

to establish the true position of such boundary or limit, then if such person shall not willingly appear before and be examined by such Surveyor, or shall not willingly produce to him such writing, plan or document, it shall be lawful for such Surveyor, 5 or the party employing him, to file in the office of the County Court if the Survey be in Upper Canada, or of the Circuit Court if the Survey be in Lower Canada, a *Præcipe* for a *Subpæna* or *Subpæna duces tecum*, as the case may require, accompanying such application by an affidavit or solemn declaration to be made 10 before a Justice of the Peace, of the facts on which the application is founded, and the Judge may order a *Subpæna* to issue accordingly, commanding such person to appear before the Surveyor, at a time and place to be mentioned in the said *Subpæna*, and to bring with him any writing, plan or document 15 mentioned or referred to therein, and such *Subpæna* shall be served on the person named therein, by delivering to him, or leaving for him with some grown person of his family at his residence, a copy thereof and exhibiting to him or to such grown person the original; and if the person commanded so 20 to appear by such *Subpæna*, shall, after being paid his reasonable expenses, or having the same tendered to him, refuse or neglect to appear before the Surveyor at the time and place appointed in the *Subpæna*, or to produce the writing, plan or document (if any,) therein mentioned or referred to, or to give such 25 evidence and information* as he may possess touching the boundary or limit in question, such person so summoned shall be deemed guilty of a contempt of the Court out of which the *Subpæna* shall have issued, and an Attachment may be issued against him by the Judge of the said Court, and he may 30 be punished accordingly, by fine or imprisonment, or both, in the discretion of such Judge.

VIII. And be it enacted, That whenever the Municipal Corporation of any Township, City, Town or Incorporated Village in Upper Canada shall adopt a resolution, that it is desirable to place stone or other durable monuments at the front 35 or at the rear, or at the front and rear angles of the lots in any Concession or Range or part of a Concession or Range in their Township, City, Town, or Incorporated Village, it shall and may be lawful for such Municipal Corporation to make application to the Governor, in the same manner as is provided in 40 the thirty-first section of the Act first cited in the preamble to this Act, praying him to cause a Survey of such Concession or Range or part of a Concession or Range to be made and such boundaries to be planted, under the authority of the 45 Commissioner of Crown Lands; and the person or persons making such Survey shall accordingly plant stone or other durable monuments at the front, or at the rear, or at the front and rear angles of each and every lot in the said Concession or Range or part of a Concession or Range, and the limits of each 50 lot so ascertained and marked shall be taken to be and are hereby declared to be the true limits thereof, any law or usage to the contrary notwithstanding; and the cost of the said Survey shall be defrayed in the manner prescribed by the thirty-first section of the Act first cited in the preamble to this Act

of a third party who will not voluntarily give or produce the same.

Township &c. Councils may cause the boundaries of lots in any concession, &c. to be ascertained and marked under s. 31, of 12 V. c. 35.

Expenses how paid.