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4th Session, 3rd Parliament, 14 and 15 Victoria, 1851.

P.

BILL.

An Act to establish certain Road Allowances in the Township of Grimsby.

Received and Read first time, Friday, 4th July, 1851.

Second Reading, Wednesday, 9th July, 1851.

[200 Copies.]

HON. MR. CROOKS.

P.
(Legislative Council)

BILL.

An Act to establish certain Road Allowances in the
Township of Grimsby.

WHEREAS the Municipal Council of the Township of Grimsby in the County of Lincoln have by their petition to the Legislature represented that a difference of opinion has for years past existed as to the question upon which side of the original marked post or stakes in the first seven Concessions of the said Township the allowance for Roads was left, and that much difficulty therefore exists in laying out the Roads between the Concessions in the said Township, and have prayed that Commissioners may be appointed for determining the said question, and it is expedient to grant their prayer;

Preamble.

Be it enacted, &c., That a Deputy Provincial Surveyor, to be appointed by the Commissioner of Crown Lands for the time being, and two other persons, to be appointed by the said Municipal Council, shall be Commissioners for the purposes of this Act, and are hereby authorized to proceed at any time within one year after the passing of this Act to the said Township, and then or thereafter to determine with reference to each of the said Concessions, from the first to the seventh Concession inclusive, on which side of the original marked stakes or posts the allowance for Road was laid off.

Appointment of Commissioners to determine the situations of certain Road Allowances in Grimsby provided for.

II. And be it enacted, that it shall be lawful for the said Commissioners, for the purposes aforesaid, to make entry on all or any of the farms or lands lying or being contiguous or near to the Concession lines on which the said stakes or posts stand or stood.

Commissioners may enter upon lands for the purposes of this Act.

III. And be it enacted, that it shall be lawful for the said Commissioners and they are hereby required well and truly to enquire into all matters of fact necessary to be understood for directing them in making their award, and by all such lawful ways as are incident to a court of civil jurisdiction to compel the attendance of witnesses necessary to the investigation and the production before them of all or any deeds, books, maps, diagrams or other documents or evidence in any way relating to the matters in controversy, as well as to administer oaths to such witnesses and to require them to answer any question pertinent to the matters aforesaid.

Commissioners empowered to take evidence, &c. &c. &c.

IV. And be it enacted, that so soon as the said Commissioners shall have determined the question aforesaid they shall cause a report and plan to be drawn up in duplicate under their hands and seals, setting forth their decision, and shall

Report and plan to be made and deposited of Record.

deposit one copy thereof with the Register of the County of Lincoln and the other in the office of the Commissioner of Crown Lands; and the decision of the said Commissioners shall be final: Provided always, that the said Commissioners may cause stone boundaries to be placed to mark the position 5 of the Road allowance in such places (if any) as they shall think necessary: Provided also that any person or persons who, after any allowance for Road shall have been established according to this Act, shall be found to have made improvements on the said allowance for Road shall not be compelled 10 to give up possession thereof until the Municipal Council of the said Township shall have paid or tendered the value of the said improvements.

Expences of
Commission
to be estimated
for and de-
frayed.

V. And be it enacted, that the Municipal Council of the said Township shall cause an estimate of the sum requisite to 15 defray the expences to be necessarily incurred in carrying this Act into effect to be laid before them in order that the same may be levied on the proprietors of lands in the said Concessions in proportion to the quantity of land held by them respectively therein; and the said expences shall be paid by the 20 Township Treasurer on the certificate and order of the Commissioner of Crown Lands.

Quorum of the
Commission-
ers.

VI. And be it enacted, that any two of the Commissioners under this Act, of whom the Deputy Provincial Surveyor appointed by the Commissioner of Crown Lands shall be one, 25 may exercise all or any of the powers vested in the said Commissioners, and any award made or other thing done by any such two of them as aforesaid shall have force and effect as if made or done by the three Commissioners.

Public Act.

VII. And be it enacted, that this Act shall be a public 30 Act.