

Laws of His Majesty's Province of Upper-Canada; Passed in the Third Session of the Provincial Parliament of Upper Canada, Met at Newark, on the Second day of June, in the Thirty-Fourth Year of the Reign of our Sovereign Lord George the Third (1794). Niagara: Gideon Tiffany, Printer to the King's Most Excellent Majesty, 1795.

34 George III – Chapter 9

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.

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.

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 rate 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.