

Laws of Her Majesty's Province of United Canada, passed in the year 1856. Quebec: Stewart Derbyshire and George Desbarts, 1856.

20 Victoria – Chapter 109

An Act to alter the survey of that part of the Third Concession of the Township of Onondaga, commonly called “Martin’s Bend,” and to confirm a new survey thereof, and for other purposes. Assented to 1st July, 1856.

Wherese the Lots laid out in that part of the Third Concession West of Fairchild’s Creek in the Township of Onondaga in the County of Brant, commonly called Martin’s Bend, being part of the Indian Lands on the Grand River, according to the survey of the said Township made by James Kirkpatrick, Deputy Provincial Surveyor, are not adapted to the peculiar topographical position of the land in the said Bend; And whereas all the land in the said Bend has been settled upon, and the settlers have made improvements upon the lands occupied by them without reference to the shape or boundaries of the lots as defined by the said survey, and such settlers are desirous of purchasing the lands held by them without reference to such survey; And whereas a survey of the said Bend has been made by Lewis Burwell, a Deputy Provincial Surveyor, and a diagram thereof bearing date the thirty-first day of January, in the year of our Lord one thousand eight hundred and fifty-three, subdividing the said Bend in accordance with the respective possessions of the several settlers in the said Bend, has been submitted to His Excellency the Governor in Council, and is now among the plans in the Indian Department; And whereas the settlers in the said Bend have petitioned to be allowed to purchase the lands held by them in accordance with the said survey of the said Lewis Burwell, and that the several roads marked on said diagram should be established and confirmed as public highways; And whereas it is expedient that the said survey of the said James Kirkpatrick, as far as the same relates to lots numbers twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty and thirty-one of the said third Concession of the Township of Onondaga, being the Lois contained in the said Bend, should be set aside, and that the said survey of the said Lewis Burwell should be adopted in the place thereof: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

- I. It shall and may be lawful for the Superintendent General of Indian affairs to sell and dispose of and cause to be granted all or any of the lands in the said Bend lying and being to the south-west of the limit between Lots numbers twenty and twenty-one, and embracing lots from twenty-one to thirty-one, both inclusive, in the said Third Concession of the said Township of Onondaga, in accordance with the survey of the said Lewis Burwell, and without reference to the survey of the said James Kirkpatrick or the boundaries of Lots thereby established.
- II. From and after the passing of this Act, the said survey of the said James Kirkpatrick, as far as the same relates to the subdivision of the said Bend south-westerly from the said limit between lots numbers twenty and twenty-one, shall be superseded by the said survey of the said Lewis Burwell, and the said survey of the said Lewis Burwell, as far as the lands in the said Bend are

concerned, shall have the same force and effect as and shall for all purposes be deemed and taken to be the original survey of the said concession.

III. The roads marked on the said diagram of the said Lewis Burwell in red, the one running from the Grand River opposite the Village of Newport, between lots G. and H. F. and J. and D. and E., and through lots B. and A., and the other from the last mentioned Road, near the centre of lot D., south-easterly through C. and part of the lot commonly called the "Mission Lot," to the Grand River, shall be established and are hereby confirmed of the width of forty feet as public highways.

IV. And whereas the allowance for Road between lots numbers nineteen and twenty in the said Third Concession of the Township of Onondaga, from the River's edge, southeasterly to the present travelled road running across the said Lots nineteen and twenty, is by reason of the nature of the ground unsuited and impracticable for a road; And whereas William N. Alger of the said Township of Onondaga, Esquire, is seized in fee of the said lots nineteen and twenty, and is willing to lay out a road along the northern eastern limit of the said lot number nineteen, in the place of the said original allowance for Road between lots numbers nineteen and twenty; therefore it skill and may be lawful for the Governor in Council to cause to be granted to the said William N. Alger, his heirs and assigns for ever, the said original allowance for road between lots nineteen and twenty, from the said travelled road to within one chain of the River's edge, as an equivalent for the road to be opened by him along the north-eastern limit of the said lot nineteen.

V. For and notwithstanding any Act, law, usage or custom to the contrary thereof, it shall and may be lawful for the Superintendent General of Indian affairs to cause to be sold or granted any of the Indian lands not already granted in the Town of Cayuga, in the County of Haldimand, lying to the west of Ouse Street, and south of the Bridge across the Grand River at King Street, in the said Town or Cayuga, without any reservation of right to the public or any individual to cross such lands to the River's edge, or any manner of reservation whatsoever, except any right of way already acquired by the public or by any individual; Provided always, that nothing herein contained shall authorize or be construed to authorize the selling or granting of any lands laid out as streets or allowance for streets upon the plan of the said Town of Cayuga.

VI. This Act shall be deemed a Public Act.