

and this relationship would no doubt have many drawbacks, but on the other hand may also produce a stronger, more definite basis for many responsible people who would enter the surveying field but who cannot "go all the way". We can't all be Doctors, but all Doctors would prefer Nurses with the back-

ground and training which would be of maximum assistance to them.

*Editor's Note: Ontario Land Surveyors or members of the Association of Survey Technicians desiring further information are urged to get in touch with Mr. Ray Lawson, Provincial Institute of Trades, 21 Nassau Street, Toronto, or Mr. J. Larke, O.L.S. 9 Aylesford Drive, Toronto, 13.*

## "METES AND BOUNDS" IN THE CASE OF THE QUEEN VS. FLORENCE CRAWFORD

*By Richard F. Dore, O.L.S.*

### Ruling That Expropriation Invalid May Have Far-Reaching Effects

Surveyors are familiar with the process of describing property by metes and bounds but Section 9 of The Expropriation Act, R.S.C. 1952, Chapter 106, requires that "lands taken for the use of His Majesty shall be laid off by metes and bounds."

A judgment handed down by the President of the Exchequer Court of Canada on November 12th, 1959, in the case of The Queen vs. Florence Crawford has ruled that the expropriation of Mrs. Crawford's farm was invalid because it had not been thus laid off. The Crawford property was expropriated in the same manner as hundreds and perhaps thousands of other properties have been taken, so that this judgment could have far-reaching effects if upheld. It is being appealed to the Supreme Court of Canada.

The Crawford farm was one of many properties included in the expropriation which embraced some eight (8) whole Gloucester Township lots and parts of twenty-five (25) others, comprising an area of about five and one-half (5-1/2) square miles on the south-eastern outskirts of Ottawa. It was effected by the registration of a plan and description in the Carleton County Registry Office on November 3rd, 1947, as Number 44101. The plan showed a portion of the Township with the required lands tinted RED. There were no dimensions

on the plan and the properties of individual owners were not shown. The description was in the form that surveyors generally refer to as a metes and bounds description. It commenced at the North-East Angle of Lot "A", Concession "V", Rideau Front, and thence westerly along the north limit of the said Lot "A" and so on, around the whole area without describing each individual's property. The court found as a fact that no field work was done.

It was the opinion of the court that "the laying off of lands by metes and bounds means the physical art of laying off of the land on the ground and the placing of monuments or marks at the corners of the land so that it can be physically identified." The court found in favour of the suppliant because neither her land nor the lands in which it was included had been laid off by metes and bounds.

It is interesting to note, however, that one of the reasons for judgment was that it would make it incumbent on the Attorney-General of Canada to appeal the case to the Supreme Court of Canada, whose decision would finally settle the matter. Proceedings for launching the appeal have already been started.

Ottawa, Ontario  
December 28, 1959.