

Laws of His Majesty's Province of Upper Canada, passed in the year 1826. York: Robert Stanton, 1826.

7 George IV – Chapter 15

An Act to authorize and establish a Re-survey of the Front of the Thirteenth Concession of the Township of Townsend. (Passed 30th January, 1826.)

Whereas, by an Act, passed in the Fifty Ninth year of the Reign, of His late Majesty King George the Third, intituled, "An Act to Repeal an Ordinance of the Province of Quebec, passed in the Twenty Fifth year of His Majesty's Reign intituled, 'An Ordinance concerning Land Surveyors and the Admeasurements of Lands.' and also, to extend the provisions of an Act, passed in the Thirty Eighth year of His Majesty's Reign, intituled, '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,'" an Erroneous Line, Surveyed by the late William Hambly, as the Front of the Thirteenth Concession of the Township of Townsend, in the London District, of this Province, being the First Survey, would be established to the prejudice of the persons owning Lands in the Twelfth Concession of the said Township of Townsend: And whereas the said Erroneous Survey has been fully examined, and reported to the Survey or General's Office, by a Deputy Provincial Surveyor, in pursuance of special instructions to examine and report upon the same, and it is necessary to establish more correctly the Front of the Thirteenth Concession of the Township of Townsend aforesaid; Be it therefore 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 as Governing Points, from which to correct the Front of the Thirteenth Concession of the Township of Townsend aforesaid, so that a line from such Monument or Governing Points shall divide the said Twelfth and Thirteenth Concession equally, as nearly as may be done, which Monuments shall be placed and Survey corrected under the order of the Surveyor General of this Province, and Posts or Boundaries shall be placed along the said Line from such Monuments at proper distances for the Front Angles, to determine the width of the Lots in the Thirteenth Concession aforesaid.

II. And be it further enacted by the authority aforesaid, That the course of the said Line, when so corrected as aforesaid, and the Distances, Boundaries and Monuments after the same shall be correctly ascertained and established in pursuance of this Act shall, on all occasions; be and be taken to be, and to have been, the true Course, Distances and Boundaries of such Concession Line and Lots respectively, whether the same do or do not, on actual measurement, coincide with the Course and Distances in any Letters Patent or Grant, or other instrument in respect of such Concession Line, Boundaries or Distances mentioned and expressed, any thing contained in the said Act passed in the Fifty-eighth year of His late Majesty's Reign, to the contrary thereof is anywise notwithstanding.

III. And be it further enacted by the authority aforesaid, That nothing in this Act shall invalidate, or be taken or construed to invalidate, annul, or make void any such Letters Patent, Grant or Instrument affecting Lands in either of the said Concessions, but that the same shall be as valid as if this Act had not been made.

IV. 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, to direct the Surveyor General to order the said Erroneous Line to be Surveyed and Corrected as aforesaid, and that such Line, so Corrected, for the Front of the said Thirteenth Concession, and the Posts and Boundaries which shall be placed on the same, to determine the width of Lots as aforesaid, shall be, and be taken to be, the True and Unalterable Concession Line and Boundaries respectively.

V. And be it further enacted by the authority aforesaid, That if any Action of Ejectment should be brought against any person or persons, who, after the Front of the said Thirteenth Concession shall be so ascertained or Corrected in pursuance of this Act; shall be found, in consequence of the aforesaid Erroneous Survey, to have Improved on Land not his, her, or their own, the like proceedings may be had, and the same relief shall be afforded, as is provided in the said Act in case any person or persons may be found, in consequence of a side Line having been unskilfully Surveyed, to have improved on Land not his, her, or their own.

VI. And be it further enacted by the authority aforesaid, That nothing in this Act contained shall give any right, or be taken or construed to give any right to any person or persons possessed of Lands by Gift, Devise, Inheritance, Purchase or Marriage, in the said Thirteenth Concession, to maintain any Action or Actions against any person or persons for or on account of any alteration occasioned by the passing of this Act, in the Limits of any Lot or Parcel of Land which shall be unimproved at the time of the passing thereof.