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2nd Session, 6th Parliament, 22 Victoria, 1859.

(LOCAL BILL.)

BILL.

An Act to provide for a proper Survey of a certain Concession Line in the Township of Hamilton.

Received and read, first time, Tuesday, 22nd March, 1859.

Second reading Thursday, 24th March, 1859.

HON. SIDNEY SMITH.

TORONTO

PRINTED BY JOHN LOVELL, YONGE STREET.

An Act to provide for a proper Survey of a certain Concession Line in the Township of Hamilton.

WHEREAS the Municipal Council of the Township of Hamilton Preamble have petitioned for a proper survey of the concession line between the sixth and seventh concessions of the Township of Hamilton ; and it is expedient to grant the prayer of the said petition and to provide for such survey ; Therefore Her Majesty, &c., enacts as follows :

- I. The Commissioner of Crown Lands shall and he is hereby authorized to appoint a Deputy Provincial Surveyor to make a survey according to law of the concession line between the sixth and seventh concessions of the Township of Hamilton, and to ascertain the true boundaries of all the lots upon the north and south sides of the said concession line, and to fix and place permanent monuments thereat within twelve months after the passing of this Act, and upon completion of such survey to report in writing the result of such survey to the Commissioner of Crown Lands.
- 10
- II. Upon the said Commissioner of Crown Lands receiving such report, and upon payment to him of all expenses of such survey, he shall approve such survey, and thereupon the said survey and the line ascertained thereby, and the monuments fixed and placed as before mentioned shall be and are hereby declared to be the legal and binding survey, 15 and the permanent, fixed and unalterable line of the said concession and the boundaries of the said lots.
- 15
- III. If any action of ejectment shall be brought against any person or persons who, after the said line shall be established by virtue of this Act shall be found to have improved on land of which the said survey would 20 deprive him, it shall and may be lawful for the Judge of Assize before whom such action is tried, to direct the jury to assess such damages for the defendant for any loss he may sustain in consequence of any improvement made before the passing of this Act, and also to assess the value of the land to be recovered ; And if a verdict should be found for the plaintiff no writ of possession shall issue until such plaintiff shall have tendered or paid the amount of such damages as aforesaid, or shall have offered to release the said land to the defendant provided the defendant shall pay or tender to the plaintiff the value of the land so assessed before the fifth day of the ensuing term, and the defendant shall 25 have failed so to pay or tender the same.
- 25

IV. This Act shall be deemed a public Act.

Public Act.