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No. 69.

4th Session, 6th Parliament, 24 Victoria, 1861.

BILL.

An Act to amend Chapter Fifty-four of the Consolidated Statutes for Upper Canada, in relation to the felling of trees on Road allowances.

Received and read, 1st time, Thursday, 4th April, 1861.

Second reading, Monday, 8th April, 1861.

Mr. HOLMES.

QUEBEC.

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ST. URSULE STREET.

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.

WHEREAS 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
 and forty-third section of the aforesaid Chapter, a similar power is
 15 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 autho-
 20 rises Municipal Councils to get such work done): And whereas it is
 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 Con-
 solidated 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 sur-
 charge 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 pro-
ceeds of the
timber be in-
sufficient to
pay the ex-
penses of cut-
ting it down
and removing
it, the defi-
ciency shall be
paid by the
owner of the
land.

Proviso: work

to be done by contract: cut down any such timber as aforesaid, shall, by their engineer or other officer, enter into a contract, by public tender, for the performing of such work, of which contract public notice shall be given by putting up printed or written notices in at least six public places within the Municipality where such work is about to be done, at least ten days before the letting of any such contract. 5

Act limited to U. C. 2. This shall be deemed a public Act, and apply to Upper Canada only.