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No. 79.

1st Session, 5th Parliament, 18 Victoria, 1854.

LOCAL BILL.

BILL.

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

Received and Read a First time, Friday, 29th
Sept. 1854.

Second Reading, Monday, 9th Oct., 1854.

Mr. MORRISON, (Niagara).

QUEBEC :

PRINTED BY JOHN LOVELL, MOUNTAIN STREET.

(79)

1854.]

BILL.

[No. 79.]

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

WHEREAS 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 commenced
5 at the East and West line at the Town of Niagara, and ran along the
River to the Township of Stamford, leaving an allowance for Road
between every second Lot, and that many of the said Roads are now
opened and used in accordance with the original Survey, but that not-
withstanding the said Survey, it happened at the time the Letters Pa-
10 tent 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
East and West line of the said Township of Niagara, the effect of which
would be to establish the road allowance between other Lots, than those
between which they were established by the original Survey: And
15 whereas the said Municipal Council have prayed that the said allow-
ances 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 Nia-
gara may be confirmed, and it is expedient to grant the same: Be it
20 therefore enacted, &c., as follows:

I. 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 said East and
West Line and the said Queenston and Grimsby Macadamized Road in
25 the said Township of Niagara, anything in any Letters Patent to the
contrary notwithstanding. Allowances for Roads confirmed according to original Survey.

II. It shall be the duty of the said Municipal Council for the said
Township of Niagara, within six months from and after the passing of
this Act, to cause permanent stone monuments to be planted, under the
30 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 inter-
section of the said Lots with the road allowances of the said Township
so established as aforesaid, as nearly as may be in the exact position
35 intended by the said original Survey; and it shall be lawful for
the said Municipal Council to enforce and levy a rate upon the inhabi-
tants 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 just and right, to defray the expenses of establishing the said
40 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
Stone boundaries to be placed at the angles of the lots adjoining the said allowances of Roads, according to the original survey.
Costs and deposit of plan.

Office of the Commissioner of Crown Lands, and a copy thereof 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. 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 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 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 and assigns, and shall be accepted and received by him, her or them in lieu of and as full and ample 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. 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 Township, out of any funds in their hands belonging to the said Township, to remunerate such person or persons for the Land and Buildings 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 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 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 award is hereby declared to be final and conclusive between the said parties.

Public Act.

V. This Act shall be deemed a Public Act.