

books used, subjects taught, and all other matters whatsoever, as to them shall seem expedient.

Record to be kept.

VIII. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the President, Secretary and Trustees aforesaid, to keep a plain, distinct and accurate record of all their proceedings, and to deliver over the same, with all books or records belonging to said Society, to their successors.

None but British subjects eligible to be President, &c.

IX. *And be it further enacted by the authority aforesaid,* That no person shall be eligible to the office of President, Secretary, or Trustee in the said Society, or be capable of being chosen or appointed to be a Teacher in any School or Academy under their superintendance, who is not a natural born subject of His Majesty, or a subject naturalized by Act of the British Parliament, or by an Act of the Legislature of this Province.

Limitation of stock.

X. *And be it further enacted by the authority aforesaid,* That it shall not be lawful for the said Corporation to hold stock, property or effects, for the purposes aforesaid, to a larger amount than five thousand pounds.

Future alteration of this Act.

XI. *And be it further enacted by the authority aforesaid,* That the Legislature of this Province may, at any time hereafter, make such alterations in this Act, as to them may seem expedient.

## CHAP. XXXIV.

*An Act to authorize the construction of a Road from Hamilton, in the Gore District, to Port Dover in the London District.*

[Passed, 6th March, 1834.]

Preamble.

**WHEREAS** a direct Road, connecting the Eastern parts of the District of London with Burlington Bay, at the head of Lake Ontario, would manifestly tend to the advantage of all Settlers in that part of the Province: *And whereas* it appears from actual survey, that such Road might be laid out on a line at least twenty miles shorter than the one at present travelled: *And whereas* divers Inhabitants of that part of the country have, by Petition, set forth their desire that such Road should be laid out and established by law: *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, con-

stituted 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 Colin McNeilidge, Thomas Choate, William Wilson, Allan Napier McNab, George Hamilton, Colin Campbell Ferrie, and James Hughson, be and they are hereby appointed Commissioners for surveying and laying out the said Road.

Commissioners appointed.

II. *And be it further enacted by the authority aforesaid,* That the said Commissioners, or a majority of them, shall have full power and authority to explore the country, commencing from the point where the continuation of the Road leading from the Town of Hamilton, in the Gore District, through Glanford to the Grand River, intersects the Westerly bank of the said River, proceeding thence to the junction of Patterson's Creek with Black Creek, and thence to Port Dover, at the mouth of the said Creek, in the London District, and to enter in and upon the Lands of any person or persons, bodies politic or corporate, lying in and upon the route and course aforesaid; and to survey and mark out such parts thereof as they shall find most fitting and proper for a public Highway: *Provided always,* that it shall not be lawful to lay out the said public Highway, so as to lead the same through any Orchard or Garden, or to remove any building, without the consent of the owner first had and obtained, any thing in this Act contained to the contrary notwithstanding.

Power to explore line of Road,

to enter upon Lands,

and survey and mark out such parts as shall be proper for a Highway,

not to lead through any Orchard or Garden, or remove building without owners consent.

III. *And be it further enacted by the authority aforesaid,* That such parts or portions of Land or Lands covered with water as shall be surveyed and marked out by the said Commissioners as aforesaid, shall be thereafter a common public Highway: *Provided always,* that the same shall be laid out one chain in width throughout, and no more.

Land so marked out, to be a common public Highway,

one chain in width.

IV. *And be it further enacted by the authority aforesaid,* That after such new Road shall have been surveyed and marked out as aforesaid, the Commissioners aforesaid, or a majority of them, are hereby empowered to contract, compound, compromise and agree with all bodies politic, communities, corporations, aggregate or sole guardians, and all and every other person or persons, for themselves or as Trustees, not only for or on behalf of themselves, their heirs and successors, but also for and on behalf of those whom they represent, whether infants, lunatics, femmes covert, or other person or persons who shall occupy, be possessed of, or

Commissioners empowered to contract for surrender of Land appropriated for such Highway.

interested in any Lands which shall be surveyed and marked out as aforesaid, for the absolute surrender of the same for the said new Road or Highway, to His Majesty, His Heirs and Successors, and that all such contracts, agreements and surrenders shall be valid and effectual in law to all intents and purposes whatsoever, any law, statute or usage to the contrary thereof notwithstanding.

if no voluntary agreement made, Arbitrators to be appointed.

Arbitrators to be sworn.

Authorized to administer oath.

Award to be in writing.

Claims for damages to be made within twelve months.

V. *And be it further enacted by the authority aforesaid*, That if no voluntary agreement for such land as aforesaid shall be made, the said Commissioners, or a majority of them, shall at any time after the surveying and opening of the said Road, upon the notice or request in writing of the Proprietor of such lands, or his Agent duly authorised, appoint an Arbitrator, who at a day to be named in such notice, shall attend upon the premises in question to meet the Arbitrator to be appointed by such Claimant, and such two Arbitrators shall and may, before proceeding to consider the claim, appoint a third Arbitrator, which three Arbitrators, being first sworn by some one of His Majesty's Justices of the Peace to give a just and true award upon the claim submitted to them, shall upon the statements of the parties and view of the premises, and upon the testimony of witnesses, to be examined upon oath or affirmation, if either party shall require it, (which oath or affirmation any one of the said Arbitrators is hereby authorised to administer) make their award in writing under their hands of the amount of damages to be paid to such Claimant: *Provided always*, that no such claim for damages shall be allowed unless the same shall be made and notice thereof given as aforesaid within twelve months after the surveying and opening the said Road.

Damages awarded to be paid by District Treasurer, within twelve months after making of award.

VI. *And be it further enacted by the authority aforesaid*, That the amount of damages so to be awarded, shall be paid to the party entitled to the same, or his agent lawfully authorized, by the Treasurer of the District in which such Land shall lie, within twelve months after such award shall have been made, and notice thereof given to the Magistrates at any General Quarter Sessions after the making thereof, in discharge of such order or orders as the Magistrates for such District assembled in General Quarter Sessions may issue from time to time in that behalf.