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1st Session, 4th Parliament, 16 Victoria, 1853.

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**BILL.**

An Act to establish and confirm the original Survey of the Concession Lines in the Township of Niagara.

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Received and Read a first time, Monday, 16th  
May, 1853.

Second reading, Wednesday, 18th May, 1853.

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**Mr. STREET.**

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**QUEBEC:**

**PRINTED BY JOHN LOVELL, MOUNTAIN STREET.**

**An Act to confirm and establish a certain portion of the original Survey of the Township of Niagara.**

**W**HEREAS the Municipal Council of the Township of Niagara, Preamble.  
 in the County of Lincoln, have by their Petition represented,  
 that in the original Survey of the said Township, made by Augustus  
 Jones, Esquire, Deputy Provincial Surveyor, the said Surveyor  
 5 commenced at the East and West line at the Town of Niagara, and  
 ran along the River to the Township of Stamford, leaving an allow-  
 ance for Road between every second Lot, and that many of the said  
 roads are now opened and used in accordance with the original Sur-  
 vey, but that notwithstanding the said Survey, it happened at the  
 10 time the Letters Patent from the Crown for the land in the said  
 Township were issued, that the Lots were numbered from the said  
 Township of Stamford to the West Line of the said Township of  
 Niagara, the effect of which would be to establish the road allow-  
 15 ance between other Lots, than those between which they were estab-  
 lished by the original Survey; And whereas the said Municipal  
 Council have prayed that the said allowances as originally surveyed  
 from the said East and West Line, to the Queenston and Grimsby  
 Macadamized Road, lying between Lots Nos. Three and Four  
 in the first Concession of the said Township of Niagara may be  
 20 confirmed, and it is expedient to grant the same; Be it therefore  
 enacted, &c.

That the said allowances for roads as laid out and established by  
 the said original Survey shall be, and the same are hereby declared  
 to be the true and unalterable allowances for roads between the  
 25 said East and West Line to the said Queenston and Grimsby Mac-  
 adamized Road in the said Township of Niagara, anything in any  
 Letters Patent to the contrary notwithstanding.

Allowances  
for Roads con-  
firmed accord-  
ing to original  
Survey.

II. And be it enacted, That it shall be the duty of the said Muni-  
 cipal Council for the said Township of Niagara, within six months  
 30 from and after the passing of this Act, to cause permanent stone  
 monuments to be planted under the direction of a Deputy Provincial  
 Surveyor at the several angles of the several alternate Lots between  
 the said East and West Line and the said Queenston and Grimsby  
 Macadamized Road, at the points of intersection of the said Lots  
 35 with the Road allowances of the said Township so established as

Stone bounda-  
ries to be  
placed at the  
angles of the  
lots adjoining  
the said allow-  
ances for  
Roads, accord-  
to the original  
survey.

aforesaid, as nearly as may be in the exact position contemplated by the said original Survey; and it shall be lawful for the said Municipal Council to enforce and levy a rate upon the inhabitants of the said Township interested in the confirmation of the said Survey, or upon such of them and their property as the said Council may deem 5 just and right, to defray the expenses of establishing the said Survey and of planting the said monuments, and a map and report of the Surveyor who shall be employed by the said Municipal Council for the purpose aforesaid, shall be lodged by him as a public record in the Office of the Commissioner of Crown Lands, and a copy thereof 10 shall also be deposited in the Registry Office of the said County of Lincoln.

Allowances for Roads mentioned in Letters Patent to be closed up; in whom the land shall be vested.

III. And be it enacted, That from and after the said Survey so to be made under the direction of the said Municipal Council shall have been approved of and accepted by them, the allowances for 15 roads as reserved and established by the original Letters Patent from the Crown, shall be and remain forever thereafter closed up, and whenever the same shall adjoin the Lands of any person or persons from whom any Land may be taken under the provisions of this Act for the purpose of opening and establishing the Road 20 allowances according to the original Survey, the same or so much thereof as shall be equal in quantity to the Land so taken, shall immediately vest in and become the property of such person or persons, his or her heirs or assigns, and shall be accepted and received by him, her or them in lieu of and as full and ample 25 compensation therefor.

Parties whose land will be taken for Roads under this Act and who shall not receive an equivalent in land, to be paid in money by the Municipality: how such compensation shall be determined and paid.

IV. And be it enacted, That when any person or persons whose Land shall be so taken as aforesaid, shall not receive an equivalent in Land under the provisions of the foregoing section of this Act, it shall and may be lawful for the Municipal Council of the said 30 Township, out of any funds in their hands belonging to the said Township, to remunerate such person or persons for the Land which shall be so taken for the purposes aforesaid; and in the event of the parties not being satisfied with the amount proposed to be paid by the said Municipal Council, it shall be the duty of the said 35 Council to select an Arbitrator and the owner of the Land shall select another, and the Judge of the County Court of the County of Lincoln shall name a third Arbitrator, and the three Arbitrators so chosen shall proceed to determine the value of the Land, first giving to each of the parties interested, eight days notice of the 40 time and place of meeting; and the said Arbitrators shall have power to summon witnesses, and to swear them and having heard them on oath, the said Arbitrators or any two of them shall make their award in writing under their hands, and they shall determine and adjudge by whom the costs attending such award shall be paid, and such 45

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award is hereby declared to be final and conclusive between the said parties.

V. And be it enacted, That this Act shall be deemed a Public Act.  
Act.