

STATUTES

OF

UPPER-CANADA,

PASSED IN THE *THIRD* SESSION OF THE SECOND PROVINCIAL
PARLIAMENT,

MET AT YORK, ON THE FIFTH DAY OF JUNE, AND PROROGUED ON THE FIFTH
DAY OF JULY, FOLLOWING, IN THE THIRTY-EIGHTH YEAR
OF THE REIGN OF GEORGE III.

THE HONORABLE PETER RUSSELL, ESQUIRE, PRESIDENT

ANNO DOMINI 1793.

C H A P. I.

An Act to ascertain and establish on a permanent footing, the BOUNDARY LINES of the different TOWNSHIPS of this Province.

[5th July, 1797.]

WHEREAS it is expedient and necessary, to ascertain and establish upon some permanent principle, the Boundary Lines of the different Townships within this Province, and distinctly to preserve them when so ascertained and established, Be it 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, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, '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 stone monuments, or monuments of other durable materials, shall be placed at the several corners, governing points, or off-sets of every Township that hath been surveyed, or may hereafter be surveyed; and also, at each end of the several

Recital.

Monuments to be placed at the corners, &c. of each township and concession.

Lines therefrom to be the permanent boundary lines of such township and concession.

several concession lines of such Townships ; And that lines from the monuments so erected, or to be erected, be taken and considered as the permanent Boundary Lines of such Townships and Concessions respectively.

To be under the inspection and order of the Surveyor General.

II. *And be it further enacted by the authority aforesaid,* That the monuments above directed to be placed as aforementioned, shall be placed under the inspection and order of the Surveyor General of this Province.

Effect of such boundary lines.

III. *And be it further enacted by the authority aforesaid,* That the courses and distances of the said Boundary Lines so ascertained and established, shall on all occasions be, and be taken to be, the true courses and distances of the Boundary Lines of the said Townships and Concessions, whether the same do, or do not, on actual measurement, coincide with the courses and distances in any letters patent of grant, or other instrument in respect of such Boundary Lines mentioned and expressed.

Capital felony knowingly or wilfully to pull down, &c. such monuments.

IV. *And be it further enacted by the authority aforesaid,* That if any person or persons shall knowingly and wilfully pull down, deface, alter, or remove any such monument so erected as aforesaid, he, she, or they, shall be adjudged guilty of felony, and shall suffer death without benefit of clergy.

How the Surveyor General shall proceed.

V. *And be it further enacted by the authority aforesaid,* That it shall not be necessary for the Surveyor General to proceed to carry the provisions of this Act into execution, until an application for that purpose shall have been made to the Governor, Lieutenant Governor or Person administering the Government, by the Magistrates of any District or County, not being part of a District, in Quarter Sessions assembled, signifying that the erecting of such monuments, and ascertaining such boundaries as aforesaid, is necessary and expedient, for some particular Township or Townships, within such District or County.

Application to be made to the Justices.

VI. *And be it further enacted by the authority aforesaid,* That when, and so often, as application shall be made to the Justices of the Peace, in and for any District, in Quarter Sessions assembled, by thirty free-holders of any Township within such District, to have monuments erected conformably to the intention of this Act, it shall and may be lawful for the said Justices, and they are hereby authorised and required to form an estimate of the sum of money which, in their judgment and discretion, shall seem requisite to defray the charges of erecting such monument, and to lay an equal assessment (proportionable thereto) upon each and every acre of land within such Township ; which assessment they shall cause to be raised and collected by a warrant under the hands and seals of any two or more of them, directed to the Collectors of such Township, and requiring them to raise and collect the said assessment, in such manner and by such means as in other such cases by law directed and required, and to pay the same when so collected, into the hands of the Treasurer of the District, to answer the charges to be incurred by erecting such monuments.

Expence how defrayed.

Provision with respect to persons liable, who are not resident in the Township.

VII. *And be it further enacted by the authority aforesaid,* That when any person liable to pay his proportion and rate of such assessment, shall be absent from the Township, and shall not have taken means to answer the same

to the said Collector within one year, from and after the date of the warrant for collecting the same; the land of such absentee shall be held liable and answerable for the payment of such rate, with the lawful interest arising thereon; and when the same shall amount to twenty shillings, or upwards, upon each lot of one hundred acres of land, and so in proportion, for any number of acres, more or less, it shall and may be lawful for the Treasurer of the District in which such lands shall lie and be situate, and he is hereby required to give notice of the same for six months in the Upper Canada Gazette, and if after the expiration of that time, the same shall not be paid, it shall and may be lawful for him to sell so much thereof, after publicly advertising the same, as may be necessary to satisfy the said arrears, and the necessary expences incurred by the proceedings, and to receive the monies arising from such sale, to and for the use of the Township.

(See 59th Geo. III.
c. 14.)

C H A P. II.

An Act to repeal an Ordinance passed in the twenty-fifth year of the Reign of His present Majesty, intituled, “*An Ordinance concerning ADVOCATES, ATTORNIES, SOLICITORS and NOTARIES, and for the more easy Collection of His Majesty’s REVENUES, as far as the same relates to Notaries.*”

[5th July, 1798.]

WHEREAS the provisions of an Ordinance passed in the twenty-fifth year of the reign of His present Majesty, intituled, “*An Ordinance concerning Advocates, Attornies, Solicitors and Notaries, and for the more easy collection of His Majesty’s Revenues,*” have been so far as the same relates to Notaries, found inconvenient and inapplicable to this Province, Be it 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, intituled, “*An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty’s Reign, intituled, ‘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 the same shall be, and hereby is, so far as it relates to Notaries, repealed.

Ordinances so far as
relates to Notaries re-
pealed.

C H A P. III.

An Act to repeal part of an Act passed in the thirty-seventh year of the Reign of His Majesty, intituled, “*An Act to extend the Jurisdiction and regulate the Proceedings of the DISTRICT COURT and COURT of REQUESTS,*” and to make further provision for the same.

(See 37 Geo. III. c. 6.)

[5th July, 1798.]

BE it enacted by the King’s Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province
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