

DIARY FOR MAY.

1. Mon ...	<i>St. Philip and St. James.</i>
7. SUN ...	<i>3rd Sunday after Easter.</i>
14. SUN ...	<i>4th Sunday after Easter.</i>
15. Mon ...	EASTER TERM begins.
17. Wed ...	Last day for service for County Court.
19. Frid...	Paper Day Q. B. New Trial Day C. P.
20. Sat. ...	Paper Day C. P. New Trial Day Q. B.
21. SUN ...	<i>Rogation.</i>
22. Mon ...	Paper Day Q. B. New Trial Day C. P.
23. Tues...	Paper Day C. P. New Trial Day Q. B.
24. Wed ...	Paper Day Q. B. New Trial Day C. P. Queen's [Birthday.]
25. Thurs.	Paper Day C. P. Ascension.
26. Frid...	New Trial Day Q. B.
27. Sat ...	Easter Term ends. Declare for County Court.
28. SUN ...	<i>1st Sunday after Ascension.</i>
31. Wed ...	Last day for Court of Revision fin. to rev. A. R. I. [and for County Court to revise Tp. Roll.]

NOTICE.

Owing to the very large demand for the Law Journal and Local Courts' Gazette, subscribers not desiring to take both publications are particularly requested at once to return the back numbers of that one for which they do not wish to subscribe.

The Local Courts'

AND

MUNICIPAL GAZETTE.

MAY, 1865.

UNAUTHORISED SURVEYS.

It might naturally be supposed, that when a surveyor is appointed by government to survey and establish a concession line, there would be no fear of such a survey, or a title founded thereon, being disturbed or even questioned. The case, however, of *Cooper v. Wellbanks*, reported in 14 U. C. C. P. 364, should be a warning to municipalities to be exceedingly careful in matters affecting surveys, as in every other case, to act exactly as directed by any statute that may be passed for their guidance, or in which their duties have been laid down.

It is provided by the Consolidated statutes of Upper Canada, cap. 93, and the Consolidated statutes of Canada, cap. 77. (12 Vic. cap. 35, and 18 Vic. cap. 83) "that where some of the concession lines or parts of concessions were not run in the original survey or have been obliterated, the corporation of any township may adopt a resolution on application of one half the resident landholders to be affected thereby, that it is desirable to place stone or other durable monuments at the front 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, and may make application to the Governor, requesting him to cause any line to be surveyed, and marked by permanent stone boundaries under the direction and order of the Commissioner of Crown lands, in the manner prescribed by the act respecting the survey of lands, and that the lines or parts of lines so surveyed and marked shall thereafter be the permanent boundary lines of such concession or parts of concessions to all intents and purposes whatever."

Acting in supposed compliance with these statutes, an application was made to a township municipality in the following form, "we the undersigned freeholders, in the second and third concessions south side Black River, west of Point Travers, in Marysburgh, beg to ask your honourable body to petition government to send a surveyor to establish the concession line according to law, between the second and third concessions, commencing at the township line running towards South Bay, and by complying with this request your petitioners in duty bound will ever pray."

On the receipt of this the corporation, "*resolved*,"—That in accordance with the 18 Vic., cap. 83, sec. 8th, and the prayer of the petition of a majority of the householders to be affected thereby, that there be a survey made between the second and third concessions south of Black River, from the township line, Athol, to lot number one in the third concession of Marysburgh."

The corporation subsequently petitioned the Governor to have the survey made, whereupon the Commissioner of Crown lands gave instructions to a surveyor to make the required survey, which he did, and reported the same to the Commissioner.

The question came before the court in an action of ejectment, as to whether the line so laid down by the government surveyor should or should not govern. It was contended for the plaintiff that the survey was under the authority of the Commissioner of Crown lands, and that it was correctly made and was conclusive. It was, on the other hand, proved by the defendant, that over half of the ten persons who signed the application to the corporation for the survey, had no deeds for their lands, and that eleven or twelve freeholders who would be affected by the survey had not signed the application, but of these last, four did not come to the line although they lived in the second concession; and it was there-