

No. 191.

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

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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
 5 such survey; Therefore Her Majesty, &c., enacts as follows:

I. The Commissioner of Crown Lands shall and he is hereby autho- Commissioner
of Crown
Lands to ap-
point a Sur-
veyor to make
his Survey.
 10 rized to appoint a Deputy Provincial Surveyor to make a survey accord-
 ing to law of the concession line between the sixth and seventh con-
 cessions of the Township of Hamilton, and to ascertain the true bounda-
 ries 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 sur-
 vey to report in writing the result of such survey to the Commissioner
 of Crown Lands.

15 II. Upon the said Commissioner of Crown Lands receiving such re- Survey when
approved to
be valid.
 port, and upon payment to him of all expenses of such survey, he shall
 approve such survey, and thereupon the said survey and the line ascer-
 tained thereby, and the monuments fixed and placed as before mention-
 ed shall be and are hereby declared to be the legal and binding survey,
 20 and the permanent, fixed and unalterable line of the said concession and
 the boundaries of the said lots.

III. If any action of ejectment shall be brought against any person or Provision in
case of any
action of
ejectment for
land improved
by Defendant
and lost by
such Survey.
 25 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
 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 im-
 provement 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
 30 the plaintiff no writ of possession shall issue until such plaintiffs 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 de-
 fendant shall pay or tender to the plaintiff the value of the land so as-
 sessed before the fifth day of the ensuing term, and the defendant shall
 35 have failed so to pay or tender the same.

IV. This Act shall be deemed a public Act.

Public Act.