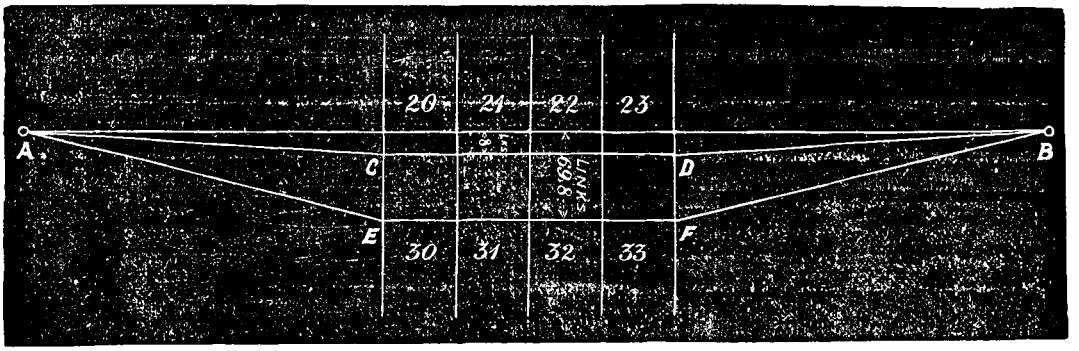
Now admit, for argument's sake, that there was a possibility of measuring a mile absolutely correctly (but which human ingenuity has not attained): these two actual marks, put at a mile distance, while remaining absolutely immovable, yet might have their written descriptions in grants by the Crown differing 2 links, 8 links, or 69·8 links. Hence we are forced to conclude, that ground-marks give possession correctly, while descriptions and maps cannot do so, but only by approximation.

So by way of illustration this may occur, and which occurs more or less daily in actual settlement operations:—



In undulating or forest country, a line A, C, D B, is run between two trig. stations at three miles distance—by 5 theodolite with an error of 8 links, or by a magnetic compass (A, E, F, B) with an error of 69·8 links—both being tested by an 8 theodolite. Truly, in error, yet originally honestly executed by a surveyor to the best of his ability, and within the power of his respective instruments. Then the question in this colony crops up, and is cropping up continuously after one year, two years, or twenty years, on the divergence from correctness being found. Do the owners of sections 20, 21, 22, and 23, lose the 8 or 69·8 links in breadth of the land, in which they were actually and in good faith put in possession, and on which, in reasonable trust, they had put live fences, or it may be houses? Do they lose possession in favor of the owners of sections 30, 31, 32, and 33? In other words, are settlers placed on waste lands of the Crown, by process of survey which cannot be perfect, to be from time to time required to shift their fences and houses, as time passes on and wealth increases, bringing the newish survey practitioners having higher-classed instruments and more leisure?

As there is a great difference of opinion amongst professional surveyors on this point, and as land-owners in districts and towns in different parts are now being set by the ears, it would be well, as the law appears to be doubtful, to have an authoritative direction by Parliament for the future. For until this be done there can be no security to settlers—their boundaries being never ceasingly subject to question—thus each landholder may be said at present to have an ever-pending law-suit hanging over him.

The question has had to be disposed of by other communities. On referring to the great colonizing countries in the modern world, I find that in the United States of America, Congress, so early as 1805, laid down certain principles in regard "to the unchangeableness of the lines and corners "established by Government Surveyors, and which have had continued operation to the present time, "and are still in full force."* It is remarked by the author, whose work I quote, "that experience has "demonstrated the wisdom of this enactment, no law ever passed by Congress has contributed so "much to prevent disputes in regard to boundaries of public lands." Thus "when corners are "established by the proper officer in pursuance of the system of sub-division authorised by law, they "must be regarded as the true corners which they represent, even if it is subsequently found that the "post is out of line, or that the intervals are unequal or incorrect: and no party has a right to correct "such errors except the General Government, and it possesses that power only while the title to the "lands affected by the change is as yet in the United States."

Turning next to the practice of Canada, we find in the Dominion Lands Act Consolidated 1876, the same principle adopted—viz., that original boundaries are unalterable. Section 93 of the Act being to the following effect:—"All boundary lines of townships, sections, or legal sub-divisions, towns or villages, "and all boundary lines of blocks, gores and commons, all section lines and governing points, all limits "of lots surveyed, and all mounds, posts or monuments, run and marked erected, placed or planted at "the angles of any townships, towns, villages, sections or other legal sub-divisions, blocks, gores, "commons and lots, or parcels of land under the authority of this Act, or of any order of the Governor "in Council, shall be the true and unalterable boundaries of such townships, towns and villages, sections "or other legal sub-divisions, blocks, gores, commons, and lots or parcels of land respectively, whether "the same upon admeasurement be or be not found to contain the exact area or dimensions mentioned "or expressed in any patent, grant, or other instrument in respect of any such township, town, village, "section or other legal sub-division, block, gore, common, lot, or parcel of land."

Such is the decision of these colonizing countries: original ground marks are held to be unchangeable and unalterable, whether the written linkages in the grant agree or not. But to give the full benefit of this principle, a rigidly simple system of settlement survey had to be devised and brought under statute. And the system is the same in both countries, Canada having copied from the United States: thus when I describe one I describe the other. But before I go on with this, it may be asked—what caused these Governments to adopt so simple and yet so unswerving a method? I am not aware that the history of the surveys of these countries has been written, but on examining the section maps

* Hawes, p. 119.