

# THE COLONIAL FARMER,

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### LAND SURVEYING—LAW SUITS.

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Much trouble has been caused by grants made without actual surveys. A map of the coast was made long since for nautical purposes, which was in most cases sufficiently accurate to enable a seaman to distinguish one harbour from another, but not to serve as a foundation for grants of land. The Surveys for these maps were generally made in boats; the length of the bases of the triangles measured by the logline as the boat was sailing, and the bearings of points and headlands taken by the compass. It was not then generally known that the iron in a boat or vessel always gave a false and varying direction to the needle; and the plans of the shores were far more inaccurate than they were supposed to be. In early times Surveys in many places could not have been made without an enormous expence, as a strong guard would have been required to protect the party from the Indians, and along the shore seaward from Halifax, grants varying from 1000 to 60,000 acres were made, and planned upon the map where there appeared to be room for them, as there really would have been, had the map been a true representation of the shore. It was not; and the consequences of such grants may be shown by an example or two. A grant was made by beginning at a certain point upon Beaver harbour, thence running about seven miles northerly; then turning easterly and running about four miles to Sheet harbour river (which it appears on the plan to strike at the head of the tide) then following down the shore of Sheet harbour, and round the point of Beaver harbour, the shore of which it follows to the place of beginning. Afterwards a grant of 40,000 acres was made to certain discharged soldiers adjoining the north end of the above grant, which had never been surveyed. But as that appeared to end, on the plan, at the head of the tide, the Survey of the Military grant was commenced there, and held for many years, when some persons having purchased the first grant, had it surveyed, and it was found that instead of striking the river at the head of the tide, it struck it more than a mile above it, and that the military grant as occupied, benefited so much upon them. This military grant had in early times been obliged to give up a piece on the west side, which encroached on a grant of 10,000 acres, whose proprietor living on his land, prevented the Military from occupying it.

Lawrence town, too well known in our Courts of Law, may serve for another specimen. Very soon after the Town of Halifax was commenced, the wood (mostly spruce) on the five-acre lots

was cut down, and all the lots fenced with poles or pickets, the Government paying for the fencing; the inhabitants being discharged Soldiers, who of course knew very little of the art of clearing wood land. When the tops of the trees were supposed to be dry enough to burn, they were set on fire, and not only were they burnt, but all their fences were burnt with them, together with the mossy turf which had covered the surface, which then appeared to be so completely covered with stones, that no man attempted to cultivate it, and for several years the town was supplied with vegetables from Boston. Governor Lawrence having examined the land on the coast was convinced that there was ground at Lawrence town capable of cultivation, and offered to build a fort and furnish a guard to protect those who should undertake to improve it. He finally prevailed upon twenty of the principal inhabitants to accept the grant of a block of 20,000 acres, and to engage to attempt to cultivate it. The fort was accordingly built, and the grantees employed men to work near it for several years, till they raised crops sufficient to support themselves, when orders were received from England to dismantle the fort and remove the guard. The settlement was then abandoned, as they still feared the Indians although the Rangers which Gov. Lawrence procured from New England had nearly put a stop to their depredations. The grantees demanded of the Governor that he should take back the land, and refund to them above £700 sterling, which they had expended in cultivating it. The Governor replied, that it was not in his power to grant their request, but that as the Government had interrupted their cultivation, he would engage that no part of Lawrence town should be liable to escheat for not fulfilling the terms of the grant. After the lapse of several years the owners of several of the lots began to occupy their land, and procured certain parts of it to be surveyed. As the grant had been originally planned and divided upon paper without an actual survey, the seaboard being copied from the map, which differs greatly from the real courses of the shore, it was presently found that it was impossible to run out the lots exactly according to the plan. As the Grant is bounded upon five harbours, the situations of the lots appeared on the plan to be well fixed by their position upon these waters; but this is not the case for example: There are a number of lots planned fronting on the harbour of Chezzetcook (the Eastern boundary of the grant) and running West about 1½ miles, and on the rear of these, there is a large lot planned running West for more than a mile farther, and ending at Porter's lake: but the fact is, that the first tier of lots cannot have their length without running into this lake, which is 1½ miles nearer to Chezzetcook than it is represented on the plan. Again from the mouth of Lawrence town harbour to the back line of the grant the distance is more than half a mile greater than it appears on the plan, and this extra portion of land being claimed by different parties, each of whom can frame a plausible plea upon the incorrect plan, has occasioned an expenditure in lawsuits of many times its value. The bad workmanship of some of the compasses used has affected the lines of many lots. Whenever we have had occasion to retrace lines run by the late Daniel Hail, we have always found an error of one degree to the right; but this is of little importance compared to the errors produced by making the instruments from a bad material; magnetic brass; which gives a false direction to the needle. [Brass is a mixed metal composed of