

*Laws of His Majesty's Province of Upper Canada*, passed in the year 1835. Toronto: Robert Stanton, 1835.

5 William IV – Chapter 26

**An Act to appoint Commissioners to settle disputes respecting certain Roads and Lines in the Township of Norwich, in the District of London, and to establish the said Lines and Roads. Passed 16th April, 1835.**

Whereas the late Peter Lossing, of the Township of Norwich, County of Oxford, District of London, and Province of Upper Canada, Yeoman, and Peter Delong of the same place, Yeoman, did on the Seventh day of July, in the year of our Lord one thousand eight hundred and ten, purchase of and from William Wilcox, of the Town of York, in the Home District, Fifteen Thousand acres of Land, in the said Township of Norwich aforesaid, being Lots numbers eight, nine, eleven, thirteen and fourteen, in the first and third Concessions; and Lots numbers eight, ten, eleven, twelve and fourteen, in the Second Concession, in Block number two; and Lots numbers one, three, four, five, seven, eight, ten, eleven, twelve and fourteen, in the Fourth and Sixth Concessions; and Lots numbers one, two, four, six, seven, eight, nine, eleven and fourteen, in the Fifth Concession, in Blocks numbers five and six; and Lots numbers one, two, four, six and seven, in the seventh, ninth and eleventh Concessions; and Lots numbers one, three, four, five and seven, in the eighth, tenth and twelfth Concessions, in Blocks numbers nine and thirteen; various parts of which said Fifteen Thousand Acres the said late Peter Lossing sold and conveyed as hereinafter stated; And whereas the said late Peter Lossing did, by and with the advice and consent of all parties at that time interested or concerned in the same, survey the said tract of Land in the said Township of Norwich, he the said Peter Lossing not being a licensed Surveyor in this Province; And whereas in accordance with the said Survey so made, the said late Peter Lossing did make and execute Deeds and Titles of Conveyance to various parcels of the said tract of Land; And whereas disputes and difficulties have arisen among the Inhabitants of the said Township of Norwich, owing to various inaccuracies in the early Surveys of the said Township of Norwich, as well the Survey of the said Peter Lossing as other early Government Surveys; And whereas sundry Inhabitants of the said Township of Norwich, and resident upon the said tract of Land so purchased and surveyed as aforesaid, and others, have Petitioned the Parliament of this Province, praying to have some plan devised and some Law passed by which disputes, difficulties and Law Suits, and Law Costs may be prevented, and peace, harmony and concord restored to the neighbourhood, as well as certainty as to where the Roads and Lines are in future, shall be and continue to be established: 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 George Rykert, David Gibson,

and John Bailey, be and are hereby authorised and appointed Commissioners for the purposes of this Act, whose duty it shall be, within three months after the first day of June next, to proceed to the said Township of Norwich aforesaid, and personally to examine, if they shall deem it necessary, the Boundaries, Stakes, Monuments, Concessions and Concession Lines, and Side Lines, Roads and Road Lines, and allowances for Roads, in all and every such part or parts of the said tract or parcel of Land so Surveyed by the said late Peter Lossing, aforesaid, in the said Township of Norwich aforesaid.

II. And be it further enacted by the authority aforesaid, That if the said Commissioners shall deem it necessary and expedient, for the more perfectly settling the disputes and difficulties arising out of the said Survey of the said late Peter Lossing aforesaid, it shall be lawful for them to appoint one or more Deputy Surveyor or Surveyors, Chain Bearers and other Assistants, subject to their controul and under their direction, to Survey so much and so many of the disputed Lines and Roads in the said tract aforesaid, as to them shall appear necessary to an equitable and just settlement of all the differences and disputes of the Inhabitants of the said Township of Norwich aforesaid, and to require the attendance of all such persons as may be necessary as Witnesses, with all papers, parchments, Deeds and Conveyances, relating to the cause of the said difficulty and dispute aforesaid.

III. And be it further enacted by the authority aforesaid, That the said Commissioners, after having duly examined such Witnesses, Deeds, Conveyances, Papers and Parchments, as they may deem necessary and expedient, upon the subject matter and dispute, shall confirm and continue, or alter, annul and disallow any and all, or part or parts of the said Survey of the said tract of Land so Surveyed or intended to be Surveyed by the said late Peter Lossing aforesaid, and to Re-survey, plant Posts, and establish such Lines, either with or without regard to any Posts now planted or Lines now run, as to them shall appear to be necessary and just between the contending parties, always regarding the equitable intention of the parties at the time of their making their contracts; and such Lines so run, and such Posts so planted by the authority of the Commissioners aforesaid, shall be, and be taken to be the Lines and Posts governing and establishing the Lines and Roads of the said tract aforesaid.

IV. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the Commissioners, or a majority 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 within the said Township of Norwich, whenever it may be necessary to Survey the said Lines, or Concessions, or Roads, 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.

V. 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, 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 more completely ascertaining the true, just and equitable interest of the parties; and also to tender such Witness or Witnesses such Oath or Oaths, Affirmation or Affirmations, pertinent to the question in dispute; and in case of any false swearing by any Witness or Witnesses, such Witness or Witnesses upon conviction thereof, shall be liable to the pains and penalties of being guilty of wilful and corrupt perjury.

VI. And be it further enacted by the authority aforesaid, That the said Commissioners, or a majority of them, shall within a reasonable time thereafter, make out 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 Court of Quarter Sessions of the Peace for the District of London, there to be and remain as a matter of Record, and to be pleadable and available in all Courts of this Province having competent Jurisdiction of any matters 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.

VII. And be it further enacted by the authority aforesaid, That this Act shall be a Public Act, without being specially pleaded, and any decision, decree or order, under the hands 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 controul of His Majesty's Court of King's Bench therein.

VIII. And be it further enacted by the authority aforesaid, That in case of the death, removal, or refusal to serve, or becoming incapable of serving and acting, of any Commissioner or Commissioners, 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.

IX. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said Commissioners 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 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.