

*Laws of Her Majesty's Province of Upper Canada*, passed in the year 1839. Toronto: Robert Stanton, 1839.

2 Victoria – Chapter 50

**An Act granting a further sum, by way of loan, to complete the Hamilton and Brantford Road, and for other purposes therein mentioned. Passed 11th May, 1839.**

Whereas by the Act passed in the seventh year of His late Majesty's reign, entitled, "*An Act to raise a sum of money to Macadamize the main road leading from Hamilton to Brantford, in the District of Gore, and for other purposes therein mentioned,*" the Receiver General of this Province was authorised to advance, by way of loan, to certain Trustees therein named, the sum of Thirty Thousand Pounds, for the purpose of Macadamizing the road leading from the Town of Hamilton, to the Town of Brantford, in the District of Gore: And whereas by the report of the Engineer employed, it appears that the said sum of Thirty Thousand Pounds is insufficient to complete the said road, and to unite it with that of Dundas and Waterloo: 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, 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 it shall and may be lawful for the said Receiver General, by and with the consent of the Lieutenant Governor in Council, so soon after the passing of this Act as the same can be procured, to raise by way of loan, and advance to the same Trustees, a further sum of Ten Thousand Pounds, to be applied to the purposes of the Act above-mentioned, and to unite said road with that of Dundas and Waterloo.

II. And be it further enacted by the authority aforesaid, That all and every of the provisions of the before-mentioned Act, entitled, "*An Act to raise a sum of money to Macadamize the main road from Hamilton to Brantford, in the District of Gore, and for other purposes therein mentioned,*" respecting the payment of the money so to be advanced to the said Trustees, the payment of the interest, the securities to be given, the re-payment of the principal, and every other matter and thing therein contained, shall apply to and be in full force with respect to this Act, except the tenth, eleventh, twelfth, thirteenth and fourteenth, clauses of said Act, which said clauses shall be and the same are hereby repealed.

III. And be it further enacted by the authority aforesaid, That from and after the passing of this Act, all persons living immediately on either side of said road, and who by the existing laws of this Province are liable to perform statute labour, shall and they are hereby required to commute the same, and pay the amount in money, at the rate of two shillings and six-pence per day for every day for which they are assessed; and that it shall and may be lawful

for the Trustees aforesaid, or for such person as they shall appoint, to ask and receive from the said inhabitants the amount of money they are required to commute.

IV. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said Trustees, if a majority of them shall think proper, to Macadamize the road commencing at or near John Binkley's, and terminating at the Macadamized road leading from Dundas to Waterloo, in the same manner, and under the same rules and regulations, as that from Hamilton to Brantford, in the said District.

V. And be it further enacted by the authority aforesaid, That whenever the Trustees, in making such road, shall find it necessary to deviate from the present line of road, it shall and may be lawful for them to shut up the old line, sell it or give it in exchange for the ground occupied by the new line: Provided always nevertheless, that by so doing they do not interfere with any previous approach to said old road.

VI. And be it further enacted by the authority aforesaid, That no person shall be allowed to haul logs or timber along said road, unless such are borne on carriages in such a manner as to prevent the end of the same trailing on the ground.

VII. And be it further enacted by the authority aforesaid, That any person refusing to comply with the provisions of the last preceding clause, shall be liable to pay a penalty, not exceeding the sum of ten shillings for each offence, on conviction before any one of Her Majesty's Justices of the Peace in and for the said District, upon the testimony of one or more credible witnesses.

VIII. And be it further enacted by the authority aforesaid, That when in making said road the Trustees shall follow the old line, and do not encroach upon the land belonging to any individual, then the Trustees shall not be liable to pay damages for cutting or embanking.