

Laws of His Majesty's Province of Upper Canada, passed in the year 1834. York: Robert Stanton, 1834.

4 William IV — Chapter 21

An Act to provide for establishing the Concession Lines in the Township of Louth [St. Catharines], in the District of Niagara. Passed 6th March, 1834.

Whereas certain of His Majesty's Subjects possessing Lands in the Township of Louth, in the Niagara District, have been involved in numerous and perplexing difficulties arising out of doubtful and inaccurate Surveys, made at different times at an early period of its settlement, and His Majesty's Justices of the Peace, in the execution of their duty relative to Highways from conflicting interests and evidence, are unable to determine correctly whether the chain of allowance for Roads or Concessions should be taken off the North or South end of the Lots in the said Township, commencing on the base line thereof on Lake Ontario: And whereas it is the desire of the Inhabitants of the said Township, for the settlement thereof, and to the allaying of disputes and diminishing litigation, to provide for the appointment of three impartial, able, and discreet persons, not Inhabitants of the said District in which the said Township is so situated, to investigate the premises and a final determination and decree to make on all matters touching or in any manner appertaining to or for the finally establishing the commencing and termination of the said Concessions as originally Surveyed, with the exception of a power in the Court of King's Bench as hereinafter mentioned: Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain entitled, "*An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,*" and by the authority of the same, That Mahlon Burwell, William Chisholm, and William Crooks, Esquires, are hereby authorised and appointed as Commissioners to meet as such for the purposes of this Act, by proceeding some time in the months of June, July or August, next ensuing after the passing of this Act, to the boundaries or Concessions in question, and then and there to employ one or more Provincial Surveyor or Surveyors, with Chain-bearers and other Assistants, under the directions and orders of the said Commissioners, to view and determine the beginning and termination of the said Concessions, whether commencing or terminating at the North East, or South East angle, of each Lot in the said Township respectively.

II. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the Commissioners, or any two of them, for the purposes aforesaid, with their Surveyor or Surveyors, and for those persons employed by them, to make entry on any or all of the Farms or Lands of His Majesty's Subjects within the said Township, whenever it may be necessary to Survey the said Lines or Concessions for the purpose of ascertaining and

determining the same, and to place any marks or monuments thereon for the purposes of this Act, without being considered as liable to any action at Law as trespassers.

III. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said Commissioners and they are hereby required well and truly to inquire into all matters of fact necessary for directing their judgment as to their determination, and by all lawful ways and means as are incident to a Court of Civil Jurisdiction to compel the attendance of Witnesses necessary in 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 better and complete ascertaining the commencing and termination of the said Concessions; as well as to tender such Witness or Witnesses an oath or oaths pertinent to the question in dispute; and in case of any false swearing by any Witness or Witnesses, such Witness or Witnesses on conviction thereof shall be liable to the pains and penalties of being guilty of wilful and corrupt perjury.

IV. And be it further enacted by the authority aforesaid, That the said Commissioners shall and are hereby authorised to take into their consideration, whether in the original Survey or Surveys of the said Township the Concessions or allowance for Roads began on the North or South side of the true line of the Survey, or whether the marked stakes alluded to in the Deeds were originally placed on the North or South side of the said Concession; and that after the said Commissioners, or a majority of them, shall have determined upon the point hereinbefore mentioned and referred to their judgment, it shall be the duty of the said Commissioners to cause a Stone monument to be placed at such governing point on the true line of the said Township, and which monument shall in all times hereafter be regarded as the true and governing point of the Concessions in the said Township of Louth.

V. And be it further enacted by the authority aforesaid, That the said Commissioners, or a majority of them, shall in a reasonable time thereafter make their award or determination of and concerning the matters and things hereby submitted to their impartial decision, by an instrument under their hands and seals in duplicate, one of which shall be transmitted by them to the Court of King's Bench in this Province, and the other to the Chairman of the general Quarter Sessions of the Peace for the District of Niagara, there to be and remain as matter of Record, and to be pleadable and available in all Courts of this Province having competent jurisdiction of any matter in such decision contained: Provided nevertheless, that such award, or any part thereof, shall not be set aside unless the said Court of King's Bench shall be moved by any of the parties interested to alter or set aside such award within twelve months from the execution of such award.

VI. And be it further enacted by the authority aforesaid, That this Act shall be deemed and taken to be a Public Act without being specially pleaded, and any decision, decree or order, under the hand and seals of the said Commissioners, or a majority of them, shall extend to and be in force in the Province of Upper Canada, subject to the revision and control of His Majesty's Court of Kings Bench therein.

VII. And be it further enacted by the authority aforesaid, That in case the said Commissioners, or any one or more of them, shall die, or should decline to act, or become incapable of acting, it shall and may be lawful for the Governor, Lieutenant Governor or Person Administering the Government of this Province, to appoint under his sign manual another or others to act in the place and in the stead of such Commissioner or Commissioners.

VIII. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said Commisioners to receive for each and every day they may be so employed in carrying the provisions of this Act into execution, the sum of Twenty Shillings, Currency; the said Surveyor the sum of Ten Shillings; and each and every other person or persons employed by such Surveyor for the purposes aforesaid, the sum of Three Shillings and nine Pence, to be paid to each of them out of the funds of the District, by an order under the hand and seal of the Chairman, of the Quarter Sessions for the time being.