

he shall have been served with such precept as aforesaid, the same having been served at least four days previous to the day or sitting, and due proof upon oath having been made of such service, it shall be lawful to and for the said Commissioners to proceed to judgment and decree in the manner in dispute, in such and the same manner in all respects as if the respondent were personally present. pendent shall make default.

XVI. The Boards of Commissioners shall have the power of issuing injunctions to the parties interested, to stay cutting timber or committing any waste upon lands the boundaries of which they have been legally required to establish until they shall have fully determined the said boundaries, and any contravention of such injunction shall be a misdemeanor. Commissioners may grant injunctions against waste.

XVII. No Provincial Land Surveyer being a boundary Commissioner, shall be employed as a Surveyor under the authority of the Board of which he is a member. Commissioners not to be employed as Surveyors under this Act.

XVIII. All the provisions of the Acts of 1849, chapter thirty-five, and of 1855, chapter eighty-three, and of any other Act relating to the survey of lands now or hereafter to be in force in Upper Canada, shall be binding on the respective Boards of Boundary Commissioners, and shall govern their acts and decisions. Certain Laws to govern Commissioners.

XIX. If any party shall be dissatisfied with the judgment of the said Commissioners, such party may at any time within two months from the date of such judgment, (upon giving fourteen days' notice in writing of his intention to the party in whose favour such judgment shall have been given, and to the Commissioners, who shall thereupon transmit to the proper Officer of the Court, for the use thereof, a copy of their judgment, together with any plan or Report of Survey made or filed in the case, and the evidence taken before them the said Commissioners) to appeal therefrom to the Court of Queen's Bench or Common Pleas for Upper Canada, in the option of the parties; and the Court appealed to is hereby authorized and empowered to revise, alter, affirm or annul, the judgment of the Commissioners, or to order such farther enquiry to be made, or if it shall see fit to direct an issue to be tried at law, touching the matter in dispute, and to make such orders and directions therein for payment of costs and other matters respecting the same, as to such Court shall seem just and reasonable; and the judgment of the said Court, to be given on such appeal, shall be binding and conclusive not only on the parties to the case, their heirs, assigns, or all persons claiming under them, but also on all persons, Municipalities or other parties whomsoever. Appeal from decision of Commissioners to Court of Q. B. or C. P. Powers of the Court appealed to.

XX. Provided always, that if any appeal appear to the Court so appealed to be frivolous or vexatious, such Court may dismiss the appeal. Frivolous appeals may be dismissed.