

other building, at their own costs and charges, and without being allowed the right to claim any damage or indemnity therefor, whether the said part of a road or by-road be occupied as a kitchen garden or not; anything in the said above cited Act to the contrary notwithstanding, and the said parties shall be, as they have always been, debarred from the right of pleading prescription or possession. 5

Trustees may remove impediments, if the encroachers will not.

III. In the event of any party failing or refusing to give up the said possession, when thereunto required by the said Trustees, it shall be lawful for the said Trustees after three clear days notice, to remove the said fences or enclosures and all other impediments, as aforesaid, from the 10 said road or by-road and to recover the expenses attending the said removal, from the said parties, before any Court of competent jurisdiction.

Section 14 of 4 V. c. 7, amended.

IV. And whereas in the fourteenth section of the above cited Act, it is among other things enacted, that should any road or by-road, on being widened, pass through an orchard, no part of the said orchard shall 15 be taken possession of, for the purposes of the said road or by-road without the consent of the proprietor thereof; in amendment thereof be it enacted, that such consent shall not be required, when the fruit trees in the said orchard will suffer no damage by reason of the said Trustees taking possession of the land wanting to widen the said road or by-road. 20

How the land required for restoring the legal width of a road shall be taken.

V. Whenever any road or by-road requiring to be widened in order to its having the width required by law, shall pass in front of the land of a different proprietor on each side of the same, the quantity of land required for widening the said road or by-road shall be taken in equal proportions on each side of the said road or by-road, unless it be clearly proved 25 to the satisfaction of the Trustees that the encroachment has been only on one side, in which case the land required to restore the road or by-road to its legal width shall be taken from that side.

Powers of Trustees as to winter roads under their control.

VI. And referring to the powers conferred on Overseers of Roads by the twenty-second section of the above cited Act and now vested in the said 30 Trustees, of fixing and determining the site in winter of any road or by-road under their management and control, be it enacted, that the notices required by law to be given, the fixing of the site of the said road or by-road, as well as the removal of the fences, shall be done by and at the costs and charges of the said Trustees; and any parties who at any time 35 may think themselves aggrieved by the Acts of the said Trustees, in respect of the site chosen for such winter roads, may appeal to the Justices of the Peace for the District of Quebec, at the then next Quarter Sessions, which Court is hereby authorized and empowered to hear and determine the subject of the complaint and to make such order in the matter as 40 they may think proper.

Tolls on winter roads raised.

VII. And whereas in the schedule of Tolls annexed to a certain Act passed in the ninth year of Her Majesty's Reign, chapter sixty-eight, intitled "An Act to amend a certain Act intitled "An Act to amend a certain Ordinance therein mentioned relative to Turnpike Roads near Que- 45 bec," the rate of *two pence* currency, which is authorized to be levied for every Sleigh, Train, Drag, Berlin, or other winter vehicle drawn by one horse or other beast, is wholly insufficient to cover the expenses incurred by the Trustees in repairing and maintaining the winter roads, be it enacted that from and after the . . . day of . . . next, 50 the said rate in lieu of being two pence, shall be three pence currency, and anything in the said schedule to the contrary notwithstanding.