

CAP. CXXXVIII.

An Act to authorize the Municipal Council of the United Counties of Wentworth and Halton to dispose of a part of the present Court House Square.

[30th August, 1851.]

Preamble.

WHEREAS the late George Hamilton, Esquire, did on or about the thirtieth day of December, in the year of our Lord one thousand eight hundred and sixteen, duly execute a Deed of Surrender unto His Majesty George the Third, His Heirs and Successors, of a certain piece of land then in the Township of Barton, in the District of Gore, in order that the said District of Gore might be accommodated with a convenient site or piece of land whereon to erect a Gaol, Court House and other Public Buildings for the uses of the said District of Gore: And whereas the situation of the said piece of land, being in the centre of the City of Hamilton, renders it unsuitable for the site of a Gaol: And whereas the Municipal Council of the United Counties of Wentworth and Halton have, by their Petition, prayed that authority may be given them to dispose of the said premises, or a portion thereof, the proceeds to be applied to the purchase of a site and erection of a new Gaol, in a situation where prisoners might be put to labour, and thereby contribute towards their maintenance, instead of being a burden on the public: And whereas it is expedient to grant the prayer of the said Council: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That for and notwithstanding any thing in the said Deed of Surrender mentioned, or dedication therein made, or any law to the contrary, it shall and may be lawful for the Municipal Council of the United Counties of Wentworth and Halton, and their successors, and they are hereby empowered to lay out the said piece of land, or so much thereof as they may deem expedient, in lots, and to sell, dispose of and convey the same by an absolute title in fee simple at their pleasure, the proceeds of such sale to be applied solely to the purchase of a suitable site within one mile of the present Gaol and Court House, and to the erection of a new Gaol thereon, and other Public Buildings, for the uses of the said United Counties: Provided always, that before offering the said piece of land or portion thereof to Public Sale, it shall be the duty of the said Municipal Council to offer the same to the Corporation of the City of Hamilton, at and for the price or sum of Six Thousand Pounds, currency, and it shall be the duty of the Council of the City of Hamilton, within three months from the date of any such offer, to accept or reject the same; failing in which, the said Municipal Council of the said United Counties of Wentworth and Halton shall be at liberty to dispose of the said premises, or part thereof, to such person or persons, or Bodies Corporate, or Company, and in such mode as they may determine by By-law or otherwise: Provided also, that nothing in this Act contained shall in any manner affect or prejudice any claim which Robert J. Hamilton, eldest son and heir of the before mentioned George Hamilton, shall or may have in law or equity to the piece or parcel of land surrendered by his late father for the purposes aforesaid; and the amount of compensation to be paid to the said Robert J. Hamilton shall be fixed and determined by Arbitrators, to be chosen, one by the said Council, another by the said Robert J. Hamilton, and a third to be named by them, the said Arbitrators, should they not agree; and their or his award shall be final.

Municipal Council of Wentworth and Halton empowered to dispose of the said lot or of part thereof.

Proviso: they must first offer it to the City of Hamilton.

Proviso: as to the total price.

Account of expense of new Jail to be rendered to Parliament, &c.

II. And be it enacted, That the said Municipal Council shall, on the completion of the said new Gaol, render to the Provincial Parliament a detailed account of the moneys received and expended on account thereof; and if any surplus shall remain after the purchase

purchase of a suitable site and the erection of a new Gaol, and payment of incidental expenses incurred in regard to the same, such surplus shall be invested in such manner as the Governor and Council for the time being may direct; the interest on such investment to be applied by the said Municipal Council in the maintenance of the said Gaol, or repair or extension of the same, rendering to the Provincial Parliament an annual account thereof.

C A P . C X X X I X .

An Act to authorize the County of Welland Municipal Council to purchase certain lands in the said County, known as the Great Cranberry Marsh, and for other purposes.

[30th August, 1851.]

WHEREAS the Municipal Councils of several Municipalities in the County of Welland have prayed, by their petitions to the Legislature in that behalf, that the Provisional or other Municipal Council of the County of Welland may be authorized to purchase a certain tract of land, known as the Great Cranberry Marsh, lying principally in the Townships of Wainfleet and Humberstone, for the purpose of draining and improving the same, and disposing thereof for the benefit of the said County, and it is expedient to authorize the said County Council to purchase the said Marsh, and to grant them such further powers as may be most conducive to the advantage of the said County: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the Commissioners or Building Committee, now appointed by the Provisional Municipal Council of the said County of Welland, that is to say: John Fraser, Robert Hobson, John Radcliffe, David P. Brown and John Graybiel, Esquires, shall have full power and authority for and in the name of the said County, and for the benefit thereof, to purchase or otherwise acquire from the Government of this Province, all or any part of the said tract of land, lying principally within the Townships of Wainfleet and Humberstone, and known as the Great Cranberry Marsh; and that on such purchase being completed, the said land shall become vested in the said County Council of Welland, to be improved and disposed of by them by sale of the fee or by lease, and for such purpose as the said Council shall by By-law or By-laws determine.

Preamble.

Certain persons authorized to buy the marsh for the County, and to drain it.

II. And be it enacted, That so soon as may be after the passing of this Act, a Survey shall be made at the expense of the Provisional Municipality of the County of Welland, of the River Chippewa, by any Officer or Engineer to be appointed by the Commissioners of Public Works for that purpose, with a view to ascertain whether the navigation thereof will not be affected by lowering the water of the said River for the purpose of draining the lands bordering on the said River, and in the event of his making a Report in favor of the said improvement, the said Provisional Municipal Council of the said County of Welland shall also have power to make By-laws for the purpose of lowering, by not more than three feet, the quantity of water in the said River, and to levy, by assessment, upon the owners of lands benefitted thereby, the sums necessary to cover the expense of the said undertaking.

A Survey to be made of the River Chippewa, with a view to draining the lands bordering thereon.

III. And be it enacted, That the said Commissioners or Building Committee, or the said County Council of Welland, shall make the purchase or other acquisition of the said land at or before the end of the next Session of the Provincial Parliament.

Time of purchase limited.