

THE SURVEYOR'S ACT.

BY VILLIERS SANKEY, P.L.S.

At the late meeting of P. L. Surveyors, held in Toronto, nearly every one who spoke, made some allusion to "The Act," and referred to the satisfaction it would give to have the said Act thoroughly and intelligently discussed from a surveyor's point of view.

This is most natural. It is the authority by which we act; it is our charter, so to speak, defining generally who may be surveyors, how they may be surveyors, what they may be called upon to do, and how it shall be done, together with sundry other regulations governing and relating to the same.

This Act, however, cannot be said to be very clear or concise, though the operations, etc., which it regulates admit of the greatest exactness and accuracy. Why then should the above imputation attach to our act? I think the great reason is that while the practice of surveying has gone on improving, and the means and methods, as well as the persons who may be surveyors into practice, have advanced with the rapid strides of the last twenty-five or thirty years of this nineteenth century. The Act itself has not advanced, but will be found to be practically the same that it was in 1849, and many of its sections date back as far as 1818 and even 1798.

This brings us to the object of this Paper, "The thorough understanding and consequent improvement of the Act."

For the preparation of a paper which would have the effect of starting intelligent discussion the time available has been entirely too short. The collecting of the necessary amount of material in the shape of legal decisions, and of surveyors' experiences in all parts of the Province being a matter of months not weeks, for without such material any paper compiled even with the greatest care, would be but the opinions of an individual, leading only to criticism and not to discussion.

I have decided, therefore, to confine this paper to a chronological history of "The Act respecting Land Surveyors and the Survey of Lands," R.S.O. Chap. 146.

By way of preface, and in order to enable us to understand the subject more perfectly, it will be necessary to recall very briefly a few important points in Canadian History.

By *The Treaty of Paris*, 1763, Canada was ceded to the Crown of England, and in the same year General Murray was appointed first Governor General of the British Province of Quebec.

The Quebec Act, of 1774, provided among other things for the introduction of the Criminal Law of England, but declared "That in all matters of controversy relative to property and civil rights, resort should be had to the Laws of Canada, as the rule for the decision of the same." Thus the Civil Laws of French Canada were confirmed.