

HEAD NOTES OF REPORTED LAND CASES.

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SURVEY AFTER PATENT—PATENT GOVERNS.—TOWNSHIP OF HARWICH.

The plaintiff claimed a piece of land as part of lot ten in the first concession west of the Communication road in the township of Harwich; the defendants claimed it as part of lot nine, and the plaintiff was entitled to recover if the line between the lots was to be run as in the case of a double not a single-fronted concession. It appeared that lots nine and ten were described for patent by metes and bounds in 1793, and letters patent were soon after issued in accordance with this description. The original survey of that part of the township was not completed on the ground, but the surveyor laid out the Communication road as directed and returned a plan shewing it, and, as the learned Judge who tried the case without a jury found, he gave the information upon which the description for these lots and for others about the same time were prepared. The principle of survey with double-fronts was not in use before 1820. In 1821 another surveyor was instructed by the Government to complete the survey of this township with double-fronted concessions, and to explore and survey the road, but not to interfere with the lands ceded intersecting it. No posts on the ground were found along the Communication road, and he laid out the lots along it as double-fronted. McGregor vs. McMichael et al.

Held, that the latter survey, made after the patents for these lots, could not affect them: that the principle of survey with double-fronts could not be applied to the grant made long before it was adopted; and that the plaintiff therefore could not succeed. *McGregor v. McMichael et al.*, 41 Q.B., 128.

SINGLE FRONT CONCESSION—NOT ALTERED BY SUBSEQUENT SURVEY.

The first five concessions of a township were surveyed in 1797, the lots being 29 chains 87 links in width. About 1813, an original post was found by a surveyor in front Murphy vs. Henley.