

Restraint of actions for unimproved lands, in consequence of the intended re-survey.

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.



CHAP. XVI.

AN ACT to make provision for a Survey of the first second and third Concession of Fredericksburgh original, and the whole of Fredericksburgh additional.

[Passed 30th January, 1826.]

Preamble.

WHEREAS it is expedient to repeal the third and fourth clauses of an Act passed in the Fifty ninth year of the Reign of 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 admeasurement 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, so far as they respect that part of the Second Concession of the Township of Fredericksburgh, in the Midland District, lying between the Eastern boundary of Lot Number Seventeen, and the Eastern boundary of Lot Number Twenty-five in the said Concession, and also that part of the Third Concession of the said Township, between the head of Hay Bay and the Eastern Boundary of Lot Number Twenty-five, in the last mentioned Concession: *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 That the third and fourth clauses of the aforesaid Act, shall be and the same are hereby repealed, so far as respects the aforesaid Tracts of Land.

56 Geo. 3. Ch. 14 sec. 3 & 4 repealed, so far as respects a certain part of Fredericksburgh.

II. *And be it further enacted by the authority aforesaid*, That the Eastern Boundary Line of the said Township, otherwise known as the Line be-

tween Lots Number Twenty-five and the Gore in the said Second and Third Concessions, shall be, and the same is hereby declared to be, the Course or Courses of the respective Division or Side Lines of Lots or Parcels lying in the aforesaid Tract of Land, and all Surveyors shall be, and are hereby required, to run all such Division or Side Lines of any of such Lots or Parcels of Land, which they may be called upon to Survey, to correspond with and be parallel to the aforesaid Eastern Boundary Line.

The course of the side lines declared.

III. *And be it further enacted by the authority aforesaid,* That every Licenced Surveyor, when, and as often as he may be employed to run any Side Line or Limit, between Lots or Lines in the said Tract, required to go the same Course as the aforesaid Eastern Boundary Line, 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 on the Eastern Boundary of Lot Number Twenty-five, in that Concession in which the Land is to be Surveyed, may be, and shall 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.

How side lines shall be run in such part of Fredericksburgh in any new survey.

IV. *And Whereas,* it is expedient to make provision for a Survey of the First, Second and Third Concession of that part of the said Fredericksburgh generally known as Fredericksburgh original, and also of the whole of that part of the said Fredericksburgh generally known as Fredericksburgh additional: *Be it therefore enacted by the authority aforesaid,* That it shall and may be lawful for the Justices of the Peace, serving for the Division within which the said Concessions are situated, or a majority of them, and they are hereby authorised and required, at a special Session to be by them held on the first Saturday in March in each and every year, or at any adjourned Session, for the purpose of carrying this Act into effect, to receive proposals from, and contract with, taking and demanding Security as they may think expedient, any Licenced Surveyor to erect Monuments and to establish Boundaries for any or all the Concessions or Lots in the last mentioned Tracts of Land, or for the actual Survey of any or of all of the aforesaid Concession Lines, either in Front or Rear of the said Concessions, and also for the actual Survey of the whole or any number of the said Lines or Limits between Lots or Parcels of Land in each or every of the aforesaid Concessions, which Survey shall be as near as can be ascertained according to the original Survey of such Concession, and to levy a proportionate Tax, which said Tax shall be appropriated and levied agreeable to the request of the inhabitants of such Concession, to be made in a manner and form as shall be hereafter provided on the several Lots or Parcels of Land in such Concession for the payment of such Surveyor, and also for a Collector, as hereinafter mentioned, and to issue their Warrant or Warrants to a

A re-survey to be made of certain parts of Fredericksburgh

and Monuments placed.

How the expense shall be defrayed

And collected.

Collector or Collectors, to be by them appointed for the purpose of collecting the aforesaid Tax, and every such Collector so appointed, upon receiving such Warrant aforesaid, is hereby authorised and required to demand and receive from each and every inhabitant of such Concession or Concessions, for which he is Collector, his proportion of the Tax imposed, agreeable to the provisions of this Act, and shall have the same power and may use the same means to compel the payment of such Tax as the several Collectors of the several Parishes, Townships or reputed Townships, have in this Province, and shall upon such Surveyors producing an order therefor, under the Hands and Seals of such Justices, pay over to such Surveyor, the said Monies, reserving to himself, as a compensation for his services, five per cent upon the Monies so collected.

Compensation to Collector.

Expense of Surveying each Concession to be levied on the Lands in such Concession.

V. *And be it further enacted by the authority aforesaid,* That the expense of Surveying each or any of the aforesaid Concessions, either in the original or additional part of the aforesaid Township, shall be satisfied and paid by an appropriate Tax aforesaid, on the several Lots or Parcels of Land situate in such Concession.

Justices not to proceed unless required by the Freeholders.

VI. *Provided always, and be it further enacted by the authority aforesaid,* That such Justices as aforesaid, shall not be authorised to carry the provisions of this Act into effect, without first being requested by a writing signed by at least three fourths of the Proprietors of the Land situate in such Concessions, stating in what manner such Concessions shall be Surveyed, what sort of Monument shall be erected, and in what manner such Tax shall be proportioned for the purposes aforesaid.

New Survey to be made shall be conclusive.

VII. *And be it further enacted by the authority aforesaid,* That when the Boundaries or Survey of each or any of the aforesaid Concessions shall be established agreeable to the provisions of this Act, such Survey shall be permanent and conclusive.

Public Act

VIII. *And be it further enacted by the authority aforesaid,* That this Act shall be deemed and taken to be a public Act, and as such shall be judicially noticed by all Judges, Justices of the Peace, and other persons, without being specially pleaded.



CHAP. XVII.

AN ACT to protect certain inhabitants of the County of Middlesex in the possession of their Lands during the continuance thereof.

[Passed 30th January, 1826.]

Preamble.

WHEREAS in consequence of an erroneous Survey a Tract or Parcel of Land in the County of Middlesex, in the District of London, has been