

Laws of Her Majesty's Province of United Canada, passed in the year 1854. Quebec: Stewart Derbyshire and George Desbarts, 1854.

18 Victoria – Chapter 156

An Act to confirm and establish a certain portion of the original Survey of the Township of Niagara. Assented to 19th May, 1855.

Whereas the Municipal Council of the Township of Niagara, in the County of Lincoln, have by their Petition presented, that in the original Survey of the said Township, made by Augustus Jones, Esquire, Deputy Provincial Surveyor, the said Surveyor commenced at the East and West line at the Township 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 notwithstanding the said Survey, it happened at the time the Letters Patent 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 whereas the said Municipal Council have prayed that the said allowances as originally surveyed from the said East and West Line, to the Queenston and Grimsby Macadamized Road, lying between Lots Numbers Three and Four in the First Concession of the said Township of Niagara, may be confirmed, and it is expedient to grant the same: 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, as follows:

- I. The said allowances for roads as laid out and established by the said original Survey, shall he 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 the said Township of Niagara; any thing in any Letters Patent to the contrary notwithstanding.
- 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 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 intersection 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 intended by the said original Survey; and it shall be lawful for the said Municipal Council to impose and levy a rate upon the inhabitants 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 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 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.

III. From and after the time when 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 for ever 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.

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 next 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.

V. This Act shall be deemed a Public Act.