

Laws of Her Majesty's Province of Upper Canada, passed in the year 1838. York: Robert Stanton, 1838.

1 Victoria – Chapter 35

An Act to amend an Act passed in the seventh year of the reign of His late Majesty, King William the Fourth, entitled, “An Act to raise a sum of money to Macadamize the Roads leading from Brockville to Saint Francis, Charleston, Lyndhurst, Beverly and Portland, in the District of Johnstown, and to authorise the erection of toll gates on the said Roads.” Passed 6th March, 1838.

Whereas by a certain Act of Parliament, passed in the seventh year of the reign of His late Majesty King William the Fourth, entitled, “An Act to raise a sum of money to Macadamize the roads leading from Brockville to Saint Francis, Charleston, Lyndhurst, Beverly and Portland, in the District of Johnstown, and to authorise the erection of toll-gates on the said roads,” certain powers and authorities are given to Trustees therein named, and to their successors lawfully appointed; And whereas it is necessary and proper for the due performance of the duty imposed upon the said Trustees by the above recited Act, that they should have more ample powers than they already by law possess: Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, consituted 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 from and after the passing of this Act the said Trustees, and their successors lawfully appointed, shall have full power and authority, and they are hereby authorised and empowered to enter upon the lands or premises of any adjacent proprietor or proprietors, and to quarry thereon, or take therefrom, all such stones, earth, timber, or other materials, as the said Trustees, or their successors lawfully appointed, shall or may deem necessary for the constructing, making or repairing, of the roads authorised to be Macadamized by said before-recited statute: Provided always, that compensation for any stone or other materials taken under the authority of this Act, shall be assessed and paid in the same manner as compensation for other damages done to the owners of lands under the provisions of the Act first herein recited.

II. And be it further enacted by the authority aforesaid, That the said Trustees shall have power to stop tip, sell, dispose of or surrender to any adjacent proprietor or proprietors, in lieu of damages which he, she or they, may claim, for injury sustained by virtue of the exercise, of the powers given to the said Trustees in the said before recited Act, any road or roads, or any part of road or roads, which may be rendered useless and unnecessary for the public convenience and welfare, by reason of any alteration in the direction of the said road or roads, which the said Trustees, or a majority of them, may deem necessary and expedient: Provided, that before any such old line of road shall be stopped up, sold, disposed of or surrendered under this Act, a notice of an application for that purpose to the Court of General Quarter Sessions for the District of

Johnstown, shall be first published, for two calendar months, in some newspaper printed in the said District; and it shall not be lawful to stop up, sell or surrender, such road, unless the Court of Quarter Sessions shall, after hearing any parties interested in the same, who may attend for that purpose, make an order allowing the said road, or any part thereof, to be stopped up, sold and surrendered.

III. And be it further enacted by the authority aforesaid, That the said Trustees shall have power to continue and extend a branch of the said road to the village of Newborough, in the township of North Crosby, and District of Johnstown: Provided always, that reasonable satisfaction be made to the owner or occupier of any lands or premises, for any damages done thereon or thereto, by virtue of this Act: And provided also, that all matters and things which shall or may be done by the said Trustees, in and by virtue of the powers herein and hereby conferred upon them, shall be subject to the same limitations, conditions, responsibility and trusts, as are contained in the before recited Act, any thing herein to the contrary notwithstanding.