

CHAP. V.

AN ACT to make valid the Acts of Road Surveyors, and to make further provision for the same.

[*Passed 25th March, 1828.*]

WHEREAS doubts have been entertained whether by Law any person appointed Surveyor of Highways can hold his Office, or legally act as Surveyor for a longer period than one year without being re-appointed, and again taking the Oath required by Law to be taken by every Surveyor of Highways, and whether any report or Act of such Surveyor, or the order of any Court of General Quarter Sessions confirming any report of such Surveyor, made after such period, is legal and valid; *And whereas*, in many instances persons appointed Surveyors of Highways have continued to act in that capacity for several years without their appointments being annually renewed, and without again taking the oath required by Law to be taken by every such Surveyor, and it is expedient to confirm and make valid the Acts of such Surveyors, so far as the same would have been legal and valid had such Surveyors been in this respect legally appointed and qualified:

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 any person who has at any time heretofore been appointed a Surveyor of Highways by the Justices of the Peace in any District of this Province, in General Quarter Sessions in that month assembled in which by Law they are authorized to appoint Surveyors of Highways, and who has continued to act as a Surveyor of Highways after the General Quarter Sessions in such District in the same month in the year next succeeding that in which he was appointed as aforesaid, although he may not again in any succeeding year have been appointed Surveyor of Highways by the Justices of the Peace of such District, in General Quarter Sessions assembled, in the month in which by Law they are authorized as aforesaid to appoint a Surveyor of Highways, and although he may not again have taken the Oath required by Law to be taken by every Surveyor of Highways as aforesaid, shall be deemed and taken to have been a Surveyor of Highways for the County or Riding for which he was originally appointed, and

Preamble.

All acts done by Road Surveyors who have been suffered to serve beyond their year, without being re-elected or sworn, made valid notwithstanding the want of such re-election, &c.

to have been legally qualified to act as such, and that all acts done by him, as such Surveyor, and all orders of any Court of General Quarter Sessions for confirming any report made by him, as such Surveyor, shall be deemed, and taken to be legal and valid, as fully to all intents and purposes as if such Surveyor had been reappointed in each and every succeeding year by the Justices of the Peace of such District in General Quarter Sessions assembled in the month in which by Law they are authorized as aforesaid to appoint Surveyors of Highways, and had duly taken the oath annually required by Law to be taken as aforesaid by every Surveyor of Highways, *provided* that nothing herein contained shall extend or be construed to extend to confirm or render legal or valid any thing done by any Surveyor of Highways after his removal, who shall have been legally removed from the office of Surveyor of Highways by the Justices of the Peace in General Quarter Sessions assembled.

But this Act shall not confirm any thing done by Road Surveyors after they have been legally removed from office.

Hereafter Road Surveyors having been sworn, may continue to discharge their duty without again taking the oath of office

II. *And be it further enacted by the authority aforesaid*, That from and after the passing of this Act, any person legally appointed Surveyor of Highways, and who shall take and subscribe the Oath in such case made and provided, is hereby authorized and required to perform the duty of Road Surveyor until such time as he shall be legally removed from office without again taking the oath of office, any thing in any Law, usage or custom, to the contrary in anywise notwithstanding.

CHAP. VI.

AN ACT for making and maintaining a Road between Ernestown and the Gore of Fredericksburgh.

[*Passed 25th March, 1828.*]

Preamble

WHEREAS in consequence of a dispute having arisen between the Justices of the Peace of Ernestown, and the Justices of the Peace of Fredericksburgh, in the Midland District, respecting the right of either party of such Justices to take charge of a Public Road running from front to rear between the aforesaid Township of Ernestown and the Gore of Fredericksburgh, or to which Party of right the making and repairing of such Road belongs; in consequence of which dispute, the aforesaid Road, though much travelled from necessity, is dangerous and difficult to travel on account of being left, in a great measure, for a long time past, without being mended and improved:

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