

southwesterly into Cameron lake. The peninsula is separated from the mainland by a bay running up north-easterly about 10 chains, into the southerly side of that lot, the total length of the bay or peninsula being over 40 chains, and the peninsula itself projects as far south as the middle of lot 25, which is south of lot 26, and separated from it only by a side road allowance. The question is whether the south boundary of lot 26 on the mainland should be extended across the bay and peninsula. The plaintiff claims it should not be so extended, but that the whole peninsula is part of lot 26, and was included in the Crown grant of that lot under which he deduces title. The defendant claims that the line should be so extended and that all south of it belongs to him as owner of lot 25.

The township was surveyed in 1824 by James Kirkpatrick, under written instructions from the Surveyor-General. Those instructions directed that the township should be laid out into concessions 66 chains and 67 links wide, and each concession into lots 30 chains wide, thus containing 200 acres each. No latitude was given the surveyor as to including in any lot any parcel beyond such boundaries which might more conveniently be occupied with it. Actually he was only to survey and mark the centre lines of the roads between the concessions and mark the side lines of each lot and side road, and should the waters of any lake come within the survey they were to be accurately traversed, the contents of each broken lot were to be calculated and stated on each, and a plan of the survey was to be made out and sent to the Surveyor-General's Department with the field notes.

Under these instructions the only way of ascertaining the length of these two lots would be from the traverse of the lake shore. If that is in existence it is not produced, and the field notes being only of the work on the concession road allowances, do not aid. There is some evidence that this peninsula extends so far west that the west part of it would be in the 9th concession, and that the concession road would run north and south across it. But according to the field notes of that concession road, the lake extended across it from lot 23 to lot 31. The plan sent in by the surveyor shews no peninsula or bay, but shews the lake shore of lot 26 as being wholly east of the centre line of the 10th concession, and the lot is marked as containing only 78 acres.

In the absence of any record of the traverse of the lake it is impossible even to guess whether it was the peninsula