



No. 112.

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

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BILL.

An Act to confirm certain side roads in the Township of Scarborough, and to provide for the defining of other Road Allowance and Lines in the said Township.

*(Private Bill.)*

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Received and read, first time, Tuesday, 9th  
April, 1861.

Second reading, Wednesday, 10th April  
1861.

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Mr. WRIGHT.

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QUEBEC :

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ST. URSULE STREET.

An Act to confirm certain Side Roads in the Township of Scarborough, and to provide for the defining of other Road allowances and Lines in the said Township.

**W**HEREAS the Municipal Council of the Township of Scarboro' have, by their petition represented, that the greater number of the Side Road allowances between Lots on the said Township have been opened up and travelled, and statute labour and public moneys expended thereon for many years back,—that it has been discovered, upon recent and more correct surveys being made in several concessions, that few, if any, of the said Side Roads, as laid out formerly as aforesaid, and improved and travelled, are upon the true original allowances,—that to alter the said lines of Road now, and place the same upon the proper allowances, would present serious objections both in consequence of the actual loss of labour and moneys expended upon the same, and also in consequence of the peculiar difficulties and uncertainties attendant upon the litigation of the question of highways and road allowances,—that it is most desirable, therefore, that the side roads where opened up and improved as aforesaid, should be confirmed and established for all future time upon the present lines,—and they have prayed that legislative provision be made for that purpose, and it is expedient to grant the prayer of their petition : Therefore, Her Majesty, &c., enacts as follows :

Preamble.

I. The several side roads in the said Township, as laid out and improved and travelled upon lines formally drawn for the respective allowances for road, and as the same shall be hereafter defined on the ground under the provisions of this Act, shall be and the same are hereby declared to be the true and unalterable Government allowances for Road, one chain in width, between the several Lots, without regard to their direction as being *parallel* or not to the *base* of the concession, any law or usage to the contrary notwithstanding.

Present Side Roads confirmed.

II. The Municipal Council of the Township of Scarboro' shall, within twelve months after the passing of this Act, cause such a survey of the Township to be made by a Provincial Land Surveyor, as will result in the defining on the ground of the precise lines of the said side roads as the same have been opened up and now exist as aforesaid, and such survey shall define the same by permanent cut-stone boundaries, properly marked and planted at the front and rear angles of each concession, and shall deposit copies of the map and report of such survey in the office of the Commissioner of Crown Lands, and in the Registry Office of the County of York, respectively; and the Council may impose and levy a rate upon the real property of the said Township, to defray the expenses of such surveys, maps and reports, and of the planting of such monuments, which monuments so planted shall be deemed to be the true and original boundaries.

Council of Scarboro to cause a Survey to be made.

And to levy a rate to pay expenses.

How surveys shall there-  
after be made.

III. From and after such Survey being effected, and the maps and reports thereof being deposited as aforesaid, every survey which may be made of any line for side road allowance, which may not have been opened previous to the passing of this Act, or any division line or limit between Lots in the said Township, shall be drawn from the post or monument planted in the Original Survey at the front angle of such road allowance, or to mark the commencement of such line or limit; or should such original post or monument be lost, and no satisfactory evidence exist of the position of the same, the Surveyor shall proceed as in other similar cases under the law in this behalf; the proper angle at the rear shall then be determined by giving the Lots in that particular block between the monuments planted in the Survey provided in the second section of this Act, to mark the side roads on either side thereof, the same width in proportion as they respectively possess on the front, as found in the manner above pointed out, and the required line of side road allowance or division line or limit shall be drawn through the concession from point to point so found, and all lines for side road allowance or division lines or limits so determined shall be taken to be, and the same are hereby declared to be the true lines and limits thereof, any law or usage to the contrary in anywise notwithstanding.

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Surveys of aliquot parts of Lots.

IV. The boundaries or limits of any aliquot portion of a Lot in any concession of the Township shall be determined by giving such portion the proportionate length and width of the whole Lot, as the latter shall have been ascertained in the manner directed by this Act.

And not to affect certain Surveys.

V. No proceedings which may be taken under this Act shall be valid as against any survey made and boundaries planted under the authority of the late boundary commissioners, or against any Municipal Survey performed and boundaries planted under the provisions of the Chapter seventy-seven of the Consolidated Statutes of Upper Canada.

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Lots as defined under this Act to be

VI. The several Lots in the Township granted by Letters Patent, and described by numbers or otherwise, as certain Lots in certain concessions, and heretofore intended to be bounded by lines drawn in accordance with the law respecting Surveys in Upper Canada, and the boundary lines of which are intended to be fixed by this Act, shall be held to be the same several Lots in the same several concessions, and shall be respectively represented by all the land contained between the limits thereof, as the same shall be correctly defined under this Act, whether the courses or distances of the said limits, as described in the Letters Patent granting the same, shall or shall not agree with respective courses and distances of such limits as defined under this Act upon the ground.

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Public Act.

VII. This Act shall be deemed a public Act.