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1st Session, 7th Parliament, 25 Victoria, 1862

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BILL.

An Act to amend the Act to confirm certain  
sideroads in the Township of Scarborough  
and to provide for defining other road al-  
lowances and lines in the said Township

(PRIVATE BILL).

Received and read, first time, Tuesday,  
29th April, 1862.

Second reading, Thursday, 1st May, 1862

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Mr. WRIGHT.

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QUEBEC :

PRINTED FOR THE CONTRACTORS BY HUNTER  
ROSE & LEMIREUX, ST. URSULE STREET.

An Act to amend the 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 by an Act of the now last Session, intituled "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," <sup>Preamble.</sup> 24 V., c. 64. the Municipal Council of the said Township were authorized to cause a survey to be made in order to define the precise lines of the side roads theretofore opened, improved, and travelled upon in the said Township; but authority was not given to the said Council to define under the same survey the lines of the side roads which had not then been opened, improved, and travelled; and whereas the survey authorized by the said Act has not yet been made, and the said Council have, by their petition to the Legislature, set forth that it would be greatly to the advantage of the said Township if all the side roads thereof were included in the same survey, and have prayed that the said Act may be so amended as to grant the prayer of their petition: Therefore, Her Majesty, &c., enacts as follows:

**1.** The time for making the survey mentioned in the second section of the said Act is hereby extended until the expiration of twelve months from the passing of this Act. <sup>Time for survey extended.</sup>

**2.** The several side roads in the said Township, as mentioned in the first section of the before-mentioned Act, shall be drawn in a straight line from front to rear of the Concession, anything therein expressed or implied to the contrary notwithstanding: Provided always, that in drawing such lines as aforesaid, no bridges, buildings, or valuable improvements shall be interfered with; but in case any of them would be cut by a straight line, the surveyor employed by the said Council shall draw the line with such deviation from such straight line as may be best adapted to the case in question; and such lines drawn as aforesaid shall be, and the same are hereby declared to be, true and unalterable boundaries. <sup>Lines to be straight. Exception.</sup>

**3.** The Municipal Council of the said Township may, at time of or immediately after the survey authorized by sections one and two of the said Act, cause all side roads not heretofore opened, improved and travelled, or only in part opened, improved and travelled, or respecting which there may be any dispute, to be surveyed, and their precise lines defined by permanent cut stone boundaries, properly marked and planted as in other cases, and such survey shall be included in the map and report of the survey, to be made and deposited pursuant to the said Act, and the expenses shall be defrayed by levying a rate for the survey last mentioned, as well as for the before-mentioned survey, on the proprietors, in proportion to the quantity of land held by them respectively in the concession, in the same manner as any sum required for any other <sup>Side roads not opened to be surveyed. How paid for.</sup>

purposes authorized by law may be levied ; and the monuments so planted shall be deemed to be true and unalterable boundaries.

How the position for such road shall be determined.

4. In ascertaining and defining any line for side road allowance not opened, improved and travelled upon, or only in part opened, improved and travelled, or in respect of which there may be any dispute, before the passing of this Act, the surveyor employed by the said Council shall commence from such posts or monuments as were planted or marked in the original survey for the front angles of such road allowance ; or if the original landmarks from which such road allowance should commence cannot be found, the surveyor shall obtain the best evidence the nature of the case admits of respecting such post, limit or allowance for side road, and if the same cannot be satisfactorily ascertained, then the distance shall be measured between the nearest opened, improved and travelled side roads established as hereinbefore mentioned, or between a side road so established and the nearest undisputed post, limit or monument, as the case may be, and such surveyor, employed as aforesaid, shall so establish the position of the said allowance for road as to leave an *equal* breadth to the lots on each side thereof to the nearest established road or original monument : The position for such road in the rear of the concession shall then be determined by measuring the distance contained between the nearest side roads established as in the said Act mentioned, and, in like manner as for the front, the said surveyor shall define the rear boundary thereof so as to leave to the lots on each side of such road or roads an equal breadth of the quantity of land contained between the side roads established as hereinbefore mentioned ; and the required line of side road shall be drawn through the concession in a straight line, from the point in the front to the point in the rear, so found ; and all lines for such side road allowance so determined, shall be, and the same are hereby declared to be the true and unalterable boundaries for the allowance of such side roads.

How allowances for roads in the broken front concession shall be determined.

5. The allowance for side roads in the broken front concessions, abutting on Lake Ontario, which have not been opened, improved and travelled, and where no posts or other boundaries were planted in the original survey on the bank of the lake to define the position thereof, or to define the limits of lots on either side thereof, and all roads in such concessions which cannot be defined by the methods hereinbefore mentioned, shall be drawn from the original posts or monuments established on the front line of the concession in the rear thereof, parallel to the nearest established side road towards that end of the concession to which the lots are numbered, and such allowance for side roads so established shall be, and are hereby declared to be, true and unalterable boundaries.

Lines mentioned in sec. 3 of 24 V., c. 123, how determined.

6. The side lines or limits between lots as mentioned in the third section of the Act before mentioned, shall be drawn so as to give an *equal* breadth to the lots contained between the monuments hereinbefore established ; and such division lines or limits so determined, shall be, and be taken to be, the true lines and limits thereof, anything in chapter eighty-eight of the Consolidated Statutes for Upper Canada, or in any other statute of limitations, to the contrary notwithstanding.