

Technical and Bibliographic Notes / Notes techniques et bibliographiques

The Institute has attempted to obtain the best original copy available for filming. Features of this copy which may be bibliographically unique, which may alter any of the images in the reproduction, or which may significantly change the usual method of filming are checked below.

- Coloured covers / Couverture de couleur
- Covers damaged / Couverture endommagée
- Covers restored and/or laminated / Couverture restaurée et/ou pelliculée
- Cover title missing / Le titre de couverture manque
- Coloured maps / Cartes géographiques en couleur
- Coloured ink (i.e. other than blue or black) / Encre de couleur (i.e. autre que bleue ou noire)
- Coloured plates and/or illustrations / Planches et/ou illustrations en couleur
- Bound with other material / Relié avec d'autres documents
- Only edition available / Seule édition disponible
- Tight binding may cause shadows or distortion along interior margin / La reliure serrée peut causer de l'ombre ou de la distorsion le long de la marge intérieure.
- Blank leaves added during restorations may appear within the text. Whenever possible, these have been omitted from filming / Il se peut que certaines pages blanches ajoutées lors d'une restauration apparaissent dans le texte, mais, lorsque cela était possible, ces pages n'ont pas été filmées.
- Additional comments / Commentaires supplémentaires: **Cover title page is bound in as last page in book but filmed as first page on fiche.**

L'Institut a microfilmé le meilleur exemplaire qu'il lui a été possible de se procurer. Les détails de cet exemplaire qui sont peut-être uniques du point de vue bibliographique, qui peuvent modifier une image reproduite, ou qui peuvent exiger une modification dans la méthode normale de filmage sont indiqués ci-dessous.

- Coloured pages / Pages de couleur
- Pages damaged / Pages endommagées
- Pages restored and/or laminated / Pages restaurées et/ou pelliculées
- Pages discoloured, stained or foxed / Pages décolorées, tachetées ou piquées
- Pages detached / Pages détachées
- Showthrough / Transparence
- Quality of print varies / Qualité inégale de l'impression
- Includes supplementary material / Comprend du matériel supplémentaire
- Pages wholly or partially obscured by errata slips, tissues, etc., have been refilmed to ensure the best possible image / Les pages totalement ou partiellement obscurcies par un feuillet d'errata, une pelure, etc., ont été filmées à nouveau de façon à obtenir la meilleure image possible.
- Opposing pages with varying colouration or discolourations are filmed twice to ensure the best possible image / Les pages s'opposant ayant des colorations variables ou des décolorations sont filmées deux fois afin d'obtenir la meilleure image possible.

This item is filmed at the reduction ratio checked below / Ce document est filmé au taux de réduction indiqué ci-dessous.

10x	12x	14x	16x	18x	20x	22x	24x	26x	28x	30x	32x
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

No. 51.

2nd Session, 6th Parliament, 22 Victoria, 1859.

(PRIVATE BILL.)

BILL.

**An Act to incorporate the Land Surveyors
of Lower Canada.**

Received and read, first time, Tuesday, 22nd
February, 1859.

Second reading, Wednesday, 23rd February,
1859.

MR. LANGEVIN.

TORONTO :

PRINTED BY JOHN LOVELL, YONGE STREET.

An Act to incorporate the Land Surveyors of Lower Canada.

WHEREAS it is important and necessary for the better regulation of land marks, and of other matters connected with land surveying, that the profession of land surveying in Lower Canada, should be exercised only by persons capable of performing the duties thereof with ability, honor and integrity: And whereas it is expedient for the better attainment of this important object, to establish more effectual regulations with regard to the said profession, and to the interests and rights of the members thereof: And whereas the laws now in force in Lower Canada respecting Land Surveyors and the survey of lands, are, in many cases, found to be inapplicable or ineffectual: And whereas it is deemed expedient to consolidate and amend them in so far as they relate to Lower Canada; And whereas the establishment of the aforesaid regulations, and the consolidation and amendment of the aforesaid laws, and the consideration of other matters of importance to the said profession and to the public, can be better attained by having the opinion and experience of every member of the said profession; Therefore Her Majesty, &c., enacts as follows :

I. So much of the Act passed in the twelfth year of Her Majesty's Reign, and intituled, "*An Act to repeal certain Acts therein mentioned and to make better provision respecting the admission of Land Surveyors and the Survey of Lands in this Province;*" and of the Act passed in the fourteenth and fifteenth years of Her Majesty's Reign, and intituled, "*An Act to amend the Act concerning Land Surveyors;*" and of the Act passed in the eighteenth year of Her Majesty's Reign, and intituled, "*An Act to amend the Acts relating to Land Surveyors;*" and of the Act passed in the twentieth year of Her Majesty's Reign, and intituled, "*An Act further to amend the Acts relative to Land Surveyors,*" as relates to Lower Canada, or can be in any way construed to relate to Lower Canada, shall be, and the said portions of the said Acts are hereby repealed: Provided always, that no Ordinance, Act, or provision of law, repealed by those hereby repealed, or by any of them, shall revive, but shall be and remain repealed: And provided also, that all boundary or division lines legally established, and ascertained under the authority of the Acts hereby repealed, or any of them, shall remain good, and all other surveys, acts, or things legally done and performed under the authority of the said Acts, or any of them, and in conformity to the provisions thereof, shall remain good and valid notwithstanding such repeal, and all prosecutions, actions, or suits at law or in equity, actually commenced before the passing of this Act, under the provisions of the said Acts, or any of them, may be con-

Preamble.

So much of Acts 12 V., c. 35, 14, 15 V. c. 4, 18 V., c. 83, and 20 V. c. 37 as relate to Lower Canada repealed.

Proviso: Acts, &c., repealed hereby not to revive. Surveys under said Acts to remain valid.

tinued, tried and determined, and execution may be done therein, as if this Act had not been passed.

No person to act as land surveyor for profit unless authorized.

II. No person shall, after the passing of this Act, survey, measure, sub-divide or lay out lands for hire or profit, or act in any way as a Land Surveyor for hire or profit in Lower Canada, unless he shall be duly authorized to practise as a Land Surveyor according to the provisions of this Act, or shall have been so authorized before the passing thereof, according to the laws then in force, under a penalty of *fifty dollars*, currency, of this Province, for each offence, to be recovered by any person who shall sue for the same in any Court having civil jurisdiction to the amount of such penalty, one moiety whereof shall belong to Her Majesty and make part of the Consolidated Revenue Fund of this Province, and the other moiety shall belong to the person suing for the penalty; And if such person suing be the Secretary-Treasurer of the corporate body hereinafter mentioned, and styled "*The Land Surveyors of Lower Canada*," and sue for such penalty in the name of such corporate body, then the other moiety aforesaid shall belong to the said corporate body and form a part of their fund hereinafter mentioned; And any person so surveying lands for hire or profit as aforesaid, or acting in any way as a Land Surveyor for hire or profit without authority, as aforesaid, shall be held liable to pay the penalty aforesaid for every day that he shall continue the offence aforesaid: Provided always, that all engineering surveying, so called, for the purpose of exploring or locating any railroad, tram road, canal or other public work, shall not be land surveying according to the meaning of this Act, so long as such engineering surveying shall in no way include the superficial measurement of lands acquired from landholders for such purposes.

Penalty for every day. Engineering surveying excepted.

Corporation of land surveyors established. Corporate name and powers.

III. From and after the passing of this Act, all Land Surveyors in and for Lower Canada, admitted and practising as such at the time of this Act, and all others who may be admitted after the passing of this Act, shall be and form a corporation under the name of "*The Land Surveyors of Lower Canada*;" And the said corporation shall have a common seal on which shall be inscribed the words "*Land Surveyors of Lower Canada*," and the said corporation shall have all the powers vested in corporations by the Interpretation Act: Provided always, that the said corporation shall not hold immoveable property by any title beyond the value of *twenty thousand dollars*.

Real estate limited.

Corporation may make By-laws for government and discipline of its members.

IV. The said Corporation shall have power to make all such By-laws, Rules and Orders as it may deem necessary for the discipline and honor of its members, and for the management of its property, and all By-laws, Rules and Orders of general interest to the said Corporation and to the members thereof, and necessary to insure its well working; which said By-laws, Rules and Orders it shall be lawful for the said Corporation to change, modify or repeal when and so often as it shall deem necessary; Provided always, that the said By-laws, Rules and Orders shall not be contrary to the laws of this Province.

General meeting for election of officers and Council.

V. There shall be a general meeting of the said Corporation held in Quebec on the first Monday of May in every year to transact the general business of the said Corporation, and to elect by ballot, from among the members of the said Corporation, a President, three Vice-Presidents,

and a Secretary-Treasurer, who shall also be Secretary of the Board of Examiners hereinafter mentioned, with a Council or Board of Directors of at least fifteen members, seven of whom shall at any time form a quorum, and the aforesaid President, Vice-Presidents and Secretary-Treasurer shall be members of the said Council or Board of Directors.

Quorum of Council.

VI. The members of the Board of Examiners for Land Surveyors of Lower Canada, now acting as such under authority of a commission from the Governor of this Province, shall be members of the said Council or Board of Directors without election so long as their several commissions are in force, and they shall continue to be a Board of Examiners according to the intent and meaning of their several commissions as aforesaid; Provided always, that it shall be lawful for the aforesaid Corporation at its first general meeting on the first Monday of May aforesaid to elect by ballot one or more, as it shall deem proper, but not more than three other Examiners to add to the present Board; Provided also, that three members of the said Board of Examiners so constituted shall form a quorum for the examination of candidates; Provided also that the said newly elected members of the Board of Examiners be also members of the Council or Board of Directors mentioned in the fifth section of this Act; Provided also, that whenever any vacancy occurs in the Board of Examiners aforesaid, whether by decease, absence, or any other cause, such vacancy shall be filled by electing by ballot at the next general meeting another Examiner from among the members of the said Corporation.

Present Board of Examiners to continue as such.

Three may be added to present Board by election.

Proviso as to vacancies.

VII. The aforesaid Council or Board of Directors of at least fifteen members mentioned in the fifth section of this Act, or a quorum of the said Council, shall meet in the city of Quebec on the same days and in the same office as the Board of Examiners shall meet for the examination of candidates, that is to say, on the first Monday of the months of January, April, July and October, in each year, to transact such business of the Corporation as may be put before them, and the examination of candidates (if any) shall begin on the following day.

Council to meet at Quebec quarterly.

VIII. From and after the passing of this Act no person shall be admitted to study land surveying, unless he shall have previously passed an examination before the Board of Examiners to the satisfaction of the said Board, as to his knowledge of Arithmetic, Geometry, Plane and Spherical Trigonometry, Mensuration of Superficies, and the use of Logarithms, and have obtained a certificate of such examination and of his proficiency from the Board; and before he shall be so examined he shall pay into the fee fund the sum of *ten dollars* as examination fee, and give one month's notice, in writing, to the Secretary of the Board, of his intention to present himself for such examination at any of the quarterly meetings of the Board, and he shall enclose to the Secretary with such notice *one dollar*, being the fee due to the Secretary for receiving and filing such notice, and if after such examination the Board grant him a certificate to study land surveying, he shall pay to the Secretary *two dollars* as his fee for such certificate.

Preliminary examination of candidates to study.

Fees to Corporation and Secretary.

IX. From and after the passing of this Act no person shall be admitted to practise as a Land Surveyor in Lower Canada until he shall have attained the full age of twenty-one years, nor unless he shall have gone through a course of Geometry including at least the first six books

Subjects of examination for admission to practise.

of Euclid, of Plane and Spherical Trigonometry and Astronomy, together with their application to plane and Geodetic Surveying, of Mensuration of Superficies and division of land, with Plotting and Map drawing, and be well versed therein; he must also have a sufficient knowledge of
 5
 Geology, Mineralogy and Meteorology, to enable him to report upon the soil, timber, climate and general resources of any tract of country he may be required to survey or explore; he must also have served regularly and faithfully for and during the space of three successive years, under Notarial Act, as student with a Land Surveyor, duly admitted and practising in Lower Canada, and have received from the
 10
 said Land Surveyor a certificate of his having so served during the said period; Provided always, that any duly admitted and practising Land Surveyor in Upper Canada wishing to be admitted to practise in Lower
 15
 Canada shall not be holden to serve three years as aforesaid, but six months of actual practise in the field with a duly admitted and practising Land Surveyor in Lower Canada, after which he may undergo the examination by this Act prescribed, on complying with all the other requirements thereof: Provided also, that any Land Surveyor
 20
 duly admitted to practise in any of Her Majesty's dominions other than this Province, who shall have a certificate of admission to practise as such from any Board of Examiners, or any Surveyor General, or other competent officer in any of Her Majesty's dominions aforesaid wishing to be admitted to practise in Lower Canada, shall not be holden to serve three years as aforesaid, but only twelve months of actual practice in
 25
 the field with some duly admitted and practising Land Surveyor in Lower Canada, after which he may undergo the examination by this Act prescribed, on conforming with all the other requirements thereof; Provided also, that if any Land Surveyor shall die or leave the Province or be suspended or dismissed as hereinafter provided, his students may complete their terms of study, under any other duly admitted and practising
 30
 Land Surveyor, and any Land Surveyor may transfer his students, with their consent, to any other practising and duly admitted Land Surveyor; Provided always, that any of the transfers aforesaid shall be executed under a Notarial Act to be registered as hereinafter provided.

X. Before any student shall be admitted to practise as a Land Surveyor
 35
 in Lower Canada, he shall be examined with respect to his ability and qualification, as stated in the ninth section of this Act, and as to his knowledge of the use of the several instruments used and required in Land Surveying, by the Board of Examiners mentioned in the sixth
 40
 section of this Act; and the said Board, if satisfied of his ability and acquirements as hereinbefore provided, and of his having complied with all the requirements of this Act, shall give him a certificate thereof and of his being admitted as a Land Surveyor in the form of Schedule A to this Act; and such certificate shall, on his complying with the other
 45
 requirements of this Act, enable him to practise as a Land Surveyor in Lower Canada; Provided always, that it shall be the duty of the said Board of Examiners to cause all students applying for admission to practise as such Land Surveyors, to produce satisfactory certificates as to character for probity and sobriety, and to perform such practical operations in their presence as they shall require, previous to their giving
 50
 him their certificate as aforesaid, and to answer such questions on oath (which oath any one of the Board may administer) with regard to the actual practice of such student in the field and with regard to his instruments.

Service for three years also required. 5

Proviso as to Surveyors from Upper Canada. 10

Or other parts of H. M.'s dominions. 20

Proviso for transfer of indentures. 30

Students to be examined as to use of instruments. 35

Certificate of admission. 40

Proviso: certificates of moral character also required. 45

XI. Every student applying to be examined as to his qualification to be admitted to practise Land Surveying as aforesaid, shall give one month's notice, in writing, to the Secretary, of his intention to present himself at any of the quarterly meetings of the Board as aforesaid, and shall enclose with the said notice *one dollar*, being the fee due to the Secretary for receiving and filing such notice; and if after examination such student receive a certificate to practise as a Land Surveyor, he shall pay to the Secretary *two dollars* as his fee on such certificate; Provided always, that before he shall be so examined, he shall pay into the fee fund the sum of *thirty dollars* as his examination fee.

Fees on admission to practise.

XII. And be it enacted, That each Land Surveyor, on receiving the above mentioned certificate, shall enter into a Bond jointly and severally with two sufficient sureties to the satisfaction of the said Board of Examiners, in the sum of *one thousand dollars* to Her Majesty, her heirs and successors, conditioned for the due and faithful performance of his office, and shall take and subscribe the oath of allegiance, and the following oath, before the Board of Examiners, who are hereby empowered to administer the same.

Bond to H. M. to be entered into on admission to practise.

“ I, A. B., do solemnly swear (or affirm, *as the case may be*) that I will faithfully discharge the duties of a Land Surveyor, agreeably to “ Law, without favor, affection, or partiality, so help me God,” and the said oaths shall be deposited in the office of the Prothonotary of the Superior Court for the District of Quebec, and the said Bond shall be deposited and kept in the manner by law prescribed with regard to the Bonds given for like purposes by other public officers, and shall enure to the benefit of any party sustaining damage by breach of the conditions thereof, and the certificate shall be registered in the office of the Registrar of the Province.

Oath to be taken.

XIII. No Indenture or Notarial Act under which any applicant for admission to practise as a Land Surveyor shall claim to have served with some practising Land Surveyor, during the period of three years, twelve months, or six months, mentioned in the ninth section of this Act, shall avail to authorize the admission of such applicant, unless a certified copy of such Indenture or Notarial Act shall have been transmitted to the Secretary of the Board of Examiners within two months after the passing or date thereof, and the said Secretary is required to acknowledge by post the receipt of all such Indentures or Acts transmitted to him, and carefully to keep the same in his office; Provided always, that the said applicant, when transmitting the said Indenture or Act, shall enclose therewith *two dollars* as the fee to the Secretary for receiving and registering such Indenture, without which it will be deemed not to have been received by him; Provided also, that when any student shall transfer his Indenture from one Surveyor to another by a Notarial Act, as stated in the ninth section of this Act, he shall transmit a certified copy of the same to the Secretary of the Board within two months after the date thereof, enclosing therewith *two dollars* as the fee to the Secretary for receiving and registering such transfer.

Copy of indenture to be registered within two months after passing thereof.

Fee.

XIV. It shall be lawful for the Board of Directors, as constituted in the fifth and sixth sections of this Act, to suspend or dismiss any Land Surveyor from the practice of his profession, as they shall in their discretion deem proper, whom they shall find guilty of gross negligence or

Land Surveyors may be suspended or dismissed by Board for cor-

reption or
negligence.

corruption in the execution of the duties of his office ; Provided always that they shall not dismiss or suspend such Land Surveyor without having previously summoned him to appear in order to be heard in his defence, nor without having heard the evidence which shall have been offered, both in support of the complaint and on behalf of the Surveyor inculpated ; Provided also, that among the seven Directors required to form a quorum, three at least shall also be members of the Board of Examiners ; Provided also, that such complaint be heard at any of the quarterly meetings of the Board of Directors, and that the said Board have power to adjourn such meeting as they shall deem fit.

Proviso: quorum of Board in such case.

Chain bearers to take an oath, to act justly, not to be related to parties interested within fourth degree.

XV Each and every chain-bearer acting in Lower Canada shall, before he commences his chaining or measuring, take an oath or affirm, to act as such justly and exactly according to the best of his judgment and ability, and to render a true account of his chaining or measuring to the Surveyor by whom he may have been appointed to such duty, and that he is absolutely disinterested in the survey in question, and is not related or allied to any of the parties interested in the survey within the fourth degree according to the computation of the civil law, that is to say, within the degree of cousin-german, which oath the Surveyor employing such chain-bearer is hereby authorized and required to administer ; nor shall any person related or allied to any of the parties within the said degree, be employed as a chain-bearer on any survey.

Land Surveyors to verify the length of their chains by French and English standards.

XVI. Each and every Land Surveyor duly admitted and practising, or who shall hereafter be admitted to practise in Lower Canada, shall procure and cause to be examined, corrected and stamped, or otherwise certified by the Secretary of the Board of Examiners aforesaid, a standard measure of length, comprising French and English measures, under the penalty of the forfeiture of his license or certificate, and shall, previously to proceeding on any survey, verify the length of his chains or other instruments for measuring, by such standard ; Provided always, that any such surveyor shall not already have procured such standard measure so stamped or certified ; Provided also, that the standard French measure of length and the copy of the standard English measure of length now in the possession of the Secretary of the Board of Examiners as now constituted, shall be and remain in the possession of the Secretary of the Board of Examiners constituted by this Act ; and such Secretary, when called upon by any Surveyor to examine and stamp, or otherwise certify such standard measure, may demand and receive from such Surveyor *fifty cents* for so doing.

Fees for such verification.

Hindering Surveyors while discharging their duty to be a misdemeanor.

XVII. From and after the passing of this Act, if any person or persons shall, in any part of Lower Canada, interrupt, molest or hinder any Land Surveyor while in the discharge of his duty as a Surveyor, such person or persons shall be deemed to have been guilty of a misdemeanor, and being thereof lawfully convicted in any Court of competent jurisdiction, or before a Justice of the Peace, when no such Court is at hand, may be punished by fine or imprisonment, or both, in the discretion of such Court or such Justice of the Peace, such imprisonment not to exceed two months nor such fine to exceed *twenty dollars*, without any prejudice to any civil remedy which such Surveyor or any party may have against such offender or offenders in damages by reason of such offence ; and any Land Surveyor, when engaged in the performance of the duties of his profession, shall be and is hereby

Punishment.

authorized and empowered to pass over, measure along and ascertain the bearing of any Township, Seignior, Range, Concession, or side line, or other governing line, and for such purposes to pass over the lands of any person whomsoever, doing no actual damage to the property of such person; any law to the contrary notwithstanding.

XVIII. Every Land Surveyor who shall survey or admeasure lands in Lower Canada, shall, when required by the parties holding such lands, place one or more boundary marks of stone, either to mark the boundary of any property or to shew the course of any line of division; of which boundary marks the length above ground shall be six inches at least, between Seigniors, or between Co-Seigniors, or between two Townships, or between a Seignior and a Township, or between the waste lands of the Crown and a Seignior or Township, and at least three inches above the ground between persons holding lands in a Seignior or Township, and at least twelve inches in the ground in any case; and under such boundary marks he shall place pieces of brick, delf or earthenware, slag of iron, or broken glass, and before every such boundary mark he shall place a post of squared timber; Provided always, that in any City, Town or Village, where the placing of such boundary marks would be inconvenient, it shall be sufficient for such Surveyor in his *procès verbal* or description of survey hereinafter mentioned, to designate the position of any boundary line or angle of any property by a plan shewing the adjacent corners of streets or other fixed objects, also stating in the said *procès verbal* or description of survey, the distance to any such corner or fixed object in such a way as to render the position of such boundary line or angle certain and easily found.

What boundary marks shall be placed to mark boundaries.

Proviso: in cities boundaries may be designated by plans.

XIX. Every Land Surveyor who shall hereafter be employed in any survey in Lower Canada, shall, so soon as his operations shall be finished, if he have placed any boundary mark, or if required by any party employing him, or by any Court under whose order he shall act, draw up a *procès verbal*, in which he shall, on pain of nullity, and under the penalty imposed for any contravention of this Act, insert the date of the said *procès verbal*; and shall mention by the order of what Court, and at whose desire, or at what time or times he may have operated; the residence of the parties and their additions, and his own name and residence; and in such *procès verbal* the Surveyor shall, under the penalty last aforesaid, faithfully detail what he shall have done, according to the nature of the survey required of him, stating whether any, and what title deeds were produced to him, according to which he may have guided his operations, what is the form and area of the ground which he has surveyed, what chainings he has performed, and what lines he has drawn, gone over, or verified, what remarkable fixed objects his lines have intersected or run close to, the courses or directions of such lines, and if magnetic courses, the variation of the magnetic needle in his instrument at such time and place; he shall also state what substance or substances he has put under such boundary marks as he may have placed, their respective distances from each other, and their distance from any remarkable fixed object, or such distances as shall distinctly specify the position of such boundary marks; and the said Land Surveyor shall, on pain of nullity, and of the penalty last aforesaid, cause such *procès verbal* to be signed by the parties interested, if they be present, and able and willing to sign; and if any of them be not present, or unable or unwilling to sign, mention

Land Surveyors to make *procès verbaux* of their operations.

What such *procès verbaux* shall contain.

Procès verbal to be signed by parties interested.

shall be made of the fact, and such *procès verbal* shall be signed by the Surveyor, and by the chain-bearers; and if the chain-bearers are unable to sign, two witnesses shall sign, to attest the signatures of the parties, after having first been read aloud in the presence of the parties signing the same, all which facts shall be mentioned in the *procès verbal*; and he shall preserve the same, as a minute of which he shall give copies to the parties concerned; and he shall not enter any interlineations, nor make any erasure in his minutes, nor in the copies thereof, but shall mention the number of words struck out, and also the number of marginal references in each of his minutes, or copies of *procès verbaux*, which references shall, in the minute, be signed with the initials of the parties, chain-bearers or witnesses, and Land Surveyor, or of such of them as can sign, and in every copy by the initials of the Land Surveyor, otherwise they shall be null and void. 5 10

Recital.

Procès verbal not according to law to be valid if substantially correct.

XX. And whereas many *procès verbaux* of survey, in Lower Canada, have been drawn up in a manner substantially correct, but not in the precise form required by the Acts then in force, and law-suits and vexatious proceedings might arise out of the same,—therefore, any *procès verbal* now existing in Lower Canada, which shall substantially contain such particulars as may be requisite for the full understanding of the survey or operation to which it relates, and of the doings of the Surveyor, and the intentions of the parties interested, with regard to the same, shall be held to be authentic and valid, and shall have effect according to the tenor thereof, whatever may be the form in which the same may have been drawn up. 15 20 25

Measure for land in Lower Canada.

XXI. The measure for land in Lower Canada, shall be the same as was before the year of our Lord, one thousand seven hundred and sixty, in all grants of Seigniories, and in the concessions which have been therein made up to the present time; but in the Townships of Lower Canada, the measure for land shall be English measure. 30

Surveyors using other boundary marks than those mentioned in sec. 18, to pay a penalty.

Surveyors to collect minutes of *procès verbaux* and to make an index to them.

XXII. Any Land Surveyor who shall, in Lower Canada, after the passing of this Act, put, as evidence or indication of his boundary marks, under such boundary marks, any other matter than is mentioned in the eighteenth section of this Act, shall, for each offence, incur a penalty of *twenty dollars*. 35

XXIII. Every Land Surveyor practising in Lower Canada, shall collect, and place in regular and due order, all and every the minutes of *procès verbaux* that may have been, or may be drawn up by him, in the order of time in which such *procès verbaux* may have been drawn up; and shall collect and put up minutes of his *procès verbaux* of every year, with a sufficient index, in such a manner as to enable him readily to give copies of the same when required by the parties interested. 40

Surveyors dying, &c., their papers to be delivered to the Sec. Treas.

XXIV. When any Land Surveyor shall die or leave the Province, his registers, minutes, plans, and other papers relative to his professional acts, and signed by him and other parties interested, shall be delivered to the Secretary-Treasurer of the Land Surveyors of Lower Canada, to be by him deposited among the public documents of the said Body, for the benefit of all persons therein concerned, who shall have free access thereto; and the said Secretary-Treasurer shall deliver 45 50

copies thereof to such persons as may require them, upon their paying the usual and legal fees; and the widow, or, if there be no widow, the heirs of such Land Surveyor so deceased, or such Land Surveyor as may have left the Province, shall be entitled to an annual correct
 5 account of the fees received by the Local Secretary-Treasurer, for the copies so delivered, and to receive one half thereof for and during the space of five years from and after the day of the decease of such Land Surveyor, or from the day that such Land Surveyor may have left the Province; and in the event of the said Land Surveyor returning to the
 10 Province, he may require the said Secretary-Treasurer to return to him the said minutes, registers, plans, and other papers which he may have deposited in the office of the "Land Surveyors of Lower Canada" aforesaid, in the custody of the said Secretary-Treasurer, on producing his certificate of admission to practise Land Surveying, from the Board
 15 of Examiners, after his absence from the Province aforesaid; Provided always, that any Surveyor dying, and having a legal heir belonging to the same profession, his minutes, registers, plans, and other papers aforesaid, shall become the property of such legal heir, instead of being deposited in the office of the "Land Surveyors of Lower Canada" as
 20 aforesaid.

Widow or heirs to receive one half the fees for five years.

Proviso.

XXV. If any Land Surveyor practising in Lower Canada shall leave the Province and remain absent during the space and term of five years or more, during which time he shall have discontinued the practice of Land surveying aforesaid, he shall, on returning to the Province, if he
 25 wish to resume the practice of his profession in Lower Canada, apply to the Board of Examiners for a certificate of admission to do so, which the said Board shall grant, if the Land Surveyor is, in their opinion, still qualified to receive the same.

Surveyors discontinuing practice for five years must apply to Board for certificate of re-admission.

XXVI. Any Surveyor employed to make any survey in the Townships
 30 of Lower Canada, shall govern himself by the surveys made under the plans and instructions issuing from the Surveyor General's office, or that of the Commissioner of Crown Lands, or other officer performing the duties of Surveyor General, as aforesaid; and whenever it shall happen that the posts or boundary marks between any lots or ranges of lots
 35 shall be effaced, removed or lost, such Surveyor may examine witnesses on oath (which he is hereby authorized to administer) for the purpose of ascertaining the former boundaries; but, if the same cannot be so ascertained, then the Surveyor shall measure the true distance between the nearest undisputed posts, limits or boundaries, and divide such
 40 distance into such number of lots as the same contained in the original survey, of a breadth proportionate to that intended in such original survey, as shown on the plans and field notes thereof of record in such public office as aforesaid; and when any part of any concession or range
 45 line, intended in the original survey to be straight, shall be obliterated or lost, then the Surveyor shall run a straight line between the two nearest points or places where such line can be clearly and satisfactorily ascertained, and shall plant all such intermediate posts or boundaries as he may be required to plant in the line so ascertained, and the limits of each lot so found shall be taken to be and are hereby declared to be the
 50 true limits thereof, as regards the front or rear of any such lot; and the posts put up at all the angles of such lot in the original survey aforesaid, or the places of such posts found by measurement or by sworn evidence

Surveys in townships to be governed by plans, &c., issuing from Crown Lands Department.

Duties of Surveyor in case boundary marks are lost or defaced.

as aforesaid shall be the true limits thereof, any law or custom thereof in any wise to the contrary notwithstanding.

Meridian lines to be drawn by Government in different parts of the Province.

XXVII. The Governor of this Province may, if he shall at any time deem it expedient, or upon any petition forwarded through the Board of Directors or Council of the "Land Surveyors of Lower Canada" aforesaid, direct a meridian line to be properly drawn and marked, or the bearings between certain fixed points and objects to be so ascertained as to enable a Surveyor thereby to ascertain the variation of his instrument from the meridian, in or near the cities of Quebec and Montreal and Three Rivers and the Towns of Sherbrooke and New Carlisle, and at least one in each of the Counties of Lower Canada, by some Land Surveyor or Land Surveyors whom the Governor may appoint, and by which the Land Surveyors operating in such Counties may verify their instruments when necessary.

Defacing or altering land marks to be a misdemeanor.

XXVIII. If any person or persons shall knowingly and wilfully pull down, deface, alter or remove, any landmark, post, or monument placed by any Land Surveyor to mark any limit, boundary or angle of any Township, Concession, Range, lot or parcel of land in Lower Canada, such person or persons shall be deemed guilty of a misdemeanor, and, being convicted thereof before any competent Court, or before any Justice of the Peace where no such Court shall be at hand, shall be liable to be punished by fine or imprisonment, or both, at the discretion of such Court or Justice of the Peace, such fine not to exceed *one hundred dollars*, and such imprisonment not to be for a longer period than three months, without any prejudice to any civil remedy which any party may have against such offender or offenders in damages by reason of such offence; Provided always, that nothing herein contained shall extend to prevent Land Surveyors, in their operations, from taking up posts or other boundary marks when necessary, after which they shall carefully replace them as they were before.

Punishment.

Where original boundaries are lost and there is an excess of land over that described in title deeds.

XXIX. When any Land Surveyor shall be called upon to survey and lay out the boundaries of two or more lots of land in any concession or range of any seigniori, fief, or township in Lower Canada, where the original boundaries have been destroyed, and when the parties are bounded on both sides by neighbours having *bona fide* boundaries, whether by prescription or other legal means, when the priority of the titles of such parties cannot be ascertained, and when there shall be an excess of land over the quantity mentioned in the title deeds, or a deficiency of land to fill up the title deeds of the said parties requiring such survey, then the surveyor shall divide such excess or deficiency of land between the said parties in proportion to their several quantities mentioned in their titles aforesaid.

Proceedings to be taken by Surveyors to procure information as to boundaries.

XXX. When any surveyor shall be in doubt as to the true boundary or limit of any lot or parcel of ground in any township, seigniori, concession or range, which he may be employed to survey in Lower Canada, and shall have reason to believe that any person is possessed of any important information touching such boundary or limit, then if such person shall not willingly appear before and be examined by such surveyor, or shall not willingly produce to him such writing, plan or document, it shall be lawful for such surveyor, or the party employing him, to file before a Judge of the Circuit Court, or before a Justice of the

- Peace, if such Judge be not at hand, a *præcipe* for a *subpœna* or *subpœna duces tecum*, as the case may require, accompanying such application by an affidavit or solemn declaration of the facts on which the application is founded, and the Judge or Justice of the Peace aforesaid, may order
- 5 a *subpœna* to issue accordingly, commanding such person to appear before the surveyor, at a time and place to be mentioned in the said *subpœna*, and to bring with him any writing, plan, or document mentioned or referred to therein; And such *subpœna* shall be served on the person named therein, by delivering to him, or leaving for him with some grown
- 10 person of his family at his residence a copy thereof, and exhibiting to him or to such grown person the original, and if the person commanded so to appear by such *subpœna* shall, after being paid his reasonable expenses, or having the same tendered to him, refuse or neglect to appear before the said surveyor, at the time and place appointed in the said *subpœna*,
- 15 or to produce the writing, plan or document, (if any) mentioned or referred to, or to give such evidence or information as he may possess, touching the boundary or limit in question, such person so summoned shall be deemed guilty of contempt, and an attachment may be issued against him by the Judge or Justice of the Peace aforesaid, and he may
- 20 be punished accordingly by fine or imprisonment, or both at the discretion of such Judge or Justice of the Peace.

Person refusing to appear on *subpœna* guilty of contempt.

- XXXI. From and after the passing of this Act, any surveyor who shall be summoned to attend any Court, Civil or Criminal, for the purpose of giving evidence in his professional capacity as a surveyor, shall
- 25 be allowed for each day he shall so attend, the sum of *Five Dollars* (in addition to his travelling expenses, if any) to be taxed and paid in the manner by law provided with regard to the payment of witnesses attending such Court.

Surveyors summoned as witnesses to receive five dollars per diem.

- XXXII. Each member of the Board of Examiners attending at the
- 30 quarterly meetings aforesaid for the examination of candidates, shall receive from the Secretary-Treasurer the sum of *five dollars* for every day he shall be so engaged, to be paid out of the fund of the aforesaid "Land Surveyors of Lower Canada; Provided always, that such examiner be not a permanent salaried officer under Government.

Fees to Board of Examiners.

Proviso.

- XXXIII. Every Surveyor in Lower Canada, and forming a part of the Corporation herein named and called "The Land Surveyors of Lower Canada," shall pay to the Secretary Treasurer of the said Corporation *four dollars* on the first day of May in every year, to form a fund for the general purposes of the said Corporation.

Annual fee to be paid by Surveyor to Corporation.

- XXXIV. The words, "Commissioner of Crown Lands" shall be understood to mean the person discharging the duties of that officer; and words importing the singular number only shall be understood to include several persons, matters or things, of the same kind, as well as one person, matter, or thing, unless it be otherwise specially provided,
- 40 or unless there be something in the subject or contest repugnant to such construction, or inconsistent with it.

Interpretation.

- XXXV. From and after the passing of this Act, whenever the outlines or side lines of any seignior, fief or township in Lower Canada, shall be obliterated, whether by fire, or from age or second
- 50 growth, or from any other cause, so that the said outlines or range

When boundary lines obliterated, owner to re-new the same.

lines cannot be clearly defined, the proprietor or proprietors of such seigniories, fiefs, or townships shall be obliged to renew such lines, or have them re-surveyed in such a manner that holders of lots or parcels of land adjoining such outlines or range lines may be able to ascertain those limits of their said lots or holdings which adjoin such outlines or range lines. 5

Copy of this Act to be sent to each Surveyor.

XXXVI. A copy of this Act shall be sent to every Land Surveyor in Lower Canada, in the same manner as other statutes are sent to the parties entitled to receive the same.

Public Act.

XXXVII. This Act shall be deemed a public Act.

10

SCHEDULE A.

Form of Certificate of admission as a Land Surveyor.

This is to certify to all whom it may concern, that A. B. of _____, hath in the District of _____, hath duly passed his examination before the Board of Examiners; and hath been found qualified to fill the office and perform the duties of a Land Surveyor in Lower Canada, he having complied with all the requirements of the law in that behalf. Wherefore the said A. B. is admitted to the said office and is by law authorized to practise as a Land Surveyor in Lower Canada.

In testimony whereof we have signed this certificate at Quebec, in the District of Quebec in the Province of Canada, the _____ day of _____, one thousand eight hundred and _____

Signature of the President, A. B.
Signature of the Secretary, C. D.