

An Act to amend the Fourth Sub-section of Section Three Hundred and Forty-two, and the Third Sub-section of Section Three Hundred and Forty-three, of Chapter Fifty-four of the Consolidated Statutes for Upper Canada.

- W**HEREAS by the three hundred and forty-second section of Chapter Fifty-four of the Consolidated Statutes for Upper Canada, the Municipal Council of every County in Upper Canada are empowered to make By-laws, "For directing that on each or either side of a
 5 "highway passing through a wood, the trees (unless they form part of "an orchard or shrubbery) shall for the space of twenty-five feet on each "side of the highway be cut down and removed by the proprietor within "a time appointed by the By-law, or on his default, by the County "Surveyor, or other officer in whose division the land lies, and in the
 10 "latter case for authorising the trees to be used by the Overseer or other "officer for any purpose connected with the improvement of the roads "and bridges in his division, or to be sold by him to defray the expenses "of carrying the By-law into effect." And by the three hundred and
 15 and forty-third section of the aforesaid Chapter, a similar power is given to Township Councils: And whereas the timber where such work is necessary to be performed is generally of little or no value, and the whole expense incurred in carrying such By-law into effect must be borne and paid by the Municipality where such work has been performed: And the aforesaid law is nugatory and void (except in so far as it authorises Municipal Councils to get such work done): And whereas it is
 20 expedient that the owners of land where such work is required to be performed should bear the expense of such work:

Preamble.

Recital.
Con. Stat. U.
C. c. 54. s. 342

Sect. 343.

Therefore Her Majesty, &c., enacts as follows:

1. The following proviso shall be added to the fourth sub-section of the
 25 three hundred and forty-second section, and to the third sub-section of the three hundred and forty-third section of Chapter fifty-four of the Consolidated Statutes for Upper Canada respectively:—"Provided always, that if the amount accruing from such sale of timber or trees be insufficient to pay the expenses of the cutting down and removing of such
 30 timber, the deficiency of such expenses shall be paid by the owner of the land where such work has been performed, on or before the first day of February, in the year next after such work has been performed; and in case the owner of such land shall refuse or neglect to pay the aforesaid amount within the above mentioned time, the aforesaid deficiency shall be
 35 charged against such land in the same manner as arrears of Statute Labour are now by law charged against land, and shall, as regards surcharge and every other particular, be considered as arrears of taxes against such land: Provided also, that the Municipal Council within whose jurisdiction such work is required to be done, before proceeding to

Proviso to be added to each of the said Sections.

If the proceeds of the timber be insufficient to pay the expenses of cutting it down and removing it, the deficiency shall be paid by the owner of the land.

Proviso: work