
3rd Session, 6th Parliament, 23 Victoria, 18

(LOCAL BILL.)

BILL.

An Act to confirm a certain survey of
Concession Lines between the 9th and
10th Concessions of the Township
Hope, made by the late John Hewst,
P. L. S., and for other purposes.

Received and read, 1st time, Thursday, 2
March, 1860.

2nd reading, Tuesday, 3rd April, 1860.

Hon. Mr. S. SMITH

QUEBEC:

PRINTED BY THOMPSON & CO., ST. URSULE STREET

An Act to confirm a certain survey of the Concession Lines between the 8th, 9th and 10th Concessions of the Township of Hope, made by John Hewston, P. L. S., and for other purposes.

WHEREAS the eighth and ninth and tenth concessions of the Township of Hope in the County of Durham, have been occupied for more than twenty years, according to the Surveys thereof made by the late Deputy Provincial Surveyor, John Hewston, according to which surveys, so made
 5 by the late John Hewston, the settlers have entered into possession of their several lots or parts of lots, and made and arranged valuable and permanent improvements. And whereas, under instructions from the Crown Lands Department, a survey of the said concession lines was conducted by Deputy Provincial Surveyor, George A. Stuart, the adoption
 10 of which late surveys so conducted by the said George A. Stuart, would be productive of injurious consequences to the settlers generally; Therefore Her Majesty, &c., enacts as follows :

I. The survey conducted and made by the said Deputy Surveyor, George A. Stuart, of the said concession lines, of the Township of Hope
 15 aforesaid, shall be and is by this Act set aside and rendered null and void.

II. The lines of the said concessions in front thereof, shall be and by this Act are established, as indicated by the original survey, and as intended by the survey made by the said John Hewston.

20 III. Each and every the dividing monuments now known or acknowledged as having been fixed as such by the said John Hewston along the said concession lines, shall be and by this Act are made, constituted and established as so many of the dividing monuments between lots.

25 IV. Each and every the roads as now opened and travelled between the lots in the said concessions, shall be severally, and by this Act are, established and declared to be on their proper allowances respectively.

V. The Honorable the Commissioner of Crown Lands is by this Act authorized and required to appoint a Surveyor who shall, and by this Act is authorized and required to fix monuments at the points of the lots—
 30 to survey the unsurveyed side or dividing lines, according to the monuments fixed by the said John Hewston where such monuments are known, and where such monuments are not known, to divide the land equally between the two nearest of such monuments according to the number of lots and allowances for roads, and to draw the said intermediate side
 35 lines in accordance with the bearings of the aforementioned side roads, to divide such lots in the said concessions, as are owned by two or more persons, according to the titles of the several owners thereof, to fix posts at the several corners of the several lots or parts of lots so surveyed, to

ascertain what parties hold or occupy overplus land, and how much such overplus land is held by each such party, to collect from the several parties holding such overplus a rate apportioned upon each such party so holding overplus land in proportion to the quantity of such overplus land so held or occupied, the aggregate or total of which rate shall be a sum of money sufficient to pay the expenses of such survey, the several sums collected from parties in the said concessions for defraying the cost of the survey made by Deputy Surveyor, George A. Stuart, and all such claims for costs, charges, fees, disbursements, retainers, commissioners, agencies, travelling, legislating, and other expenses necessarily incurred in procuring the passing of this Act, as shall have been presented with satisfactory vouchers to the said Surveyor before the completion of such survey, and to pay out of the first collections, to the parties entitled to receive the same, such last aforementioned sums and claims, retaining the last collections for his, the said Surveyor's, services.

VI. Each and every the parties so holding or occupying overplus land shall be, and by this Act are, within one month after having been, by the said Surveyor or his agent, served with a written notice stating the quantity of such overplus land so held or occupied, and the sum required to be paid as rated thereon, (such service of notice to be either personal, or by leaving such notice at the residence of such parties respectively,) required to pay severally the sums as stated in such notices; in default whereof the said Surveyor shall, as plaintiff, sue such parties and be admissible evidence in support of such claim.

VII. If any of the parties from whom such rates shall have been collected, hold such overplus land as tenants, and are subject to the payment of rent therefor, it is by this Act declared that the receipt of the said Surveyor for the payment of such rate, shall be a sufficient bar against the collection of rent due or to fall due, to the amount therein stated to have been paid.

VIII. This Act shall be deemed a public Act.

Expenses of such survey, &c. &c., to be paid by the parties having overplus of land.

Surveyor to notify to each such party, and recover from him the amount payable by him.

Tenants may set the amount so paid against rent.

Public Act.

5

10

15

20

25

30