

*Laws of His Majesty's Province of Upper Canada*, passed in the year 1830. York: Robert Stanton, 1830.

11 George IV – Chapter 16

**An Act to Correct the Survey of the Fifth Concession Line of the Township of Yonge. Passed 6th March, 1830.**

Whereas it appears that an error was committed in numbering the Posts planted at the front Angles of Lot number Thirteen, in the Fifth Concession of the Township of Yonge, in the District of Johnstown, by reason of which error the Lots lying in the same Concession to the Westward of the said Lot number Thirteen have been also erroneously numbered: And whereas, one James McNish, was, before the passing of a certain Act of the Parliament of this Province passed in the Fifty-ninth year of the Reign of His late Majesty King George the Third, entitled, "*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,*' Located by the Government of this Province upon Lot number Nineteen, in the said Fifth Concession, and assigned the same to one Henry Weeks, who erected Buildings and made considerable Improvements, and was for many years resident upon the Lot; which, according to actual admeasurement upon the ground, and according to the intention of the original Survey was the Nineteenth Lot in the said Fifth Concession, but which, from the erroneous numbering of the Posts, was marked upon the ground as Lot number Eighteen: And whereas, after such Settlement and Improvement, made by the said Henry Weeks, one Edward Murphy was Located by the Government upon Lot number Eighteen, in the said Fifth Concession of Yonge, under which Location the said Edward Murphy claimed to be entitled to the Lot which, by reason of the error aforesaid, was designated by the numbers on the Posts planted at the front Angles thereof, as Lot number Eighteen, though it was in fact the nineteenth Lot in the said Concession as aforesaid: And whereas, in the prosecution of such his claim, and relying upon the provision of the Act above recited, which declares, that the Posts planted at the front Angles of any Lot shall be the true and unalterable Boundaries thereof, the said Edward Murphy hath, by legal process, dispossessed the said Henry Weeks of his said Farm: And whereas the operation of the said Act is injurious in thus giving effect to a manifest error of the description heretofore recited, and thereby leading to the dispossession of the said Henry Weeks, whose occupation was, prior to the passing of the said Act; and the said Henry Weeks hath, by Petition, prayed that relief in the premises which it seems reasonable to grant; and also, to prevent further inconvenience from the application of the above recited Act, to the confirmation of the erroneous numbering of the Lots in the said 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, 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 for and notwithstanding any Law or Statute to the contrary, the Survey which hath been made by the authority of the Government of this Province, by Samuel Street Wilmot, Esquire, Deputy Provincial Surveyor, in the month of February, in the year of our Lord One Thousand Eight Hundred and Twenty-nine, for the purpose of correcting the error in the numbering of the Lots in the Fifth Concession of the said Township of Yonge, and for designating the said Lots by their proper numbers, according to the number of Lots actually contained in the said Concession; a Map of which Survey hath, by the said Samuel Street Wilmot, been duly returned to the Surveyor General's Office in this Province, shall be deemed to be the correct and true Survey of the said Concession, and that the Lots in such Concession shall severally bear the numbers assigned in such Survey. Provided always, nevertheless, That nothing in this Act contained, shall have the effect of prejudicing the title or possession of any person who, before the passing of this Act, may have settled and made improvements upon any Lot in the said Concession, according to the said erroneous numbering, before the same had been occupied by any other person or persons.