

Laws of Her Majesty's Province of Upper Canada, passed in the year 1840. York: Robert Stanton, 1840.

3 Victoria – Chapter 11

An Act to alter and amend an Act passed during the third Session of the present Parliament, entitled, “An Act to authorise the Establishment of Boards of Boundary Line Commissioners, within the several Districts of this Province.” Passed 10th February, 1840.

Whereas it is found expedient and necessary to repeal part of and amend an Act passed during the third Session of the present Parliament, entitled, “An Act to authorise the Establishment of Boards of Boundary Line Commissioners, within the several Districts of this Province”: Be it therefore enacted by the Queen’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Province,’” and by the authority of the same, That the seventeenth clause of the said Act be and the same is hereby repealed.

II. And be it further enacted by the authority aforesaid, That from and after the passing of this Act, every Judgment and final decision of the said Commissioners, in case there shall be no appeal against the same, shall be filed with the Registrar of the County where such Boundary shall be situate, or of which it shall be a Boundary Line, together with the plan of the Boundaries herein-before directed, to be made within one calendar month from the expiration of the time of appealing against the same; and in case there shall be an appeal from the Judgment of the said Commissioners as aforesaid, the Judgment and decree, and all orders of the Courts of Queen’s Bench and of Chancery, establishing any Line or Lines of Boundary upon, any such appeal, shall also, together with said plan, be filed with the Registrar of the County where such Boundary shall be situate, or of which it shall be a Boundary, Line, within six months after the determination and pronouncing of the same; and the said Registrar shall be entitled to a Fee of One Shilling and Three Pence, and no more, for entering the same of record.

III. And be it further enacted by the authority aforesaid, That whenever the Commissioners appointed under and by virtue of the said recited Act, shall be called upon to settle and determine any disputed Boundary in any Township within this Province, it shall be the duty of the said Commissioners, and they are hereby required, in the first place to ascertain and determine the true course of a straight line between the front and rear angles of the Concession in which such disputed Boundary is situate, on the Boundary of the Township from which the Lots are numbered, according to the original survey of the same, and to cause sufficient stone monuments to be placed to mark such angles so ascertained and determined, unless stone monuments have been previously erected in such Townships in conformity with an Act of the Provincial Parliament, passed in the thirty-eighth year of the reign of His late Majesty King George the Third, entitled, “An

Act to ascertain and establish on a permanent footing, the Boundary Lines of the different Townships of this Province,” and the surveys to be made in ascertaining the said Lines, shall be made in the same manner, and subject to the same provisions as the surveys directed to be made in the said recited Act, so far as the same may not have been varied by the first Act herein-mentioned, or by the provisions in this Act contained: Provided always that the costs, charges and expenses of erecting such stone monuments as aforesaid, shall be borne and paid out of the funds of the District wherein the same shall be situated.

IV. And be it further enacted by the authority aforesaid, That no Deputy Surveyor, being a Boundary Commissioner, shall be employed to make any survey under the authority of the Board of which he is a member.

V. And be it further enacted by the authority aforesaid, That when the owner of any lot or lots in Fee, or for any less Estate of Freehold, from whom redress may be sought, shall be absent from the Province, the Warrant or precept authorised to be issued by the fourth Section of the Act herein first mentioned, shall and may be issued and delivered to the known Agent of such owner as aforesaid, and shall have as full force and effect as if the same had been issued to the said owner in person.

VI. And whereas doubts have arisen how far the provisions of an Act passed in the fifty-ninth year of the reign of 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,*” are binding upon Boundary Commissioners: Be it therefore further enacted by the authority aforesaid, That all the provisions contained in the second Section of the said Act relating to Boundaries, are hereby declared to be and remain in full force and virtue, in all cases in which the said Commissioners may be called on to hear and determine matters in dispute, touching any Line or Boundary of any Lot, Township or Concession.