

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

1 Victoria – Chapter 41

An Act to authorise the Surveyor of Highways in and for the County of Wentworth, to convey to Allan N. MacNab, Esquire, certain allowances for Road in the Township of Barton, in the District of Gore. Passed 6th March, 1838.

Whereas by a petition presented at a General Court of Quarter Sessions of the Peace in and for the District of Gore, held upon the nineteenth day of October, in the year of our Lord one thousand eight hundred and thirty-six, signed by William Applegarth, John Applegarth, William J. Kerr, Philo D. Bates, Andrew Gage, A. M. Chisholm, John Chisholm, George Middleton, Henry Beasley, Samuel Mills, James Mills, George H. Ainsley, Thomas Pinnett, John Morris and C. Reynolds, Freeholders in the County of Wentworth, in the said District, and addressed to John T. Law, Esquire, Surveyor of Highways for the said County of Wentworth, in the said District, it did appear that the road leading from the Town of Hamilton, in the said District of Gore, to the Battery, opposite to the residence of Allan Napier MacNab, commencing at the line of Lots numbers seventeen and eighteen, in the second Concession of the Township of Barton, in the County and District aforesaid, was not of sufficient width, being only thirty feet wide, and requesting that the said Surveyor of Highways would report thereupon to the Court of Quarter Sessions, aforesaid: And whereas, the said Surveyor did, in compliance with the said petition, report to the said Court of Quarter Sessions that the said road was insufficient, whereupon the said Court ordered that the said road should be widened to increase the facility of travelling thereupon: And whereas, in compliance with the said order of the said Court, so much of the lands of the said Allan Napier MacNab as were sufficient to complete the full and necessary width thereof was taken: And whereas, the original allowances for road being the first, otherwise named second Concession road of Barton aforesaid, and the road allowance between Lots number eighteen and nineteen, in the said Concession, and part of the road allowance between Lots number eighteen and nineteen, in the second, otherwise named third Concession of Barton aforesaid, have become disused, by reason of the improvement of the first-mentioned road as aforesaid And whereas, it is fit and proper that the said disused roads should be conveyed to the said Allan Napier MacNab, he not having received any reimbursement for the lands so taken as aforesaid: 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 it shall and may be lawful for the Surveyor of Highways in and for the County of Wentworth, in the District of Gore, and he is hereby authorised and required forthwith, to grant and convey unto the said Allan Napier MacNab, his heirs and assigns for ever, all and so much of the road allowance, being the first, otherwise called the second Concession road of Barton aforesaid, commencing as follows, that is to say— At the

south-west angle of Lot number seventeen of the broken front on Burlington Bay, thence north seventy-two degrees west, eighty chains more or less, to the Gore of Ancaster, in the said District of Gore; also all and so much of the road allowance between Lots numbers eighteen and nineteen, in the said first, otherwise named second Concession, and part of the road allowance between Lots number eighteen and nineteen, in the second, otherwise named third Concession of the said Township of Barton, commencing as follows, that is to say—Where the north side of the present survey of the road over Burlington Heights, in the said District, intersects the said road allowance between Lots numbers eighteen and nineteen, in the said second, otherwise third Concession of Barton aforesaid; thence north eighteen degrees east, twelve chains, more or less, to the waters of Burlington Bay; which said conveyance shall vest in the said Allan Napier MacNab, his heirs and assigns, all the right and title in the land of which the said allowances for road are composed, as fully and to all intents and purposes as if the same had been originally granted to the said Allan Napier MacNab, his heirs and assigns, by Patent from the Crown.

II. And be it further enacted by the authority aforesaid, That so soon as the said conveyance shall be made, the land hereinbefore mentioned, and ordered to be taken by the Court of General Quarter Sessions, as well as the road leading from the Dundas Road to Burlington Bay, between Lots number seventeen and eighteen, and the new road laid out on the lands of the said Allan Napier MacNab, from the Battery to the reservation on Burlington Heights, shall be deemed and taken to be public highways, as fully and effectually as if the same had been laid out as roads in the original survey of the Township of Barton.