

# Surveyors of The Past

—BY CHARLES FAIRHALL—

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## REMINISCENCES OF A CANADIAN LAND SURVEYOR BY JOSEPH KIRK

When quite a boy, and before coming to Canada, I was placed under the tuition of a gentleman named Robert Crompton, a duly authorized land surveyor in Ireland, resident in the City of Londonderry, for the purpose of learning the art of land surveying. I first commenced a course of mathematics, and after a while commenced the field practice of surveying in different parts of the country where our services were required on different estates. Have done a good deal of surveying on the Earl of Abercorn's estate in the north of Ireland. Many a night I have slept in a hut on a bed of rushes in the heather mountains of old Ireland.

Emigrated to Canada in the year 1829, under the impression, I suppose, like many others, that I could at once enter on the practice of my profession, but soon found that if I wanted to practise land surveying here I must serve a term of three years under an authorized Provincial Land Surveyor, which for different reasons I could not at that time undertake. Then obtained a position in a mercantile and lumbering supply establishment, owned by Messrs. Bernard & Rainville, in the village of By-Town, then a little French village of two or three hundred inhabitants, now the City of Ottawa. The building of the Rideau Canal was just then commenced under the management of Col. By and a corps of Royal Sappers and Miners recently sent out from England. Very soon the inhabitants of the village began to increase as the work of the canal went on, and the village became a town. Remained in my position until the year 1840, when an opportunity offered for me to indenture myself to a Provincial Land Surveyor for Upper Canada, named John Robertson. In the course of my practice under him he obtained the survey of several lumbering limits on the Ottawa River and some of its tributaries, namely, the Madawaska and the Bon-Chere. Our first work was on the Ottawa, much further up the river than any lumbering operations heretofore, being above the Roche a Capitaine and Deux Rivieres where I wintered; snow being from two to two and a half feet deep in the woods all the winter, we travelled on snowshoes and prosecuted our work all the winter. I might just mention an incident that occurred when going up in the previous fall. I had three

bark canoes, laden with provisions, blankets and cooking utensils, etc., and, as all voyageurs in bark canoes well know, had to stop at the foot of all portages going up, and carry everything across the portage to the head of the rapids. On this occasion the carrying distance was about a quarter of a mile, and for my part I took up the paddles and some other light things and proceeded over the portage. About halfway there was a rising ground, and on nearing the head there I met a large bear browsing on what are called "Labrador berries." This plant we often make tea of, and very good, too. However, Mr. Bear lifted up his head very leisurely and looked at me. I, being afraid to retreat, looked directly at him for about three minutes, when he turned round and walked slowly away, to my great satisfaction and relief. My canoe men in the meantime were busy arranging the goods to carry them over the portage on their backs.

I might add another incident. I had occasion to travel about twelve miles along the York branch of the Madawaska River on the ice, it being in the winter, and when nearing the head of a rapid there is a turn in the river. I noticed at this bend in the river, as I thought at the moment, about half a dozen of Indian dogs coming around the bend towards me, and expected to see the Indians every moment, as it is a very common thing when Indians are travelling to have their dogs with them. After a few minutes I thought it strange that no Indians were making an appearance, when immediately I heard a noise behind me, and a deer was coming full run right in my tracks, and after it three or four wolves. The deer came to within about twenty feet of me, when it made a sudden bound off the river and into the woods (the river being only about three rods wide) and the wolves after it, accompanied by those I first saw. I then saw through the wolf arrangement. Those which I thought were Indian dogs at first were wolves, showing that a pack of wolves starting a deer back in the woods they will divide themselves, and one-half will run to the adjacent rapids on the river and the other half will run the deer to the river, where they are sure to meet and the deer is killed at once. When a deer is hunted it is sure to make for the nearest rapids. I was quite alone and had no weapon except a small hand axe in my belt, with which I was determined, if attacked, to fight to the last. But all the wolves pursued the poor deer and left me, I suppose, for a more convenient

time. Then I made my way with all speed, about one mile more, to where my men were at work clearing out a line, and so escaped being killed by the wolves.

These incidents, though not coming exactly under the head of surveying, show some of the risks, dangers and difficulties that are to be met with, and so I thought it proper to mention them. But I have diverged from my canoe trip so much that I must now return. Our canoe-loading being all carried to the head of the portage, we got the canoes loaded again and proceeded as before to our destination, where the surveying work commenced. The manner in which the surveys of lumbering limits were performed in those days was, for the limit to commence at a certain known point on the river; then find the magnetic course or average bearing of the river for some miles; then at a right angle from this course or line run one mile back from the river; thence, parallel with the river line, three miles; thence at a right angle with last line to the river, blazing the trees throughout. Thus was each limit defined.

After completing my instructions here I was ordered to the Madawaska and the Bon-Chere Rivers. My first work was on the York branch (a tributary of the Madawaska), then to Round Lake on the Bon-Chere, where I made similar surveys. The parties who made square red pine timber first in these regions were Peter Ayles and Messrs. Wells & McCrea. I spent twelve months in these sections of country, and was not in a house or covering of any kind except my blankets, and in case of rain or wet weather made a camp composed of poles and hemlock brush. The above places were far beyond any settlement or inhabitants at that time (1841) except Indians, and at certain points a Hudson Bay fort, as it was called, composed of a small log shanty, about twelve feet square, and a couple of Frenchmen or halfbreeds, with stuff to trade with the Indians for furs.

After this I came down to By-Town and the surrounding country in the townships of Nepean, Gloucester, etc., and had a good deal of practice in ordinary surveying, running lines, etc., until my three years were expired. I then proceeded to the seat of Government, which was then in the City of Kingston, Sir Charles Bagot being Lieutenant-Governor. After passing my examination as a surveyor successfully, I received my license to practise on the 16th of February, 1843. Proceeding to Stratford, then a very small place, I was soon employed by the Canada Company in drawing copies of the original plans of each township in the Huron District in duplicate, one copy for the Company's office in London, England, and the other for their office in

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between the north-west angle of lot 3, and the north-east angle of lot D agreed with the measurement obtained by adding together the two original plan measurements to the creek.

With reference to the objection by Stockport Investments Limited, their lands were found to be entirely outside of the area in question, and are in no way affected by the line under application.

The objection from Surveyor "C",

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Canada, besides surveying several town plots, namely, Mitchell for the Canada Company, Clinton for Issaac Rattenbury, Poole and Trowbridge for the Government, and more recently many townships in Manitoba and the North-West. I have been a member of the first Association of Provincial Land Surveyors, Civil Engineers and Architects of Ontario during its existence (see report of meeting appended), and of our own present Association since its commencement six years ago, and now believe I am nearly the oldest practising Provincial Land Surveyor in the Province of Ontario. ●

was studied in the Hearing. The objection states:

"Where an accretion or erosion takes place gradually and imperceptably, the title to land is added to or diminished as the case may be."

It was pointed out to Surveyor "C", that the Boundaries Act is not concerned with rights which may have been acquired in and around boundaries, but is concerned only with the true location on the ground of lost boundaries; such boundaries being re-established according to the best available evidence of their original positions. My decision as to the location of the creek appearing on Registered Plan 357 is in no way concerned with title to the lands which the creek crosses. My concern is only as to where in actual fact the creek shown on Plan 357, was located on the 4th day of June, 1874.

Having given full consideration to all the evidence before this Hearing, and for the reasons set out in this Order, and in reliance of all the material filed in connection with this application, on the evidence adduced and the law applicable, I am of the opinion that the objections

must fail. I am of the opinion further that the original Plan 357 together with material brought in support before this Hearing, constitutes the best available evidence of the true location on the ground of the creek dividing Lots E and D.

I DO THEREFORE ORDER that the disputed boundary be confirmed in accordance with the plan under application, being a plan of survey by Surveyor "A", dated July 19th, 1963, with additions and revisions dated June 12th, 1964.

I DO FURTHER ORDER that a final plan be prepared of this confirmed boundary to the satisfaction of my Examiner of Surveys, and that all monuments conflicting with the confirmed position be removed.

AFTER hearing argument of Counsel relating to costs of this application, I am of the opinion that the costs should be borne by the applicant, and do so order.

DATED at my office in Toronto, this 10th day of November, 1964. ●

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DIRECTOR OF TITLES