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# L A W S

HIS MAJESTY'S PROVINCE

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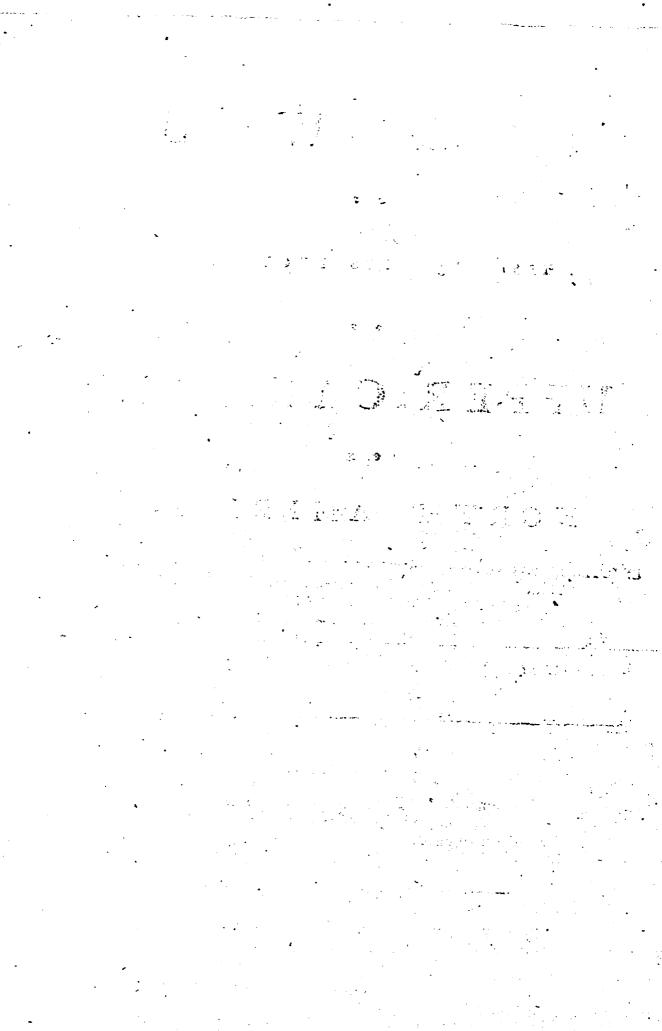
## NORTH AMERICA,

ENACTED IN THE SECOND SESSION OF THE SECOND PARLIAMENT, IN THE YEAR OF OUR LORD ONE THOUSAND SEVEN HUNDRED AND NINETY-EIGHT, AND OF HIS MAJESTY'S REIGN THE THIRTY-EIGHTH.

HIS HONOR PETER RUSSELL, Efq; PRESIDENT.



YORK, UPPER CANADA:
PRINTED BY WM. WATERS AND T. G. SIMONS, PRINTERS TO THE KING'S MOST EXCELLENT MAJESTY, 1799.



HIS MAJESTY'S PROVINCE

#### UPPER-CANADA:

PASSED IN THE SECOND SESSION OF THE SECOND PROVINCIAL PARLIAMENT OF UPPER CANADA, MET AT YORK, ON TURSDAY THE FIFTH DAY OF JUNE, IN THE THIRTY-EIGHTH YEAR OF THE REIGN OF OUR SOVEREIGN LORD GEORGE THE THIRD, AND PROROGUED ON THE FIFTH DAY OF JULY FOLLOWING.

An ACI to afcertain and establish on a permanent footing, the Boundary Lines of the 1798 different Townships of this Province.

I. TATHEREAS it is expedient and necessary, to ascertain and establish upon some Recital. permanent principle, the boundary lines of the different townships within this province, and distinctly to preserve them when so ascertained and established, Be it 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 aet passed in the Parliament of Great Britain, entitled, an act to repeal certain parts of an act passed in the sourteenth year of his Majesty's reign, entitled "An act for

Monuments to be Placed at the cor wers, &c. of each township & conceffion.

Lines therefrom to be the permanent boundary lines of Juch town flip & concession.

To be under the inspection & orderof the surveyor general.

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 faid province," and by the authority of the fame, That stone monuments, or monuments of other durable materials, shall be placed at the feveral corners, governing points, or off-fets of every township that hath been surveyed, or may hereaster befurveyed; and also, at each end of the several concession lines of such townships. And that lines from the monuments to erected, or to be creeted, be taken and confidered as the permanent boundary lines of fuch townships and concessions respectively.

II. And be it further enacted by the authority aforesaid, That the monuments 2bove directed to be placed as aforementioned, shall be placed under the inspection and order of the furveyor general of this province.

Effect of such. boundary lines.

III. And be it further enacted by the anthority aforefaid, That the courses and distances of the faid boundary lines to afcertained and established, shall on all occafions be, and be taken to be, the true courses and distances of the boundary lines of the faid townships and concessions, whether the same do, or do not, on actual measurement, coincide with the courses and distances in any letters patent of grant, or other inftrument in respects of fuch boundary lines mentioned and expreffed.

Capital felony knowingly or

IV. And be it further enacted by the authority aforesaid, That it any person or persons shall knowingly or wilfully pull down, deface, alter, or remove any such wilfully to pull monument to crected as aforefaid, her the, or they, thall be adjudged guilty of down, Sc. Juch felony, and shall suffer death without benefit of clergy.

How the survey. or general shall. proceed.

V. And be it further enacted by the authority aforefaid, That it shall not be neceffary for the furveyor general to proceed to carry the provisions of this act into execution, until an application for that purpole shall have been made to the governor, lieutenant governor, or person administering the government, by the magistrates of any district, or county, not being part of a district, in quarter-selfions affembled, fignifying that the erecting of fuch monuments, and afcertaining fuch boundaries as aforelaid, is necessary and expedient, for some particular township or townships, within such district or county.

Application to be made to the justice:.

VI. And be it further enacted by the authority aforefaid, That when, and so often, as application shall be made to the Justices of the Peace, in, and for any district, in quarter sessions assembled, by thirty, Freeholders of any township within such district, to have monuments erected conformably to the intention of this act, it shall and may be lawful for the said justices, and they are hereby authorized and required to form an estimate of the sum of money which, in their judgment and discretion, shall seem requisite to desray the charges of execting such monument, and to lay an equal affelsment (proportionable thereto) upon each and every acre

Expence defrayed. of land within such township; which affelsment they shall cause to be raised and collected by a Warrant under the hands and feals of any two or more of them. directed to the Collectors of such township, and requiring them to raise and collest the faid affeisment, in such manner, and by such means as in other such cases by law directed and required, and to pay the same when so collected, into the hands of the Treasurer of the district, to answer the charges to be incurred by creeting luch monuments.



VII. And be it further enacted by the authority aforefaid, That when any person Provision with liable to pay his proportion and rate of such affelsment, shall be absent from the township, and shall not have taken means to answer the same to the said collectors within one year from and after the date of the warrant for collecting the in the township. fame, the land of fuch absentee shall be held liable and answerable for the payment of fuch rate, with the lawful interest arising thereon; and when the same shall amount to twenty shillings, or upwards, upon each lot of one chundred acres of land, and so in proportion for any number of acres, more or less, it shall and may be lawful for the treasurer of the district in which such lands shall lie and be fituate, and he is hereby required to give notice of the same for fix months in the Upper Canada Gazette, and if after the expiration of that time the fame fhall not be paid, it shall and may be lawful for him to sell so much thereof, after publicly advertizing the same, as may be necessary to satisfy the said arrears, and the necessary expences incurred by the proceedings, and to receive the monies arising from such sale, to and for the use of the township.

respect to persons liable, who are not resident No tod

An ACT to repeal an Ordinance passed in the twenty-fifth year of the reign of his present Majesty, entitled "An Ordinance concerning Advocates, Attornies, Solicitors, and Notaries, and for the more easy Collection of his Majesty's Revenues," as far as the same relates to Notaries.

WHEREAS the provisions of an ordinance passed in the twenty-sith year of the reign of his present Majesty; entitled "An Ordinance concerning advocates, attornies, solicitors, and notaries, and for the more easy collection of his Majesty's revenues," have been so far as the same relates to notaries, sound inconvenient and inapplicable to this province, Be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Countries 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 sourteenth 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 surther provision for the government of the said province," and by the authority of the same, That the same shall be, and hereby is, so far as it relates to Notaries, repealed.



An ACT to repeal part of an act passed in the thirty-seventh year of the reign of his Majesty, entitled " An Act to extend the Jurisdiction and Regulate the Proceedings of the District Court and Court of Requests," and to make further provision for the same.

BE it 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 sourcement 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 surther provision for the government of the said province," and by the authority of the same, That so much of an act passed in the thirty-seventh year of the reign of his Majesty, entitled "An act to extend the jurisdiction, and regulate the proceedings of the district court, and court of requests," as enacts, that no milage be allowed for the service of the declaration or summons in the district court, or court of requests, be repealed.

And be it further enalted by the authority aforefaid, That it shall and may be lawful to, and for the clerk of the faid district court, to demand and receive the fum of two shillings and fix pence, for each subprena, and the sum of five shillings for each writ of execution.