

C H A P. XIV.

An Act to repeal an Ordinance of the Province of Quebec, passed in the twenty-fifth year of His Majesty's Reign, entitled, "*An Ordinance concerning LAND SURVEYORS, and the ADMEASUREMENT of LANDS,*" and also to extend the provisions of an Act passed in the thirty-eighth year of His Majesty's Reign, entitled, "*An Act to ascertain and establish on a permanent footing the BOUNDARY LINES of the different Townships of this Province,*" and further to regulate the manner in which Lands are hereafter to be Surveyed.

[Passed 27th November, 1818.]

WHEREAS, an Ordinance of the Province of Quebec, passed in the twenty-fifth year of His Majesty's Reign, entitled, "*An Ordinance concerning Land Surveyors, and the Admeasurement of Land,*" is in many instances, as far as the same relates to this Province, found to be inapplicable, 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, 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of the same, That the said Ordinance, so far as it relates to, or affects this Province, be and the same is hereby repealed.

Preamble.

Ordinance of Quebec respecting Land Surveyors, repealed.

II. And whereas, it is necessary to extend the provisions of an Act, passed in the thirty-eighth year of His Majesty's Reign, entitled, "*An Act to ascertain and establish on a permanent footing the Boundary Lines of the different Townships of this Province,*" *Be it enacted by the authority aforesaid,* That all boundary lines of Townships, all concession lines, governing points, and all boundaries, posts or monuments, which have been placed or planted at the front angles of any lots or parcels of Land, in the first Survey, intended to determine the width of such lots or parcels of Land, provided such Survey has been performed under the authority of the Executive Government of the late Province of Quebec, or under the authority of the Executive Government of this Province, shall be and the same are hereby declared to be the true and unalterable boundaries of all and every of such Townships, concessions, and lots respectively, and that every lot or parcel of Land respectively, whether it shall upon admeasurement be found to contain the exact width or more or less than what may be expressed in any Letters Patent, Grant or other Instrument, in respect of such Boundaries or Lines mentioned and expressed, shall embrace the whole width contained between the front posts, monuments or boundaries, planted or placed at the front angles of any such lot or parcel of Land as aforesaid, in such original Survey as aforesaid, and no more nor less, and every half or quarter of such lot or parcel, its proportion, any thing in such patent or instrument to the contrary thereof in anywise notwithstanding.

38th Geo. III. c. 1.

What are declared to be unalterable boundaries of townships, concessions and lots.

Course of division & side line.

III. *And be it further enacted by the authority aforesaid,* That the Boundary Line of each and every Township, on that side from which the lots are numbered, shall be and the same is hereby declared to be the course or courses of the respective division or side lines throughout the several Townships and concessions of this Province respectively, and all Surveyors shall and are hereby required, to run all division or side lines, which they may be called upon by the owner or owners of any Lands to Survey, to correspond with, and be parallel to the respective Town lines, from whence the lots are numbered as aforesaid.

How Surveyors to proceed in running the side lines or limits between lots.

IV. *And be it further enacted by the authority aforesaid,* That every Licensed Surveyor, when and as often as he is employed to run any side line or limit, between lots or lines required to go the same course of the side lines or limits between lots in the Concession in which the Land to be Surveyed lies, shall, if it has not been done before, or if it has been done, but the course cannot at such time be truly ascertained, determine by a true meridian line, or some other infallible method, the true course of a straight line between the front and rear angles of such Concession, on that boundary of the Township from which the lots are numbered, and run such line or lines, as aforesaid, truly parallel to such course, which is hereby declared, and shall at all times be deemed and taken to be the true course of such lines in the several Townships of this Province.

Qualification of Surveyors.

V. *And be it further enacted by the authority aforesaid,* That from and after the passing of this Act, no person shall act as a Surveyor of Lands in this Province, until he shall have been duly examined by the Surveyor General or Deputy Surveyor General thereof, as to his fitness and capacity, and shall have obtained a Licence from and be appointed to act as such by the Governor, Lieutenant Governor, or Person administering the Government of this Province for the time being, and shall have entered into a bond with two sufficient sureties, in the sum of five hundred pounds, to His Majesty, His Heirs and Successors, for the due performance of his office, and shall have taken and subscribed the oath of allegiance, and the following oath, before the Surveyor General, or Deputy Surveyor General of this Province:

Bond to be given

and oath taken by them.

I, A. B. do solemnly swear that I will well and truly discharge the duty of a Surveyor of Lands, agreeably to the Law, without favour, affection, or partiality, when and as often as I may be required thereto by any person or persons, or by the rule or order of any Court of Justice, and which I will faithfully and without unnecessary delay submit to the party requiring the same or the Court directing my duty; also a plan of Survey, if required—
So HELP ME GOD;

Exception in favor of persons now authorised.

Provided always, That this Act shall not extend or be construed to extend to prevent any person or persons from acting as a Surveyor of Lands in this Province, who is now authorised to act as such by virtue of a Licence from the Governor, Lieutenant Governor, or Person administering the Government of this Province.

VI. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Surveyor General or Deputy Surveyor General of this Province, to examine applicants to Survey, and if found competent, to grant certificates to that effect, and to administer the foregoing oaths, which oaths shall be deposited in the Surveyor General's office.

Surveyor General or Deputy Surveyor Gen. to examine applicants and administer oaths.

VII. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Governor, Lieutenant Governor, or Person administering the Government of this Province, to grant Licences to such persons as are well recommended, on their producing satisfactory certificates from the Surveyor General or Deputy Surveyor General of this Province, of their competent knowledge of the theory and practice of Surveying in all its branches, to survey in this Province during their good behaviour.

Licence to be granted to Surveyors.

VIII. *And be it further enacted by the authority aforesaid,* That each and every chain-bearer shall take an oath to act as such, justly and exactly, according to the best of his judgment and abilities, and to render a true account thereof to the Surveyor by whom he may have been appointed to such duty, which oath the Surveyor employing such chain-bearer, is hereby authorised and required to administer.

Chain bearers to be sworn.

IX. *And be it further enacted by the authority aforesaid,* That the front of each Concession, lot, or parcel of Land, shall be considered to be, and the same is hereby declared to be that end or boundary of such Concession, lot, or parcel of Land, which is nearest to the boundary of the respective Townships from which the several Concessions thereof are numbered.

What shall be taken to be the front of each concession.

X. *And be it further enacted by the authority aforesaid,* That in all cases when any letters patent of grant or other instrument, has issued for several lots or parcels of Land, in Concessions adjoining each other, the side lines or limits between lots or parcels of Land therein mentioned and expressed, shall commence at the front angles of every such lot or parcel of Land respectively, and run agreeably to the courses of the respective Townships as herein before enacted, and shall not continue on in a direct line through several Concessions, unless such line or lines, when run truly parallel to such governing boundaries of such Townships, as aforesaid, shall intersect the corresponding post or monument at front of such Concession next in rear.

How the side lines between lots shall be ascertained in cases where a patent has issued embracing several lots.

XI. *And be it further enacted by the authority aforesaid,* That in all cases when any Licenced Surveyor shall be employed to run any side line, or limit between lots, and the original post or monument, from which such line should commence cannot be found, every such Surveyor shall, in every such case, obtain the best evidence that the nature of the case will admit of, respecting such limit, but if such limit cannot in such manner be nearly ascertained, then such Surveyor shall proceed to measure the true distance between the nearest undisputed posts, limits, or monuments, into such number of lots as the same contained in the original Survey of such Township,

How Surveyors are to proceed when the original posts or monuments are lost.

ship, having due respect to any allowance for road or roads, common or commons, as were contained in such original Survey, and such limit, so found, shall be taken to be, and the same is hereby declared to be the true limit in every such case, if accurately obtained, any Law or usage to the contrary thereof in any wise notwithstanding.

What proceedings shall be had when actions of ejectment are brought for land improperly occupied in consequence of erroneous Surveys.

XII. *And be it further enacted by the authority aforesaid,* That if any action of ejectment shall be brought against any person or persons, who after these lines have been established by virtue of this Act, shall be found, in consequence of unskilful Surveyors, to have improved on Land not his, her, or their own, it shall and may be lawful for the Judge of Assize, before whom such action is tried, to direct the Jury to assess such damages for the defendant or defendants for any loss he, she, or they may sustain in consequence of any improvement, made before such action is commenced, and also assess the value of the Land to be recovered, and if a verdict shall be found for the plaintiff or plaintiffs, no writ of possession shall issue, until such plaintiff or plaintiffs have tendered or paid the amount of such damages, as aforesaid, or shall release the said Land to the defendant, provided the said defendant shall pay or tender to the plaintiff the value of the Land so assessed, before the fourth day of the ensuing Term.

C H A P. XV.

38 Geo. III. c 5.

An Act further to extend the provisions of an Act passed in the thirty-eighth year of His Majesty's Reign, entitled, "*An Act to extend the provisions of an Act passed in the second Session of the first Provincial Parliament of Upper Canada,*" entitled '*An Act to confirm and make valid CERTAIN MARRIAGES heretofore contracted in the Country now comprised within the Province of Upper Canada, and to provide for the further SOLEMNIZATION of MARRIAGE within the same.*'"

[Passed 27th November, 1818.]

Preamble.

38d Geo. III. c 5.

WHEREAS, it is expedient to extend the benefit of an Act passed in the thirty-third year of His Majesty's Reign, intituled, "An Act to confirm and make valid certain Marriages heretofore contracted in the country now comprised within the Province of Upper Canada, and to provide for the future Solemnization of Marriage within the same, to such persons who have neglected to avail themselves of the enactment in the second section of said Act, in preserving the testimony of such Marriage, and the birth of their children, within three years from the passing thereof, 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, 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 fur-

ther