

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-*

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ther provision for the Government of the said Province," and by the authority of the same, That in order to enable such person or persons who have neglected to avail themselves of the benefit of the said enactment, to preserve the testimony of such Marriage, and to effectuate the same, it shall and may be lawful, at any time within three years after the passing of this Act, for any Magistrate of the District where such parties may have contracted Matrimony, declared valid by the said recited Act, passed in the thirty-third year of His Majesty's Reign, to administer to either of the parties surviving, Husband or Wife, the following oath :

I, A. B. do solemnly swear in the presence of Almighty God, that I did publicly intermarry with C. D. on or about the day of and that there is now living issue of the said Marriage (as the case may be) I. B. born on the day of M. B. born on the day of

Which form of Attestation shall be subscribed by the parties, if living, or by the surviving Husband or Wife, and certified under the hand and seal of the Magistrate administering the said Oath, who shall be entitled to demand and receive one shilling for such certificate, and that it shall and may be lawful for the Clerk of the Peace of the District, to enter and record, and he is hereby required, upon the payment of two shillings, to enter and record such attestation duly certified as aforesaid, in a Book or Register to be by him kept for that purpose, and that such Register or any attested copy thereof, which copy the said Clerk is hereby required to make out, and on the payment of the sum of two shillings, to deliver to any person requesting the same, shall be held and taken as sufficient evidence of such Marriage and the Birth of such children, in all His Majesty's Courts of Law and Equity, any thing in the said recited Act of the thirty-third year of His Majesty's Reign contained, to the contrary notwithstanding.

Persons having neglected to avail themselves of the provisions of 33 Geo 3. c 5, may within 3 years preserve the testimony of their marriage, and effectuate the same by complying with the provisions of this Act.

Oath.

Certificate, and fee for same.

Evidence of the marriage.

C H A P. XVI.

An Act to alter and amend the Laws now in force, for Levying and Collecting LIGHT-HOUSE and TONNAGE DUTIES, and to relieve Vessels propelled by Steam, from paying the said Duty on the space occupied by the Engine, Machinery and Fuel.

[Passed 27th November, 1818.]

WHEREAS, by an Act passed in the forty-third year of his Majesty's Reign, entitled, "An Act to explain and amend an Act passed in the forty-first year of His Majesty's Reign, entitled, 'An Act for granting to His Majesty, His Heirs and Successors, to and for the uses of this Province, the like Duties on goods, wares, and merchandize brought into this Province from the United States of America, as are now paid on goods, wares, and merchandize imported from Great Britain and other places, and to provide more effectually for the collection and payment of Duties on goods, wares and merchandize, coming from the United States of America into this Province, and also to establish a fund for the erection and repairing of Light-Houses," *It is enacted*, that the sum of Three Pence per Ton, shall be demanded

Preamble.

43d Geo 3. c 2.