



# L A W S

HIS MAJESTY'S PROVINCE

UPPER-CANADA,

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.

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HIS HONOR PETER RUSSELL, Esq; PRESIDENT.

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YORK, UPPER CANADA:  
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## U P P E R - C A N A D A :

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PASSED IN THE SECOND SESSION OF THE SECOND PROVINCIAL PARLIAMENT OF UPPER CANADA, MET AT YORK, ON TUESDAY 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.

*N<sup>o</sup> 68*  
C H A P. I.

*An ACT to ascertain and establish on a permanent footing, the Boundary Lines of the different Townships of this Province.* 1798

**I. WHEREAS** it is expedient and necessary, to ascertain and establish upon some 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 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

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*Monuments to be placed at the corners, &c. of each township & concession.*

*Lines therefrom to be the permanent boundary lines of such township & concession.*

*To be under the inspection & order of the surveyor general.*

*Effect of such boundary lines.*

*Capital felony knowingly or wilfully to pull down, &c. such monuments.*

*How the surveyor general shall proceed.*

*Application to be made to the justices.*

*Expence how defrayed.*

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 stone monuments, or monuments of other durable materials, shall be placed at the several corners, governing points, or off-sets of every township that hath been surveyed, or may hereafter be surveyed; and also, at each end of the several concession lines of such townships. And that lines from the monuments so erected, or to be erected, be taken and considered as the permanent boundary lines of such townships and concessions respectively.

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

III. And be it further enacted by the authority aforesaid, That the courses and distances of the said boundary lines so ascertained and established, shall on all occasions be, and be taken to be, the true courses and distances of the boundary lines of the said 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 instrument in respect of such boundary lines mentioned and expressed.

IV. And be it further enacted by the authority aforesaid, That if any person or persons shall knowingly or wilfully pull down, deface, alter, or remove any such monument so erected as aforesaid, he, she, or they, shall be adjudged guilty of felony, and shall suffer death without benefit of clergy.

V. And be it further enacted by the authority aforesaid, That it shall not be necessary for the surveyor general to proceed to carry the provisions of this act into execution, until an application for that purpose 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-sessions assembled, signifying that the erecting of such monuments, and ascertaining such boundaries as aforesaid, is necessary and expedient, for some particular township or townships, within such district or county.

VI. And be it further enacted by the authority aforesaid, 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 defray the charges of erecting such monument, and to lay an equal assessment (proportionable thereto) upon each and every acre

of land within such township; which assessment they shall cause to be raised and collected by a Warrant under the hands and seals of any two or more of them, directed to the Collectors of such township, and requiring them to raise and collect the said assessment, 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 erecting such monuments.

VII. *And be it further enacted by the authority aforesaid, That when any person liable to pay his proportion and rate of such assessment, 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 same, the land of such absentee shall be held liable and answerable for the payment of such rate, with the lawful interest arising thereon; and when the same shall amount to twenty shillings, or upwards, upon each lot of one hundred 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 situate, and he is hereby required to give notice of the same for six months in the Upper Canada Gazette, and if after the expiration of that time the same shall 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.*

*Provision with respect to persons liable, who are not resident in the township.*

## C H A P. II.

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-fifth year of the reign of his present Majesty, entitled "An Ordinance concerning advocates, attornies, sollicitors, and notaries, and for the more easy collection of his Majesty's revenues," have been so far as the same relates to notaries, found 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 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 same shall be, and hereby is, so far as it relates to Notaries, repealed.

## C H A P. III.

*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.*

**B**E 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 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 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 mileage be allowed for the service of the declaration or summons in the district court, or court of requests, be repealed.

*And be it further enacted by the authority aforesaid, That it shall and may be lawful to, and for the clerk of the said district court, to demand and receive the sum of two shillings and six pence, for each subpoena, and the sum of five shillings for each writ of execution.*