

penalty for each offence of a sum not exceeding shillings, currency, besides paying the damage which shall have arisen thereby to the Road. Provided always, that such permission shall not be refused when there shall be a reasonable cause for asking the same, and if any difference of opinion shall arise thereupon, or in respect to any other matter or thing in the said clause contained, the same shall be decided by the Justices of the week at Montreal, such not being Trustees, otherwise by two other Justices who shall not be Trustees, after hearing the parties.

XVI. And be it further enacted by the authority aforesaid, that it shall and may be lawful for the said Trustees, or any person or persons whom any two of the Trustees specially superintending the repairs of the Road shall appoint to search for, dig, gather, take and, from time to time, convey away gravel, stones, sand, or other materials for Roads, from any grounds within the Parish of Montreal (not being the ground whereon any House stands or whereby the foundation thereof can be injured, nor a garden, orchard, nursery of trees, yard or avenue to any house) where such materials have been in use to be taken, or are or may be found, and so much thereof to carry away as shall be necessary for improving and repairing the aforesaid Road, paying only for the damage done to the surface of the said grounds (and for the expences of fencing in the part of the same, where the surface is broken and shall require it,) respectively where and from whence the same shall be dug, gathered or taken away, or over which the same shall be carried; the amount of which damage, shall in the event of disagreement about the same, be ascertained by an equal number of arbitrators to be chosen by the said superintending Trustees, or any two of them, and by the owner or occupier of such grounds, and which arbitrators shall, if necessary, appoint an umpire, and the decision of such umpire, (if the arbitrators be equally divided in opinion,) shall be final, and the Treasurer and Clerk of the Trustees shall make payment accordingly; and if either the Trustees, or the owner or occupier of such grounds shall refuse or neglect to appoint arbitrators, then the Justices in their next General Quarter Session of the Peace, or in a Special Session which, upon the application of either party, may be summoned for the purpose, shall hear and finally determine the amount of the damage, and payment thereof shall be made accordingly, but such dispute or difference shall not in the mean time hinder the carrying off and using the said materials, towards repairing the said Road.