



Roads by Bylaws of the Quarter Sessions

THIS ARTICLE WAS COPIED FROM SECTION 5.2 OF THE ASSOCIATION'S 1973 "MANUAL RELATING TO SURVEYS AND SURVEYORS" WITHOUT ANY ATTEMPT TO VERIFY ITS CONTENTS. THE INFORMATION AND STATEMENTS IN THIS ARTICLE SHOULD, THEREFORE, NOT BE RELIED ON UNTIL VERIFIED BY THE INDIVIDUAL SURVEYOR.

IT IS RECOMMENDED THAT JURISPRUDENCE RELATED TO BYLAW ROADS BE REVIEWED TO ACERTAIN THE POSITION THAT THE COURTS HAVE TAKEN CONCERNING THE STATUS OF ROADS CREATED IN THIS MANNER.



Roads by Bylaws of the Quarter Sessions

50 GEORGE III, CHAPTER 1, 1810 PROVIDED FOR THE APPOINTMENT OF "SURVEYORS OF HIGHWAYS" FOR EACH DISTRICT THEN EXISTING. THESE "SURVEYORS OF HIGHWAYS" WERE EMPOWERED TO LAY OUT ROADS, CLOSE ROADS AND DIRECT THE CONSTRUCTION OF ROADS. THE SURVEYOR'S REPORTS WERE SUBMITTED TO THE QUARTERLY MEETINGS OF THE APPOINTED JUSTICES OF THE PEACE FOR EACH DISTRICT.

THE JUSTICES WHO WERE THE JUDICIAL AND ADMINISTRATIVE AUTHORITY FOR THE DISTRICT APPROVED THESE REPORTS BY BYLAW AND THE ROADS SO LAID OUT AND APPROVED BECAME VESTED IN THE CROWN.

THESE ROADS REMAIN AS WELL ESTABLISHED AS IF LAID OUT BY CROWN SURVEY IN THE ORIGINAL SURVEY. THE ROADS CLOSED WERE TRANSFERRED TO PRIVATE OWNERSHIP IN A DEED ISSUED BY THE SURVEYOR OF HIGHWAYS UNDER AUTHORITY OF THE BYLAW OF THE JUSTICES.

AMENDMENTS TO THE ORIGINAL STATUTE WERE MADE AS FOLLOWS:

52 GEORGE III	- CHAPTER 2	- 1812
52 GEORGE III	- CHAPTER 10	- 1812
54 GEORGE III	- CHAPTER 2 AND 3	- 1814
55 GEORGE III	- CHAPTER 1	- 1815
56 GEORGE III	- CHAPTER 37	- 1816
56 GEORGE III	- CHAPTER 39	- 1816
59 GEORGE III	- CHAPTER 5	- 1818
59 GEORGE III	- CHAPTER 8	- 1819
4 GEORGE IV	- CHAPTER 9	- 1824
4 GEORGE IV	- CHAPTER 10	- 1824
8 GEORGE IV	- CHAPTER 14	- 1827
9 GEORGE IV	- CHAPTER 5	- 1828

THIS PROCEDURE FOR OPENING NEW ROADS CONTINUED UNTIL 1841 WHEN DISTRICT COUNCILS WERE SET UP AS THE ADMINISTRATIVE AUTHORITY BY THE MUNICIPAL ACT OF THAT DATE. THE DISTRICT COUNCIL HAD THE SAME AUTHORITY AS THE JUSTICES UNTIL THE MUNICIPAL ACT OF 1850.

THE CLERK FOR THE JUSTICES OF EACH DISTRICT WERE ORDERED BY THE ACT OF 1810 TO KEEP A RECORD OF ALL THE BYLAWS IN A BOOK.



Association of Ontario Land Surveyors

Practice Manual

Roads by Bylaws of the Quarter Sessions

DURING THE PERIOD FROM 1810 TO 1850 THE SETTLEMENT OF THE PROVINCE FORCED THE ESTABLISHMENT OF SMALLER DISTRICTS FROM THE LARGER ONES IN ORDER TO FACILITATE THE ADMINISTRATION. EACH NEW DISTRICT SO CONSTITUTED HAD ITS OWN JUSTICES AND CLERK AND A NEW SERIES OF BYLAWS BEGAN WITH EACH NEW DISTRICT. THUS IT IS POSSIBLE TO HAVE THREE OR MORE BYLAWS ALL BY THE SAME NUMBER IN ONE TOWNSHIP AND UNLESS THE DATE IS STATED, THE BYLAW CANNOT BE IDENTIFIED. WHEN LOOKING UP THE RECORDS OF THESE ROADS, IT IS NOT USUAL TO FIND THEM IN THE REGISTRY OFFICE.

THE RECORDS WERE SOMETIMES TURNED OVER BY THE CLERK OF THE JUSTICES OF THE PEACE TO THE DISTRICT CLERKS IN 1840 WHO IN TURN TRANSFERRED THEM TO THE COUNTY CLERK AT THE BEGINNING OF ADMINISTRATION UNDER THE MUNICIPAL ACT, 1850. SOME OF THE CLERKS OF THE PEACE RETAINED THE RECORDS WHICH ARE PROBABLY IN THE CROWN ATTORNEY'S RECORDS WHO IS ALSO THE PRESENT CLERK OF THE PEACE.

SOME OF THE ROADS CLOSED AND DEEDED BY THE SURVEYORS OF HIGHWAYS TO PRIVATE OWNERSHIP ARE FOUND IN THE REGISTRY OFFICE IN THE FORM OF MEMORIALS. THE NUMBER OF CONVEYANCES OF ROADS WHICH WERE REGISTERED ARE ONLY A SMALL PART OF THE NUMBER GIVEN IF THE RECORDS OF THE BYLAWS KNOWN TO EXIST WHICH CLOSE ROADS ARE AN INDICATION. THERE ARE PROBABLY MANY MILES OF ROAD ALLOWANCES OCCUPIED BY PRIVATE OWNERS WHOSE PREDECESSOR RECEIVED A PROPER DEED TO IT BUT BECAUSE OF NEGLECT OR THE NON-EXISTENCE OF THE REGISTRY OFFICE AT THE TIME HAVE NO RECORD OF THE TRANSFER.

RECORDS OF BYLAWS FOR ROADS PASSED BY THE SEVERAL DISTRICT COUNCILS ARE KNOWN TO EXIST AND ARE AVAILABLE AS NOTED ON THE FOLLOWING PAGES.



Association of Ontario Land Surveyors

Practice Manual

Roads by Bylaws of the Quarter Sessions

BATHURST DISTRICT – 1822

RECORDS FROM 1828-1849
(INCLUDES RENFREW AND LANARK,
ALSO CARLETON COUNTY UNTIL 1838).

COPY BOOK IN COUNTY CLERK'S VAULT,
PERTH

GORE DISTRICT – 1816

RECORDS FROM 1842-1849.
INCLUDES TOWNSHIPS OF EAST AND WEST FLAMBORO,
ANCASTER, WATERLOO, BEVERLY, SALTFLEET, ERIN,
NASSAGAWEYA, TRAFALGAR, ERAMOSA, BINBROOK,
DUMFRIES, NELSON, ESQUESING, GRAND RIVER TRACTS,
NICHOL, GLANFORD, BARTON, WILMOT, WOOLWICH.

COUNTY CLERK'S LIBRARY, MILTON.
ORIGINAL DOCUMENTS IN THE COUNTY
CLERK'S OFFICE WENTWORTH.
HAMILTON.

HOME DISTRICT - 1800

PART OF THESE RECORDS NOT DESTROYED IN
1837 ARE IN COPY BOOK. (YORK COUNTY, PEEL
COUNTY, HALTON COUNTY, ONTARIO COUNTY).

BOOK IN SURVEY RECORDS OFFICE,
MINISTRY OF NATURAL RESOURCES.

JOHNSTOWN DISTRICT – 1800

RECORDS FROM 1837 TO 1850. 2 VOLUMES, DATED 1855
& 1866. INCLUDES COUNTIES OF LEEDS AND GRENVILLE
RECORDS FROM 1810 TO 1837, COPY BOOK (INDEXED).

IN LIBRARY OF THE COUNTY CLERK,
BROCKVILLE. COPIES IN ARCHIVES
BUUILDING, QUEENS PARK, TORONTO

LONDON DISTRICT - 1800

RECORDS FROM 1804 TO 1842 IN THE COUNTY OF
NORFOLK. ORIGINAL DOCUMENTS AND COPIES.
RECORDS FROM 1801-1849 FOR COUNTY OF ELGIN,
BOUND BOOK.

COUNTY CLERK'S OFFICE, SIMCOE.
COUNTY ENGINEER'S OFFICE,
ST. THOMAS.

MIDLAND DISTRICT - 1800

ORIGINALLY INCLUDED FRONTENAC, LENNOX AND
ADDINGTON, HASTINGS AND PRINCE EDWARD COUNTIES.
RECORDS FROM 1842 TO 1849.
COPY BOOK 1811 TO 1830.

COUNTY CLERK'S OFFICE, KINGSTON.

ARCHIVES BUILDING, QUEEN'S PARK,
TORONTO.



Association of Ontario Land Surveyors

Practice Manual

Roads by Bylaws of the Quarter Sessions

NEWCASTLE DISTRICT - 1820

COUNTIES OF NORTHUMBERLAND AND DURHAM AND ALL WILD LANDS TO THE NORTH LIMIT OF THE PROVINCE PART OF ONTARIO COUNTY. ORIGINAL DOCUMENTS 1810 TO 1849. THESE DOCUMENTS INCLUDE ALL TOWNSHIPS IN VICTORIA AND PETERBORO COUNTIES ORGANIZED BEFORE THE SEPARATION OF THESE COUNTIES IN 1837 AND 1838.

COUNTY CLERK'S OFFICE, COBOURG.

OTTAWA DISTRICT - 1820

COUNTIES OF PRESCOTT AND RUSSELL, RECORDS 1842-1850. BOUND COPY BOOK. RECORDS 1816-1841.

COUNTY CLERK'S OFFICE ORIGINAL. COPIES IN ARCHIVES BLDG. QUEEN'S PARK, TORONTO.

PRINCE EDWARD DISTRICT - 1831

(SEPARATED FROM MIDLAND - NOW PRINCE EDWARD CO.) 1810 TO 1850. 2 BOUND COPY BOOKS AND SKETCHES.

REGISTRY OFFICE, PICTON

TALBOT DISTRICT - 1837

NORFOLK COUNTY AND PART OF HALDIMAND COUNTY, SOUTH OF SIX NATIONS INDIAN TRACT, (BOUND PUBLICATION) RECORDS 1842 - 1850.

COUNTY CLERK'S OFFICE, SIMCOE.

WELLINGTON DISTRICT - 1838

WATERLOO, WELLINGTON, GREY AND PART OF PERTH COUNTIES. RECORDS 1842-1849 IN BOUND PUBLICATION.

COUNTY CLERK'S OFFICE, GUELPH

RECORDS WATERLOO COUNTY WITH FORMER ORIGINAL DOCUMENTS 1810 - 1842.

REGISTRY OFFICE, KITCHENER.

NOTE:RECORDS KNOWN TO EXIST BUT NOT NOTED HERE SHOULD BE ADDED TO THIS LIST.