

THE SURVEY OF THE SIDELINES OF CONCESSION LOTS

... An Historical Review

BY L. M. SEBERT

THE EARLY SURVEYS of Ontario townships have several peculiar features, but probably the most unusual is the method of defining the sidelines of the lots in a concession. In the original survey these lines were set out by a single survey marker and a bearing; the marker being the lot front-corner post on the concession line, and the bearing being the bearing of one of the township sidelines (usually the one from which the lots were numbered). This system was indeed unusual, because in other parts of North America, and in fact in the world, the standard practice was to define any property line as being the straight line between two survey markers or natural objects such as marked trees. Even today it is difficult to convince surveyors and geographers who are not familiar with the Ontario survey system that the original monuments planted along the back of a concession had absolutely no effect on the **direction** of the sidelines of the concession in front.

As the method of surveying the original townships seems contrary to sound survey practice, there must have been compelling reasons for its adoption. There were. The reasons become apparent when one considers the problems that Surveyor General Holland and his deputy, John Collins, faced when they designed the system. In short, they had to put together a system that would produce settlement lots quickly and inexpensively using surveyors with modest technical training who had to work over very difficult terrain. Considering these conditions and restraints, the Holland-Collins system was probably the best that could be provided for Ontario despite the success of a more rigorous system in the United States.

In 1791 the method of running lot sidelines from a single monument on the township bearing received a minor challenge when one of the Provincial Land Surveyors, John Stegman, started to survey such sidelines by running straight lines from a post at the front of the lot to the

equivalent post on the concession line behind. Another surveyor, Theodore De Pencier, viewed this practice with alarm and reported the circumstances to John Collins in the following letter.

To the Honorable John Collins,
Deputy Surveyor General.

Sir,

Having left Oswagatchie the 1st of August I arrived at Montreal on the 3rd at 9 o'clock in the morning. Mr. Frobisher had the kindness to favour greatly the object of my journey not only by advancing thirty pounds, but also by having the five men I wanted. I left town on Saturday the 6th of August and returned to Oswagatchie on Friday the 12th at 4 o'clock in the afternoon. I will enter the woods tomorrow and will not fail to send to your Honour at the time mentioned in your instructions, my accounts and the future progress of my work.

It is my duty, Sir, to acquaint your Honour of the very particular manner Mr. Stegman goes on working in several seigniories. He pays no regard to the running of the seigniorial lines being the limits of each seignior, and with which the lines of division between the lands of the inhabitants must naturally be parallel. No, Sir, he forcibly traces lines from the boundary of a concession to that of another bearing the same number.

As it is almost impossible to the most able chain bearer to trace lines in perfect equal manner through our vast forests in the several concessions of a seignior, it is more probable that the limits of the lands bearing the same number will not be found to correspond in their laying out with each other, than to maintain that they will; but this difference is of no bad consequence.

Each concession has its road in front where the lines of the former concession fall into, and as long as those lines are parallel and also parallel to the seigniorial lines, that is what I call a concession regularly subdivided.

The following concession has no connection unavoidably necessary; trace its lines on the same usual principle, parallel to the seigniorial lines, and the whole will stand well subdivided so as no proprietor will be aggrieved by such an operation.

It is not so, Sir, with the mode lately introduced by Mr. Stegman. Instead of dividing the lines so as they will form regular long squares, they will form trapeziums that will differ one from the other in form and magnitude as many times as will exist any difference between the true laying out of the lines of the respective limits.

Besides that, several proprietors will lose land belonging to them, others will have more than belonging to them; finally it is introducing confusion and discord in the settlement by adopting such a plan, very well calculated for the benefit of the surveyor, but contrary, in my opinion, to the advantage of the inhabitants for the embellishment of seigniories.

Add besides the injustice — How many persons are they who have paid surveyors to have their lines traced anew. I have traced several of them myself, faithfully parallel to the seigniorial lines. Mr. Stegman unsets them, I do not know by what authority, but I am sovereignly convinced that such an irregular work will never produce a good affect in the great parallelogram forming the seignior.

An art that I study since my childhood, that I have now professed for five years, and the position that I occupy here, gives me enough confidence to speak freely on this subject for the good of the settlement.

I submit my humble knowledge to the superior abilities of your Honour, and it is with the greatest consideration that I remain for life most respectfully,

Sir,
Your most humble and most obedient servant,

Theodore de Pencier,
D.A.P.

Oswegatchie
13 Aug., 1791

To this letter Collins wrote the following reply:

Surveyor General's Office
5 September, 1791

Sir,

I received your letter of 13 August respecting a complaint against Mr. Stegman (sic), as that gentleman is not em-

ployed by the Surveyor General's Department it is out of the line of my duty to interfere, it rests entirely with the Land Board of the District, who ought to put a stop immediately to such illegal proceedings, which if suffered to go on will throw the whole settlement into confusion. I hope your present party will enable you to complete the instructions you received from this office, and those you have since received from the Land Board of Lunenburg both of which please send me an exact copy. Let me have your account with all the men's receipts properly attested, made up to the 10th October and sent down immediately after to this office, and on your arrival at Montreal dispense of the provisions that may remain on hand.

Wishing you health I am with regard
Sir, your most obedient servant
J.C.

Mr. Theodore De Pencier
D. P. Surveyor
Augusta, Lunenburg

There are several comments that should be made on this exchange of correspondence. First of all, De Pencier's letter was written in French. German was his native tongue, as was Stegman's, but De Pencier was more proficient in French than English, and except for the survey of

Marlborough Township and the running of a few lot lines, his professional work was done in Lower Canada. On the English version of his letter held in the Archives of Ontario is the note: "I got Mr. Tessier of this office to translate this letter into English." (signed) T. Devine, Surveyor in Chief. Thomas Devine was not using that designation of his office until the 1860's, so almost three-quarters of a century after it was written, De Pencier's letter was considered useful in confirming the original policy of lot line surveys.

In comparing the Holland-Collins township with the American Public Lands township (which is in essence much the same as the D.L.S. township) one must admit that the Ontario system produced farm lots more quickly and with less survey effort than its American counterpart. In colonial Ontario a settler could in theory move onto his land immediately after the survey party had marked the concession line and planted his two front posts. The survey of the sidelines was the settlers' responsibility, but to assist in this it was the practice in De Pencier's day for the surveyor to plant a direction post a short way along the sideline to enable the two adjoining settlers to get started in the right direction. The rear line of the lot was defined by the survey posts on the concession

behind, but it might go unmarked for a number of years. In 1791 most deputy provincial surveyors, including De Pencier, were instructed to run every third concession.

The American township was much more precisely surveyed with all section lines being run and survey markers being placed every half mile. The quarter-section lines were defined as being the straight line between opposite markers on the perimeter of the section, but they were not run in the original survey. It is interesting that in adopting the 640 Acre Sectional Township, Pattern 2, in 1859, Ontario accepted the American system of public (i.e. Crown) land survey. However, fifteen years later, in 1874, Ontario returned to the concept of defining sidelines by a single monument and a bearing. This principle is embodied in the 640 Acre Sectional Township, Pattern 3, adopted in 1874, and in the 1800 Acre Sectional Township adopted in 1906. These last two systems were used until township surveys were abandoned in Ontario in 1935.

References:

Archives of Ontario, file RG1, Surveyors' Letters 1766-1791 A-I-1 Vol 2 letters 82 and 161. ●