

*Acts of the General Assembly of His Majesty's Province of New-Brunswick passed in the year 1791.* Saint John, NB: Christopher Sower, Printer to the King's Most Excellent Majesty, 1791.

31 George III – Chapter 8

**An Act for fixing Permanently the Boundary Lines between the different Grants in this Province.**

Whereas, great confusion, uneasiness and disquiet have arisen among the settlers in some parts of this province from the uncertainty that exists about the true extent and limits of their freeholds, particularly on Grants made some years ago; which uncertainty has been partly occasioned by running out the lateral boundary lines of the said Grants at different times by the magnetic needle, the deviation of which from the meridian or the true line of North and South is in a continual state of variation; partly from the custom which many of the said settlers have been in of employing persons not properly deputed, nor acting under oath, and with inaccurate instruments to run out the side lines of their respective lots: and partly from, the practice which has been generally pursued in setting off even recent Grants, of merely marking the extent or limits, of the fronts of the said Grants without running back at all their lateral boundaries from the banks of the rivers, creeks or other fronts on which they lie; to prevent all such confusion, uneasiness and uncertainty in future, and the growth and increase of those evils and inconveniencies which if not remedied must soon give rise to an endless variety of disputes

I. Be it enacted, by the Lieutenant Governor, Council and Assembly, That whenever one or more Grantees of the Crown of any lands already granted or hereafter to be granted in this province either on one or both of two separate Grants adjoining each other or comprised in any one Grant, or one or more freeholders on the said Grant or Grants, shall be desirous of having the direction of the lateral boundary line or lines of such Grant, or between such Grants, ascertained, fixed and rendered permanent, he, she or they shall give notice thereof to the other Grantees or Proprietors therein concerned, by advertising the same in writing, posted up for one month in three at least of the most public places in the town or parish where such lands lie, whereupon it shall and may be lawful for the Surveyor General of the province, by himself, or his sufficient deputy or deputies thereunto authorized and under oath, upon the application of such Grantee or Grantees, Freeholder or Freeholders, to run the said lateral boundary line or lines of such Grant or between such Grants, with proper instruments to be examined and approved of by the Surveyor General, at least five hundred yards back from the bank of the river, creek or other front on which the said Grants lie, and by the magnetical needle as expressed in the said Grants, and that in the said line or lines and each of them two small pillars of stone, where stones can be conveniently procured, or otherwise two stout posts of durable or lasting wood and cleared of sap, one near the bank or other front or only at a sufficient distance therefrom to be in no danger of being washed away, and the other at lead five hundred yards back from the same, each reaching four feet below the surface of the Ground and four feet above the same, shall be erected under the direction of the Surveyor General or his Deputy or Deputies acting under oath as aforesaid, who shall carefully examine the said pillars or posts and see that the line formed by the intersection of the vertical plank passing through their centers (or so as to divide them equally) with that of the

horizon, shall exactly coincide with the above mentioned line run out by the needle: Which pillars or posts shall be considered as permanent land marks for fixing and ascertaining the direction of the said boundary line or lines of the said Grant or between the said Grants in all time to come, without any attention or regard whatsoever had to any future variation of the needle—The expence of running the said line or lines, and of erecting the said pillars or posts to be defrayed by the party or parties so applying: The Surveyor General when he acts himself to be paid at the rate of fifteen shillings per diem, and his Deputies as is customary at the rate of ten shillings per diem respectively.

II. And be it further enacted, That the direction of all the lateral lines between lots already laid out, or that shall be laid out hereafter on Grants of land throughout this province, shall be regulated and fixed by a reference to the above mentioned permanent land marks, ascertaining the direction of the boundary line or lines between the Grants on which said lots lie, without any regard whatsoever had to the future variation of the needle; except, only in such case or cases as are hereinafter, mentioned.

III. And whereas certain Grants have been passed under the seal of the province of Nova Scotia, the boundary lines represented on the plans annexed to which differ from those expressed in such Grants, by the projectors of the said plans mistaking the true for the magnetic meridian. And whereas, great inconvenience and confusion will arise to the proprietors of the lots comprehended in such Grants if their boundary lines should be run by the courses expressed in the said Grants. Be it enacted, That the boundary lines of all such Grants shall form the same angles with the meridian that are expressed on the plans annexed to the said Grants, without any reference whatsoever had to the lines or courses. specified in the said Grants.

IV. Provided always, That nothing herein contained shall extend or be construed to extend to fix or ascertain the points where the boundary lines between any lots in any Grants shall commence, but that such points shall be left to be agreed on between the proprietors of such lots, or be settled by a due course of law.

V. And be it also further enacted, That all proceedings relative to the fixing of permanent land marks as aforesaid shall be registered by the Surveyor General in his office: Which registry shall be deemed and taken, in all Courts of Law, good evidence of the manner in which the direction of such boundary lines was ascertained in case any of the said pillars or posts shall be at any time hereafter removed lost or destroyed.

VI. And be it further enacted, that if any person or persons shall at any time or times hereafter wilfully deface, pull down, remove or destroy any of the land marks erected as above described for fixing permanently the direction of the boundary lines between Grants as aforesaid, it shall and may be lawful for any two or more of His Majesty's Justices of the Peace residing near the place where such offence shall be committed, and such Justices are hereby respectively authorized and required, upon complaint or information upon oath of such offence, to summon the person or persons so complained of, or to issue the warrant or warrants to apprehend and bring before them the person or persons so accused, complained of or suspected, and upon his, her or their

appearance, or neglect to appear, to proceed to examine the matter of fact with which such person or persons are charged and upon due proof thereof made, either by confession, or upon the oath or oaths of one or more credible witness or witnesses to determine the same, and to convict the offender or offenders, and every person offending herein and being thereof convicted as aforesaid, shall forfeit the sum of five pounds to be paid to the Overseers of the Poor, to the use of the poor of the town or parish wherein such offence shall be committed, the same to be levied by distress and sale of the offenders goods and chattels, together with the charges of such distress and sale, rendering the overplus (if any be) to the owner or owners thereof: And for want of sufficient distress the said Justices are hereby required to commit the person or persons convicted as aforesaid to the Common Gaol of the county, town or place where the offence shall be committed there to remain for the space of one month.