any Turnpike road, through or over any land or ground, near or adjoining thereto, not being a public highway, and such person not being the owner or occupier, or servant, or one of the family of the owner or occupier of such land or ground, with the intent to evade the payment of the tolls directed to be taken by any order of the Commissioners under this Act, or if any owner or occupier of such land shall knowingly or willingly permit any person except as aforesaid, with any horse, cattle or beast or carriage whatsoever to go or pass through or over such land or ground with intent to evade any such toll; or if any person shall give or receive from any person other than the collector of the tolls, or shall forge, counterfeit, or alter any note or ticket directed to be given with intent to evade the payment of the tolls or any part thereof, or if any person shall fraudulently or forcibly pass through any such toll gate with any horse, cattle, beast or carriage, or shall leave upon the said road any horse, cattle, beast or carriage whatsoever, by reason whereof the payment of any tolls or duties shall be evaded or lessened, or shall take off or cause to be taken off any horse or other beast or cattle from any carriage, either before or after having passed through any toll-gate, or having passed through any toll-gate, shall afterwards add or put any horse or other beast to any such carriage and draw therewith upon any of the Turnpike roads, so as to increase the number of horses or other beasts drawing the said carriage, after the same shall have passed through any toll-gate whereby the payment of all or any of the tolls may be evaded or lessened, or if any person shall do any other act whatsoever, in order and with evident intent to evade

Horses may not be added to team after passing through the toll-gate, to evade payment of full toll.

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the payment of all or any of the tolls and whereby the same shall be evaded or lessened, every such person shall forfeit and pay for every such offence any sum not exceeding forty shillings.

43. *And be it further enacted by the authority aforesaid,* That it shall be lawful for the Commissioners to make or cause to be made a road through the grounds adjoining any ruinous or narrow part, or any part making and not completed, of any turnpike road (not being the site or ground whereon any buildings stand, or being an orchard, yard, garden, planted walk, or avenue or any ground planted as an ornament or shelter for a house, or any enclosed ground set apart as a nursery for trees) to be made use of by all passengers, cattle and carriages as a public highway whilst the old road is repairing or widening or a new road making, and till such time as it shall be convenient for passengers and carriages to pass along the same, making such recompence to the owners and occupiers of such private grounds respectively for the damage they shall or may thereby sustain as shall be adjudged reasonable by the Commissioners, and in case of any difference concerning such damages between such owners or occupiers and such Commissioners, then it shall and may be lawful for any two or more Justices of the Peace, acting in and for the District, on fourteen days notice in writing being given by either party to the other, to settle, adjudge and finally determine what recompence shall be made to such owners and occupiers for the damages they shall have sustained as aforesaid.

Commissioners may use grounds adjoining to roads when the same are out of repair, by paying for the use of the same.

In case of difference, two Justices to determine.

44. *And be it further enacted by the authority aforesaid,* That in case any person shall resist or make forcible opposition against any collector of the tolls in the execution of his office, every such person offending therein shall for every such offence forfeit any sum not exceeding five pounds, at the discretion of the Justices of the Peace before whom he shall be convicted.

45. *And be it further enacted by the authority*

Trustees neglecting to attend meetings, in certain cases, vacate their office.

In cases of vacation, Lt. Governor may appoint other Trustees.

Persons under thirteen years of age may not drive any carriage upon these roads, under fine of 10s.

Persons in charge of teams may not walk at any distance, so as not to have the perfect command of his horses.

And any person hindering or interrupting any of Her Majesty's subjects in any way upon said roads, subject to fine and imprisonment, and may be apprehended by any person seeing the offence committed without any warrant.

aforesaid, That if any of the present Trustees shall neglect to attend three successive meetings of the Commission, after due notice of such meetings shall have been personally served upon such Trustees, unless they shall have been prevented by sickness or absence from the District, he or they shall be deemed or taken to have vacated their office of Trustee, and upon a representation of such absence being made to the Governor, Lieutenant Governor, or person administering the Government, by a majority of the Trustees, it shall and may be the duty of the said Governor, Lieutenant Governor, or person administering the Government, to nominate and appoint another or other Trustee or Trustees in the place of such Trustee or Trustees neglecting to attend as *aforesaid*.

46. *And be it further enacted by the authority aforesaid*, That no cart or wagon travelling on any of the Turnpike roads shall be driven by any person who shall not be of the full age of thirteen years, under a penalty not exceeding ten shillings, to be paid by the owner of such cart or wagon; and if the driver of any carriage whatsoever on any part of the Turnpike roads shall, by negligence or wilful misbehaviour, cause any hurt or damage to any person or carriage passing or being upon such road, or shall quit the road and walk on the foot-path, or wilfully be at such distance from such carriage, or in such a situation whilst it shall be passing upon such Turnpike road that he cannot have the direction or government of the horses or cattle drawing the same, or if any person shall, by negligence or misbehaviour, prevent, hinder or interrupt the free passage of any carriage, or of Her Majesty's subjects, on any of the Turnpike roads, every such driver so offending in any of the cases *aforesaid*, and being convicted of any such offence either by his own confession, the view of a Justice of the Peace, or by the oath of one or more credible witness or witnesses before any Justice of the Peace for the District, shall for every such offence

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forfeit any sum not exceeding forty shillings, and in default of payment be committed to the common gaol for any time not exceeding one month, unless such forfeiture shall be sooner paid, and every such driver offending in either of the said cases shall and may, by the authority of this Act, with or without any warrant, be apprehended by any person who shall see such offence committed, and shall be conveyed before some Justice of the Peace to be dealt with according to law.

47. *And be it further enacted by the authority aforesaid,* That if any person shall erect, make, or cause to be erected and made any dwelling house, building or fence, on any part of the allowance of one chain for the Turnpike roads, or shall make any drain, gutter, sink or watercourse, without the consent of the Commissioners first had and obtained, across or otherwise break up or injure the surface of any such road or of any part thereof, every person so offending shall forfeit and pay for every such offence any sum not exceeding forty shillings; and it shall be lawful for the Commissioners under this Act to cause such dwelling house or other building, fence, drain, gutter, sink or watercourse, to be taken down or filled up at the expense of the person to whom the same shall belong; and it shall and may be lawful for any two or more Justices of the Peace of the District, upon proof thereof to them made upon oath to levy, as well the expenses of taking down or filling up such dwelling house or other building, drain, or other encroachments as aforesaid, as the several and respective penalties hereby imposed, by distress and sale of the offender's goods and chattels, rendering the overplus (if any) to the owner on demand.

Persons building or erecting any house or fence, or cutting any ditch, drain or gutter on allowance for road subject to fine and to pay all expense in removing the same.

48. *And be it further enacted by the authority aforesaid,* That no person shall be capable of holding any place of profit under the Commissioners of the Turnpike roads who shall sell any wine, ale or spirituous liquors, or provisions, by retail.

No person holding any place of profit under Commissioners may vend provisions or liquors.

Persons living within half a mile of road subject to commute statute labor at 2s. 6d. per day.

Town Clerks to deliver lists of those liable to Clerk to Commissioners and to receive 10 shillings.

In case of refusing to commute how to be dealt with.

Town Clerk failing to furnish list shall forfeit five pounds.

49. *And be it further enacted by the authority aforesaid,* That from and after the passing of this Act all persons living within half a mile of either side of the roads placed by this Act under the care and management of the Commissioners and who are by the existing laws of the Province liable to perform statute labor, shall and they are hereby required to commute the same and pay the amount in money at the rate of two shillings and sixpence per day for every day for which they are assessed, and the town clerks for the several townships in which the said roads are situate, are hereby required to deliver to the Clerk of the Commissioners on or previous to the first day of May in each and every year true and perfect lists in writing of the names of the several persons within such township who are liable to pay such commutation together with the number of days he, she or they are assessed, for which lists each town clerk upon delivering the same shall be entitled to demand and receive the sum of ten shillings from the clerk of the Commissioners to be paid out of the funds of the Trust; and the Commissioners shall have full power and authority and are hereby required to demand and receive or cause to be demanded and received the amount of commutation for statute labor to be paid under this Act, and in case any person shall neglect or refuse to pay the same for the space of fourteen days after it shall be so demanded, it shall and may be lawful for any two or more Justices of the Peace of the District upon proof thereof to them made upon oath, to levy the same by distress and sale of the goods and chattels of the person so neglecting or refusing: and the money so arising from such commutation shall be applied by the Commissioners for the purposes of this Act for repairing and maintaining the Turnpike roads.

50. *And be it further enacted by the authority aforesaid,* That if any Town Clerk shall fail or neglect to furnish the list aforesaid by the time

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before specified, he shall forfeit and pay for every such neglect a sum not exceeding five pounds.

51. *And be it further enacted by the authority aforesaid,* That so much of the fifth and twenty-eighth clauses of an Act passed in the first year of the Reign of Her present Majesty Queen Victoria, entitled, "An Act to alter and amend sundry Acts regulating the appointment and duties of township officers," as relates to the elections of overseers of highways, and the wilful stopping up of any highway or road in any township, be and the same are hereby repealed so far as relates to the operation of this Act.

Repealing certain parts of an Act 1st Victoria.

52. *And be it further enacted by the authority aforesaid,* That all the money collected at the different Toll Gates on each road shall be paid by the Collector to the Commissioners of such road, when required by them, and that it shall be the duty of the said Commissioners and they are hereby required on or before the first day of January and the first day of July in each and every year to pay over to Her Majesty's Receiver General such part of the said tolls as shall amount to the interest of the principal money borrowed and expended in Macadamizing said roads. to be by him applied to the payment of the interest on the said loans as it becomes due: *Provided always,* That the Commissioners shall state the amount paid on account of each road respectively, and the money so paid shall be applied only to the Debentures issued for such road.

Toll Collector to pay over to Commissioners and Commissioners to pay interest of loan to Receiver General.

Commissioners to state on what road money is collected.

53. And whereas the Commissioners are authorized and empowered from and after the expiration of eleven years from the passing of this Act to raise such tolls on the said roads as will enable them (besides keeping the same in repair) to pay the interest on the said loans and redeem the balance of the principal sum within a period of not less than twenty-six years. *Be it further enacted by the authority aforesaid,* That the said Commissioners are hereby required to pay over

Commissioners authorized after a certain time to levy tolls sufficient to pay principal and interest of loans and to pay over to Receiver General every six months.

the same to Her Majesty's Receiver General, at least once in every six months at the periods before mentioned, to be by him applied to the purpose and in the manner before specified.

Lieutenant Governor may fill up vacancies.

54. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Lieutenant Governor or person administering the Government of this Province from time to time 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 Commissioners by death, resignation or otherwise.

All tolls and moneys, books, papers or writings in the hands of any person to be delivered over to Commissioners.

55. *And be it further enacted by the authority aforesaid,* That all persons who shall have been employed by the Trustees under any Act for Macadamizing the roads, who shall have received any tolls or other money for the purposes of such Act, which may have been repealed, or who may have, or shall have had in their custody or possession any money, books, papers, writings or other things relating to any such turnpike road, shall account for and pay and deliver over the same and every part thereof to the Commissioners appointed under this Act in like manner and under the like penalties as the several Collectors and other persons receiving any money by virtue of this Act are by the said Act required to pay or account for the same. And it shall and may be lawful for the Commissioners appointed under and by virtue of this Act and they are hereby empowered and required to carry into effect all such parts, provisions and enactments of the before recited Acts of the third sixth and seventh years of the reign of His late Majesty William the Fourth, and of the first year of the reign of Her present Majesty Victoria, for Macadamizing the roads as shall not have been repealed.

How Trustees being personally responsible for moneys expended may be relieved.

56. And whereas several of the Trustees appointed by the above recited Acts have for the purposes of such Acts become personally responsible for large sums of money in anticipation of

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the sale of debentures, which sale has not yet been effected, and which sums of money have actually been expended in the improvement of the turnpike roads. *Be it therefore further enacted by the authority aforesaid*, That the Commissioners under this Act shall, out of the first money arising from the sale of such debentures, pay and discharge the said sums of money, and so soon as the same shall have been paid by the said Commissioners, the said Trustees shall be and they are hereby declared to be fully exonerated and discharged from all personal responsibility respecting such sums as aforesaid.

Trustees exonerated from personal responsibility.

57. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for the Commissioners under this Act, and they are hereby required to maintain, keep in repair and retain under their care and management, all such portions of the turnpike roads, situate within the liberties and City of Toronto, as have been made by the Trustees under and by virtue of any of the before recited Acts, for Macadamizing the roads, and it shall not be compulsory upon the said Commissioners to remove their Toll-Gates without the liberties of the said city, until such times as the Corporation shall assume the payment of such parts of the loan and interest as have been expended by the Trustees in constructing the said portions of road, and shall further undertake to keep the same in repair.

Commissioners to retain, manage and repair Turnpike roads in City of Toronto and liberties for a certain period.

58. *And be it further enacted by the authority aforesaid*, That all penalties imposed by this Act exceeding five pounds may be sued for in any of Her Majesty's Courts of Record in this Province, and that every prosecutor or informer shall sue for and recover any forfeiture or penalty imposed by this Act in the manner hereinafter mentioned (that is to say) if the same shall exceed the sum of five pounds, it shall be recoverable by action of debt in any of Her Majesty's Courts of Record in which it shall be sufficient to declare that the defendant

How penalties imposed to be recovered.

is indebted to plaintiff in the sum of

How penalties imposed to be recovered.

being forfeited by an Act passed in the third year of the reign of Her Majesty Queen Victoria, intituled, an Act (here set forth the title of this Act) and the plaintiff if he recover shall have full costs, *Provided* that there shall not be more than one recovery for the same offence, and that twenty-one days notice be given to the party offending, previous to the commencement of such action, and that the same be brought and commenced within three calendar months after the offence for which such action is brought, shall have been committed : and if the said penalty or forfeiture shall not exceed the sum of five pounds, the same shall be recoverable only by information before two or more Justices of the Peace, and no writ of *certiorari* to remove the same shall be allowed.

Distress levied under this Act, not unlawful for want of form.

59. *And be it further enacted by the authority aforesaid*,—That when any distress shall be made for any sum or sums of money to be levied by virtue of this Act, the distress itself shall not be deemed unlawful, nor the party or parties making the same be deemed a trespasser or trespassers, on account of any default or want of form in any proceeding relating thereto ;—nor shall the party or parties be deemed a trespasser or trespassers *ab initio*, on account of any irregularity which shall be afterwards done, in making the distress ; but the person or persons aggrieved by such irregularity may recover the satisfaction for the special damage, in an action on the case—*Provided always*, that no plaintiff or plaintiffs shall recover in any action for such irregularity, trespass or wrongful proceedings, if tender of sufficient amends shall be made by or on behalf of the party or parties who shall have committed or caused to be committed any such irregularity or wrongful proceedings before such action brought—and in case no such tender shall have been made, it shall and may be lawful for the defendant in any such

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action, by leave of the Court where such action shall depend, at any time before issue joined, to pay into Court, such sum of money as he or they see fit, whereupon such proceedings, orders and judgment shall be had, made and given in and by such Court, as in any other actions where the defendant is allowed to pay money into the Court.

60. *And be it further enacted by the authority aforesaid,*—That if any action or suit shall be commenced against any person or persons for any thing done in pursuance of this Act, then and in every such case, such action or suit, shall be commenced or prosecuted within three months after the fact committed and not afterwards—and the same or every such action or suit shall be brought in the District and not elsewhere, and the defendant in every such action or suit shall and may plead the general issue, and at the trial thereof give this Act and the special matter in evidence; and if the matter or thing complained of shall appear to have been done under the authority and in the execution of this Act; or if any such action or suit shall have been brought after the time limited for bringing the same,—or be brought and had in any other District or place, than as aforementioned—then the Jury shall find for the defendant or defendants, and if the plaintiff shall become nonsuit or discontinue his action, after the defendant shall have appeared or have a verdict against him; or if, upon demurrer, judgment shall be given against the plaintiff, the defendant shall and may recover treble costs, and have the like remedy for recovery thereof as any defendant or defendants hath or have in any cases by Law.

Any action or suit to be commenced within three months after wrong committed.

If judgment be given against plaintiff, defendant shall recover treble costs.

61. *And be it further enacted by the authority aforesaid,*—That all penalties and forfeitures and fines by this Act inflicted or authorised to be imposed, not exceeding Five Pounds, (the manner of levying and recovering of which is not herein

Fines and forfeitures, not exceeding five pounds, to be levied with costs by distress and sale of goods of parties offend-

ing, by warrant of two Justices—and if not paid forthwith, Justices may commit.

otherwise directed) shall upon proof and conviction of the offence respectively, before any two or more Justices of the Peace for the District, either by confession of the party offending, or by the oath of any credible witness, (which oath every Justice, is in every such case, authorised to administer,) be levied together with the costs attending the information and conviction by distress and sale of the goods and chattels of the party or parties offending, by warrant under the hand and seal of such Justices, which warrant they are hereby empowered and required to grant; and the overplus (if any) after such penalties, forfeitures and fines, and the charges of such distress and sale are deducted, shall be returned upon demand, unto the owner of such goods and chattels, and in case such fines, penalties and forfeitures shall not be forthwith paid upon conviction, then it shall be lawful for such Justices to order the offender so convicted to be detained and kept in safe custody, until return can be conveniently made; unless the offender shall give sufficient security to the satisfaction of such Justices for his appearance before such Justices, on such day as shall be appointed for the return of such warrant of distress, such day not being more than seven days from the time of taking such security; and which security such Justices are thereby empowered to take by way of recognizance or otherwise; but if upon the return of such warrant, it shall appear that no sufficient distress can be had thereupon, then it shall be lawful for such Justices of the Peace as aforesaid, and they are hereby authorised and required by warrant or warrants under their hands and seals to cause such offender to be committed to the common gaol of the District, there to remain without bail or mainprise for any time not exceeding one calendar month; unless such penalties, fines and forfeitures, and all reasonable charges attending the same, shall be sooner paid or satisfied.

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62. *And be it further enacted by the authority aforesaid,*—That no person shall or may be convicted of any offence contrary to the provisions of this Act in a summary way, after the expiration of six months from the time when any such offence shall or may have been committed.

No person to be summarily convicted after six months from time of offence.

93. *And be it further enacted by the authority aforesaid,*—That all monies arising from such penalties, fines and forfeitures, as are inflicted or authorised to be imposed by this Act, shall be from time to time paid to the Commissioners, to be by them applied in repairing and maintaining the turnpike roads and disposed of for the purposes of this Act.

Moneys arising from fines, &c., to be paid to Commissioners for purposes of this Act.

*Passed Commons House of }
Assembly 5th day of } ALLAN N. MACNAB,
February, 1840. } Speaker.*

*Legislative Council Chamber, }
6th day of Feb'y, 1840. } JONAS JONES,
Speaker.*

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audit of
October,

— Turnpike Trusts, between the 1st day of November
on — Road.

S.	D.	£	S.	D.
EXPENDITURE.				
	Balance due to the Commissioners brought forward			
	Manual Labour.....			
	Team Work, Carriages and Materials.....			
	Materials for surface repairs			
	Land purchased.....			
	Damages done in obtaining materials.....			
	Tradesmen's Bills.....			
	Salaries—Engineer or Surveyor.....			
	Do. Clerks.....			
	Law Charges.....			
	Interest of Debt.....			
	Improvement.....			
	Debt paid off.....			
	Incidental Expenses.....			
	Balance due to the Commissioners.....			
ARREARS OF INCOME				
	Arrears of Tolls for current year.....			
	Arrears of Composition for Statute Labour.....			
	Arrears of other receipts.....			
	Arrears of former years.....			
Total Arrears.....				

**AN ESTIMATE of the Expense of maintaining the Turnpike
Road on ——— Road, in the ——— District, between the
1st day of November and the 31st day of October —.**

	£	s.	d.
Manual Labour.....			
Team Labour and Carriage.....			
Materials delivered on the Road, exclusive of Carriage.....			
Land purchased.....			
Damages done in obtaining materials.....			
Tradesmen's Bills.....			
Salaries.....			
Law Charges.....			
Interest of Debt.....			
Incidental Expenses.....			

State the length of the Road, and the number of miles finished, the rate of toll per mile, description and quality of materials used, with the price and damages, &c., paid for by the ton or yard. State the price.

the Turnpike
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E	S.	D.

number of miles
quality of ma-
paid for by the

