

C H A P. IX.

An ACT to repeal certain parts of an act passed in the Second Session of the Legislature of this Province, entitled, "An act to regulate the laying out, amending and keeping in Repair the public High-ways and Roads within this Province," and to make further Provisions respecting the same.

Preamble.

Recital of act
33 Geo. 3.

WHEREAS by an act passed in the thirty-third year of his majesty's reign, entitled, "An act to regulate the laying out, amending and keeping in repair the public High ways and roads within this province." It was provided that it should not be lawful for any owner or occupier of lands adjoining to his majesty's high ways or roads, to girdle or cause to be girdled, any tree standing upon such lands within the distance of thirty yards from the side of the said road; and that from and after the first day of September, that will be in the year of our lord one thousand seven hundred and ninety-four, if any girdled tree or dead tree shall be found standing within thirty yards of the said road, it shall and may be lawful for any person taking with him a credible witness to give a verbal or written notice to the owner or occupier of the said lands, to cut down or remove such girdled or dead tree or trees, and in case any owner or occupier of the said lands, shall neglect or refuse to cut down or remove any such tree by the space of thirty days, after such notice as aforesaid, he shall forfeit and pay the sum of ten shillings for every day that the said tree or trees shall be suffered to remain uncut or unremoved, after the expiration of such period as aforesaid; which penalty shall be levied and applied in manner and for the purposes therein after mentioned; and whereas such provision is found to be inexpedient; Be it therefore enacted by the king's most excellent majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper-Canada, constituted and assembled by virtue of, and under the authority of an act passed in the parliament of Great-Britain, entitled an act to repeal certain parts of an act passed in the fourteenth year of his majesty's reign, entitled, "An act for making more effectual provision for the government of the province of Quebec, in North-America, and to make further provision for the government of the said province," and by the authority of the same, That such part of the said clause as herein before is mentioned and set forth, shall be, and the same is hereby repealed.

The same repealed in as far as recited.

But to revive progressively on presentment of juries and order of sessions thereupon.

II. And be it further enacted, That it shall and may be lawful for the magistrates, in quarter sessions assembled, or the greater part of them, upon presentment made by the grand jury then and there attending, that any tract of country along the road side, the limits whereof shall be particularly set forth, is in such a progressive state of cultivation, that the adopting of the provision of the said act herein before repealed will be no longer inexpedient, by an order in session to declare the same, and that the provision in the said act contained, shall be renewed and enforced throughout the said tract or portion of country comprehended and specified in the said presentment; and the said provisions shall by virtue of such order of sessions be renewed and enforced accordingly.

C H A P. X.

An ACT to amend certain parts of an act passed in the thirty-second Year of His Majesty's Reign, entitled, "An act for building a Gaol and Court House in every District throughout this Province, and for altering the names of the said Districts."

Preamble.

WHEREAS it is necessary for the ease of the inhabitants of the Eastern district that two gaols and court houses should be built therein; Be it enacted by the king's most excellent majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper-Canada, constituted and assembled by virtue of, and under the authority of an act passed in the parliament of Great-Britain, entitled an act to repeal certain parts of an act passed in the fourteenth year of his majesty's reign, entitled, "An act for making

more effectual provision for the government of the province of Quebec in North America, and to make further provision for the government of the said province," and by the authority of the same, That in addition to the abovementioned act which authorizes and directs that a gaol and court house for the Eastern district shall be built in manner therein mentioned, in the town of New-Johnston in the township of Edwardsburgh, it shall and may be lawful for the inhabitants of the Eastern district to erect and build, or cause to be erected and built in the town of Cornwall, a gaol and court house, after the manner and under the rules, regulations and conditions appointed and prescribed, by the abovementioned act passed in the thirty-second year of his majesty's reign as aforesaid.

A gaol & court house to be erected in the town of Cornwall, in the Eastern district.

II. *Provided always*, That all and every the sum and sums of money that shall or may heretofore have been received and collected under and by virtue of an act passed in the thirty-third year of the reign of our lord the king, entitled, "An act to authorize and direct the laying and collecting of assessments and rates in every district within this province, and to provide for the payment of wages to the members of the house of assembly," and intended to be applied to and for the erecting and building of a gaol and court house in the town of New-Johnston, under and by virtue of the said act, passed in the thirty-second year of his majesty's reign as aforesaid, as well as all and every the sum and sums of money that shall and may, by virtue of the abovementioned act, hereafter to be received and collected (and to be applied as aforesaid) shall and may be equally divided and disposed of, as well for and towards the erecting and building of a new gaol and court house in the said town of Cornwall, as in the erecting and building of the said gaol and court house appointed to be erected and built in the said town of New-Johnston as aforesaid.

Funds for erecting the said gaol and court house & supporting the future expenditures thereof

III. *And be it further enacted by the authority aforesaid*, That his majesty's justices in their quarter sessions assembled, in and for the Eastern district, shall and may enquire as often as to them shall seem necessary, of and concerning all sums of money that shall and may heretofore have been received and collected, or shall and may hereafter be received and collected, under and by virtue of the aforesaid act, passed in the thirty-third year of his majesty's reign, and to be applied as aforesaid, an equal division and distribution of the same shall make towards the erecting and building of the said gaol and court house, in the respective places herein before appointed for the building of the same.

The application & distribution of such funds to be cognizable in quarter sessions.

IV. *And be it further enacted*, That the sheriff of the said district shall have the same power and authority to nominate and appoint such person as he shall judge most proper to the office of gaoler and keeper of the gaol and court house at Cornwall, as well as to do all other matters and things necessary to be done respecting the government of the said gaol and court house at Cornwall, as he had, by virtue of the said act to regulate the gaol and court house of New-Johnston.

The sheriff to nominate the gaoler, &c.

V. *And be it further enacted by the authority aforesaid*, That all and every the rules, regulations and conditions respecting the management and government of the gaols in each district as they are prescribed in the aforesaid act, passed in the thirty-second year of his majesty's reign, shall extend and be construed to extend to the management and government of the said gaol, as in and by this act is allowed to be erected and built in the said town of Cornwall in the Eastern district as aforesaid.

The gaol and court house to be under the established rules & regulations.