

*Laws of His Majesty's Province of Upper Canada*, passed in the year 1834. York: Robert Stanton, 1834.

4 William IV — Chapter 34

**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.**

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, 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 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.

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.

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.

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 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.

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.

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.