

No. 153.

1st Session, 6th Parliament, 21 Victoria, 1858.

(LOCAL BILL.)

BILL.

An Act to confirm the Survey of part of the seventh concession of the Township of Hope, in the County of Durham, as made by the late John Hewston.

Received and read, first time, Tuesday, 11th
May, 1858.

Second reading, Monday, 17th May, 1858.

MR. JOHN CAMERON.

TORONTO:

PRINTED BY JOHN LOVELL, YONGE STREET.

An Act to confirm the Survey of part of the Seventh Concession of the Township of Hope in the County of Durham, as made by the late Deputy Provincial Surveyor, John Hewston.

WHEREAS in the original survey of the Township of Hope in the County of Durham, that part of the concession line in front of the seventh concession west of lot number ten was not surveyed, but was subsequently in the month of December, in the year one thousand eight hundred and twenty-two, and at later periods, (at the cost of the settlers,) surveyed by the late Deputy Provincial Surveyor, John Hewston, as far as lot number thirty-one, together with many of the side or dividing lines and allowances for roads between the lots, by and according to which surveys, so made 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, in the course of which it was ascertained that by a more northward bearing of the concession line between the seventh and eighth concessions the lots were longer at the west than at the east limit of the said Township, thus causing an overplus through the entire concession, or more land than is mentioned in the original letters patent for the several lots: And whereas, in the spring of the year one thousand eight hundred and fifty-seven, at the request of the Municipal Council of the said Township of Hope, and under instructions from the Crown Lands Department, a survey of the said originally surveyed portion of the said third concession line was conducted by Deputy Provincial Surveyor, George A. Stuart, the adoption of which late survey, 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 originally unsurveyed portion of the said concession line in front of the said seventh concession of Hope aforesaid, shall be and is by this Act set aside and rendered null and void.

II. The said concession line in front of the said seventh concession west of lot number ten, shall be and by this Act is established parallel with the line in front of the sixth concession, and at such a distance therefrom as will in all cases leave the lots in the sixth concession of the length of one hundred chains, as indicated by the original survey, and as intended by the survey made by the said John Hewston.

Preamble.
Case recited.

Survey of G.
A. Stuart set
aside.

The two con-
cession lines
to be parallel.

Hewston's monuments to be valid.

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 line, shall be and by this Act are made, constituted and established as so many of the dividing monuments between lots.

Certain roads confirmed.

IV. Each and every the roads as now opened and travelled between lots numbers ten and eleven, between twelve and thirteen, between fourteen and fifteen, between sixteen and seventeen, between twenty-two and twenty-three, between twenty-eight and twenty-nine, between thirty and thirty-one, shall be severally, and by this Act are, established and declared to be on their proper allowances respectively. 5 10

Commissioners of Crown Lands to appoint a survey or to complete Hewston's survey.

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 lots numbers thirty-two, thirty-three and the gore of thirty-four, in the said seventh concession, 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 lines in accordance with the bearings of the aformentioned side roads, to divide such lots in the said seventh concession west of lot number ten, 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 sixth and seventh 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 aformentioned sums and claims, retaining the last collections for his, the said Surveyor's, services. 15 20 25 30 35 40

The expenses of such survey shall be paid, and also certain other expenses by the holders of surplus land.

Surveyor to determine the sum so payable by each.

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. 45 0

VII. If any of the parties from whom such rate 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
5 against the collection of rent due or to fall due, to the amount therein stated to have been paid.

May sue for
the same if
not paid.

VIII. This Act shall be deemed a public Act.

Public Act.