

No. 126.

4th Session, 3rd Parliament, 14 Victoria, 1851.

BILL.

**An Act to amend the Land Surveyors
Act.**

Received and read a first time, Friday, 13th
June, 1851.

Second reading, Friday, 20th June, 1851.

HON. MR. PRICE.

BILL.

An Act to amend the Act concerning Land Surveyors.

WHEREAS it is expedient to amend the Act hereinafter mentioned in certain particulars; Be it therefore enacted, &c. Preamble.

And it is hereby enacted by the authority of the same, Inconsistent enactments of 12 Vict. c. 35, repealed.
5 That 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,*" as may be inconsistent with
10 this Act shall be and is hereby repealed.

II. And be it enacted, That for and notwithstanding any thing in the said Act, there shall be two Boards of Examiners for the examination of Candidates for admission to practice as Land Surveyors, one to consist of the Two Boards of Examiners appointed: of whom to consist.
15 Commissioner of Crown Lands and *eight* other competent persons to be appointed from time to time by the Governor, and to meet at the City of Quebec for the examination of Candidates for admission to practise as Land Surveyors in Lower Canada, and the other to consist of the said Commissioner of Crown Lands and *eight*
20 other competent persons to be appointed from time to time by the Governor, and to meet at the City of Toronto for the examination of Candidates for admission to practise as Land Surveyors in Upper Canada; and the present Present Board dissolved.
25 Board of Examiners shall be dissolved; and any three of the Members of either of the said Boards shall form a Quorum.
quorum; and each of the said Boards or a majority thereof Secretary.
shall appoint a Secretary; and the said Boards shall meet Meetings.
at the places hereinbefore mentioned respectively on the
30 days appointed in and by the said Act for the meeting of the Board therein mentioned; and each of the said Boards and the Members and Secretary thereof shall, as regards Powers and duties.
the examination of Candidates for admission to practise in that section of the Province in and for which such
35 Board shall sit, and as regards Surveyors practising therein, have the same authority, powers and duties as are by the said Act vested in the Board therein mentioned and its Secretary, and shall be bound by the same rules in the exercise and performance thereof.

40 III. And be it enacted, That for and notwithstanding anything in the said Act, every person desiring to be Notice to be given by

- applicants for admission, &c. examined before either of the said Boards shall give due notice thereof in writing to the Secretary of such Board at least one month previous to the meeting thereof, and shall then pay to the Secretary the fee of *five shillings* in the said Act mentioned; and each applicant obtaining a certificate shall pay to the Secretary the fee of *ten shillings* in the said Act mentioned. 5
- Fee or receiving certificate. IV. And be it enacted, That for and notwithstanding anything in the said Act the sum payable by each applicant receiving a certificate, shall be *five pounds* currency, and not *two pounds ten shillings* currency as in the said Application. Act mentioned; and the said sum shall be applied and divided in the manner and to the purposes to which the said sum of *two pounds ten shillings* is by the said Act directed to be applied and divided. 15
- Oath of allegiance where to be deposited. V. And be it enacted, That for and notwithstanding anything in the said Act, the oath of allegiance and of office to be taken by persons admitted as Surveyors, shall, if taken in Lower Canada, be deposited in the office of the Prothonotary of the Superior Court in the District of Quebec; and if taken in Upper Canada, in the Registry Office of the County of York. 20
- Indentures or articles of applicants must be filed with the Secretary within a certain time. VI. And be it enacted, That no instrument in writing under which any applicant for admission to practise as a Surveyor shall claim to have served with some practising Surveyor the period of *three years, one year, or six months* mentioned in the third section of the said amended Act, shall avail to authorize the admission of such applicant, unless such instrument if executed before witnesses, or a notarial copy thereof if it be a notarial instrument, shall have been transmitted to the Secretary of the Board before whom the applicant is to be examined, within *months* next after the date thereof if it be executed after the passing of this Act, or before the day of now next if it shall have been executed before the passing of this Act: and the said Secretary is hereby required to acknowledge by post the receipt of all such instruments or copies thereof transmitted to him, and carefully to keep the same in his office. 30 40
- Recital. VII. And whereas, owing partly to certain delays which have occurred in the distribution of the Statutes and partly to other causes, 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 said Act, and law suits and vexatious proceedings might grow out of the same: For remedy thereof, be it enacted, That any Procès Verbal now existing in Lower Canada which shall substantially contain such particulars as may be requisite for the full understanding of the Sur- 45 50
- Certain Procès Verbaux confirmed.

vey or operation to which it relates, and of the doings of the Surveyor, and the intention 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 5 thereof, whatever be the form in which the same may have been drawn up.