

By Law No. ~~67~~ 1867.

A By Law respecting Statute Labour &c in the Township of Westmeath -

Whereas, it is necessary to provide for the due performance of Statute Labour and the economic expenditure of Statute Labour money within the Township of Westmeath, in the County of Renfrew;

Therefore, the Municipal Council of the said Township of Westmeath, by virtue of, and under the authority of an Act of the Parliament of Canada, intituled, "An Act respecting the Municipal Institutions of Upper Canada," enacts as follows; -

1st. That the Council of the said Township of Westmeath shall, on or before the last week in May in each and every year, allot or apportion the Statute Labour of said Township to the several Overseers of Highways, or Pathmasters, in the said Township; and that Township Clerk shall, after the said last week in May, make out, and give to each of the said Pathmasters a list of all the inhabitants in his Division liable to perform Statute Labour, and the number of days each such person is liable to perform; and each of the said Pathmasters shall, return said List and his report of Statute Labour worked, and money expended, (if any), and the names of any person or persons who may have refused or neglected to perform their Statute Labour, to the Township Clerk, on or before the first day of September in each and every year; Provided always, that nothing in this Section contained shall prevent or excuse any Pathmaster from reporting such defaulters for non-performance of Statute Labour, to the Reeve of said Township, or to any one of Her Majesty's Justices of the Peace having jurisdiction in said Township, or from making another return hereinafter required, at any time before the said first day of September -

2nd. That it shall be the duty of the several Pathmasters aforesaid, to make and keep in repair the Roads and Bridges within their respective divisions, as allotted by the said Council, in so far as the Statute Labour or Statute Labour money at their disposal will permit; and shall after receiving their lists as aforesaid,

Notify all persons in their respective divisions liable to perform Statute Labour, by giving ^{at least six days} verbal or written notice to each such person at his place of abode, of the day, hour, and place ^{of working} and description of the tools, animals or vehicles which he may require from each such person to perform such Statute Labour; and shall give to every person who may have performed his Statute Labour, and requiring the same, a certificate to that effect -

3rd - That any person liable to perform Statute Labour in said Township, may commute for the same at the time he is notified, or before the Statute Labour of the year hath begun to be performed, by paying to the Pathmaster of his division, the sum of one dollar for each days' work to which he is liable; and such Pathmaster is hereby required to receive the said sum in lieu of such Statute Labour, and shall expend the same in the improvement of the Roads and Bridges in his Division, and account therefor, to the Township Clerk, along with his Statute Labour list, on or before the first day of September as aforesaid -

4th - That each and every person liable to perform Statute Labour shall, either in person or by an able-bodied man in his or her place stead, under the direction of the Pathmaster for the Division work faithfully and diligently on the said Roads or Bridges, with such tools, implements, animals and vehicles, as he may be the owner of, and directed to bring with him, by such Pathmaster, for and during the time he may be liable to work such Labour in each and every year; allowing eight hours to every days work exclusive of the time of going, and returning from the place of work; and that every person within the said Townships, liable to perform Statute Labour, keeping a cart, waggon or plough and team of horses, or yoke of Cattle Oxen, shall send on every day, when so required and ordered by said Pathmaster, a cart, waggon, or plough and team, and an able-bodied man to drive the same, which said days work with a team, waggon, cart or plough and driver, shall be equivalent to two days personal labour of one man; and that should any labourer or driver refuse or neglect to work faithfully, and to carry reasonable loads during the time he shall be employed in performing said Statute Labour, it shall be lawful for

such Pothmaster, and he is hereby authorized and required to discharge such labourer or driver and team; and such labourer, and the person or persons furnishing such team shall be liable to the forfeiture incurred under this By-Law in case such labourer had not attended, or such team and driver had not been sent, and shall not be allowed for that part of the day during which he may have laboured -

5th. That the several Pothmasters in the said Township shall cause all the Statute Labour under their control to be performed, and all money coming into their hands in lieu of Statute Labour, to be expended, between the fifteenth day of June and the first day of August in each and every year, or such other day as the said Council may by order ^{or} resolution appoint, and in default of so doing shall be liable to the penalty or penalties imposed by this By-Law as hereinafter stated -

6th. That any person or persons liable to perform Statute Labour in the said Township and not having commuted for the same as aforesaid, who shall neglect or refuse, after being duly notified as aforesaid, to attend to perform such Labour, or to send an able-bodied man to perform the same, with such carriage, team, tool or implement as may be by this By-Law required by the Pothmaster, at the time and place appointed and notified, such person or persons shall, upon conviction thereof before the Peace or other Justice of the Peace having jurisdiction in said Township, forfeit and pay the sum of two dollars for each day that such person or persons are liable to perform ~~shall refuse or neglect to perform this~~ Statute Labour, and the amount of the said Fine and Costs shall be levied by distress and sale of the goods and chattels of the person or persons so offending, or in case there be no distress whereon to levy the amount of the said Fine and Costs, the said person or persons may be committed to the Common Gaol of the aforesaid County of Renfrew for any period not exceeding ten days, as to the convicting Justice may seem fit.

7th. That in case any person or persons shall wilfully stop up any road, ^{or in any way obstruct the same,} or pull down any guard or railing which shall or may have been erected along any water, bridge, or other dangerous place, for the safety of the travelling public and others,

or shall injure or damage any bridge, or commit any trespass on any road, (without first having and obtaining the permission of the said Council,) by cutting down useful timber or raising sand or stone thereon, such person or persons so offending, shall upon conviction thereof, forfeit and pay for every such offence a sum not less than one dollar - nor more than twenty dollars with costs, to be recovered as hereinbefore directed, or ~~to~~ be imprisoned in the Common Jail of the said County for any period not exceeding thirty _____ days -

8th.

That in case it shall be necessary to repair any sudden breach which may be caused in any public highway by reason of any bridge or any part of such highway giving way, or from any other casualty, or to remove any obstruction therefrom, it shall be the duty of the Pathmaster in whose division the same may occur, to call out any number of persons in his division liable to perform Statute Labour, to repair such bridge or road, or to remove such obstruction; and the labour thus performed shall be accounted for to each such person as so much statute labour performed by them, either in the year in which such labour may be performed, (if they have not performed their statute labour,) or in the following year if the years' statute labour has been performed; and such Pathmaster shall give to each such person a certificate to that effect, which shall be allowed by the Pathmaster for such division the year following; and that any person or persons who shall refuse or neglect to perform such labour and refuses to obey the orders of such Pathmaster, in such case, shall be liable to the same penalties, to be recovered in the same manner as is hereinbefore provided for persons refusing or neglecting to perform Statute Labour.

9th.

That it shall and may be lawful for the Council of the said Township to compound or agree with any person or persons resident in the said Township, for making, in a permanent and substantial manner, any bridge or any part of the public roads in the said Township, in lieu of his or their statute labour which he or they may be liable to perform in said Township

for any period not exceeding _____ years; which agreement shall be in writing, and signed by the parties, and shall state how any dispute which may arise respecting the matter shall be arranged, and also the penalty to be paid for non-fulfillment of such agreement; and that the person or persons so compounding, shall, upon the due fulfillment of his or their agreement, be exempt from the performance of all Statute Labour in the said Township for the term of years agreed upon as aforesaid.

10th.

That every male inhabitant of the said Township of the age of twenty-one years and upwards and under sixty years of age, who is not otherwise assessed, shall be liable to perform one day of Statute Labour; and it shall be the duty of the several Parsonages for said Township, to notify all such persons (in the same manner as they are herein required to notify the assessed inhabitants of the said Township,) to perform one days Statute Labour or to commute for the same at the rate of one dollar per day; and that in case any such person or persons neglect or refuse to perform the same or to commute therefor, after being duly notified as aforesaid; shall, upon conviction before the Reeve or any other Justice of the Peace within the said Township, forfeit and pay the sum of two dollars — and costs, which said penalty and costs shall be levied by distress and sale of the goods and chattels of the person or persons so offending, or in case no sufficient distress shall be found to satisfy the said penalty and costs, such person or persons may be committed to the Common Gaol of the aforesaid County of Renfrew for any period not exceeding ten days, unless the said penalty and costs be sooner paid; and that in case such person or persons allege that they are not twenty-one years of age, or that they are over sixty years of age, then it shall be incumbent on them to prove their age.

11th.

That the Treasurer of said Township, (when any term of imprisonment required by this By-Law shall have been completed) ^{shall} pay, on the order of the Council of said Township, from the general funds thereof, all costs and expenses

incurred in the conviction and imprisonment of such person
or persons.

12th. That no non-resident who has not required his name to be entered on the Assessment Roll, shall be admitted to perform Statute Labour in respect of any land owned by him, but a commutation tax of one dollar per day shall be charged against every separate lot or parcel of land owned by him according to its assessed value -

13th. That in case any non-resident whose name has been entered on the resident Assessment Roll, does not perform Statute Labour or pay the commutation for the same, the Pathmaster in whose division he is placed, shall return him as a defaulter to the Clerk of the Township, on or before the fifteenth day of August, and the Clerk shall, in that case enter the commutation for Statute Labour against his name in the Collector's Roll for the collection by the Collector of said Township -

14th. That the several Pathmasters in the said Township shall at all times comply with the provisions contained in this By-Law and with the orders of the said Council, and that any such Pathmaster who shall refuse or neglect to account for the Statute Labour and any moneys coming into his hands as Pathmaster, or shall lay out the Statute Labour contrary to the orders of the said Council, or shall neglect to return the Lists by this By-Law required, or otherwise neglect his duty as such Pathmaster, shall upon complaint made, and conviction thereof before the Reeve or other Justice of the Peace in the said Township, forfeit and pay a penalty or fine of not less than one dollar and costs not more than ten dollars - and costs, to be levied by distress and sale of the goods and chattels of the party so offending, and in default of sufficient distress such offender may be imprisoned in the Common Gaol of the said County for any period not exceeding ten - days.

15th. That any such Pathmaster who may be sick or otherwise unable to attend to the road work required to be done in his divisions, may appoint a Deputy to oversee the same,

Provided that such Postmaster shall be answerable and responsible for the Acts of such Deputy while acting as such -

16th- That all fines or penalties imposed and collected under this By-Law shall be paid to the Township Treasurer, who shall receive the same, and grant his receipt therefor, and shall account for the same as part of the general funds of the Township.

17th- And that all By-Laws and parts of By-Laws made and passed by the Council of the said Township of Westmeath, respecting Statute Labour, which are inconsistent with this By-Law, be, and are hereby repealed -

Passed in open Council
this ~~sixth~~ day of April 1867
Thirteenth
W. Cannon
In. Clk.

Carrick
T. M. Carrwell
W. Cannon In. Clk.



By Law No. 1867
Statute Labour
6th April 1867

