



No. 60.

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4th Session, 6th Parliament, 24 Victoria, 1861.

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**BILL.**

**An Act to amend the Acts therein mentioned relating to Land Surveyors.**

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**Received and read, first time, Thursday,  
4th April, 1861.**

**Second reading, Monday, 8th April, 1861.**

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**· Mr. WM. POWELL.**

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**QUEBEC**  
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**An Act to amend the Acts therein mention relating to Land Surveyors.**

**WHEREAS** it is expedient to amend Chapter seventy-seven of the Consolidated Statutes of Canada, and Chapter ninety-three of the Consolidated Statutes for Upper Canada ;—Therefore Her Majesty, by and with the consent of the Legislative Council and Assembly of Canada, enacts as follows :

Preamble.

I. From and after the passing of this Act, every person before being indentured to a Land Surveyor, shall pass a satisfactory examination in Reading, Writing, Grammar, French and English, Geography, a complete course of Arithmetic, Algebra, including equations of the second degree, the use of Logarithms, Plane and Spherical Geometry and Trigonometry, Mensuration of Superficies, Heights, Distances and Solids, and Linear Drawing.

Qualifications of Surveying Students.

II. Upon, from and after the first day in January, in the year of our Lord one thousand eight hundred and sixty-two, every person to be admitted to the practice of Land Surveying, shall be examined in and know all the branches of study required to be known by Surveying Students, together with the admeasurement and division of land, Trigonometrical Surveying, Drawing, Mapping, Topography, Projection for the Sphere, keeping Field-book, practical use of the Theodolite, and have such knowledge of Astronomy as is necessary for determining Latitude, Azimuth, Magnetic Variation, Time, the true Course and Distance between any two points whose latitudes and longitudes are given, Convergence of the Meridian, Levelling, the use of the Barometer and Thermometer for the measurement of heights, the rudiments of Natural Philosophy, of Geology, of Mineralogy and of Botany, and such other scientific knowledge as the Board of Examiners may deem necessary.

Qualifications of Land Surveyors.

III. From and after the passing of this Act, no person shall be admitted to indentures to a licensed Surveyor without first having passed an examination before one of the Boards of Examiners for Land Surveyors for Upper or Lower Canada, and obtaining a Certificate from such Board, of having passed such examination.

Students to pass an examination and obtain certificate before Indentures. By whom examined.

IV. Every surveying student for Upper or Lower Canada shall serve the full term and period of three consecutive years' apprenticeship, and shall not during such term follow any other business or calling whatsoever, and shall before being admitted to examination, produce to the Board of Examiners for Upper or Lower Canada, the Certificate of his master, under oath, that he has served him during such term of three years, and such candidate shall also swear before such Board of Examiners that he has served such full term of three consecutive years' apprenticeship, and that during such term he has not followed any other business or calling; such oath or affirmation to be administered by the President or Chair-

Candidates to serve 3 years' apprenticeship: and produce certificate of Master under oath.

Applicant to be sworn.

man of such Board of Examiners for Upper or Lower Canada ; provided always, that nothing contained in this section shall in anywise affect Surveying Students indentured before the passing of this Act.

- Who shall compose the Board of Examiners. V. From and after the passing of this Act, the Board of Examiners for Land Surveyors for Upper Canada or for Lower Canada, shall consist of twelve members, to be appointed by the Governor in Council, and the President, the First, Second and Third Vice-Presidents of the Association of Provincial Land Surveyors and Institute of Civil Engineers and Architects, *ex officio*, and the conductor of the Geological Survey of the Province and his principal assistant, *ex officio*; Provided always, that the present members of the Board of Examiners for Upper or Lower Canada shall be members of the new Board of Examiners for Upper or Lower Canada, if not otherwise inconsistent with the provisions of this Act. 5
- Provide. Members of present Boards to continue if Surveyors. VI. No person shall be appointed a member of the Board of Examiners for Upper Canada or for Lower Canada, but a Land Surveyor licensed for that section of the Province for which he shall be appointed a member of the Board of Examiners. 15
- Who may be appointed members of the Board of Examiners. VII. A quorum of the Board of Examiners for Upper Canada or for Lower Canada shall consist of seven members. 20
- Quorum. Meeting of Boards of Examiners. VIII. From and after the passing of this Act, the meetings of the Board of Examiners for Upper Canada and for Lower Canada, shall be holden on the first Monday of the months of January and July in each year, for the examination of Surveying Students and candidates for Land Surveying. 25
- No Special Sessions for examination. IX. No special session of the Board of Examiners for Upper or Lower Canada shall be held for the examination of candidates or students.
- Members absentsenting disqualified. Secretary shall report. X. Any member of the Board of Examiners for Upper or Lower Canada absentsenting himself from the general meetings of such Board for three consecutive sessions, shall cease to be a member of such Board of Examiners, and the Secretary of such Board of Examiners shall notify the Governor in Council of such vacancy and the name of the member disqualified. 30
- Secretary to publish a list of Candidates admitted at each meeting. XI. From and after the passing of this Act, the Secretary of the Board of Examiners for Upper or Lower Canada, shall, within ten days after the meeting of such Board, transmit to the Commissioner of Crown Lands and the Corresponding Secretary of the Association of Provincial Land Surveyors and Institute of Civil Engineers and Architects, of which Surveyors shall be members, a list of the names of the candidates admitted to practice Land Surveying at such meeting. 35
- When there shall be no meeting of Board. XII. Whenever no application for examination is made to the Secretary of the Board of Examiners for Upper or Lower Canada, within one month next preceding the meeting of the Board, he shall notify the Members of such Board that there will be no meeting of such Board at the next ensuing session. 45
- Fees to be paid by Candidates before examination. XIII. Every candidate for admission to the practice of Land Surveying for Upper or Lower Canada, and every Surveying Student, shall, before being admitted to examination, pay to the Secretary of such

Board the sum of Fifty Dollars, which shall be held to pay for the expense of such examination.

- XIV. From and after the passing of this Act, any person other than a duly licensed Land Surveyor for Upper Canada or for Lower Canada, practising the business of Land Surveying for fee, hire, reward, profit, or remuneration, in Upper Canada or in Lower Canada, shall, upon conviction on the testimony of one or more credible witnesses before any Justice of the Peace, be subject to a penalty of not exceeding Forty Dollars or not less than Twenty Dollars, with costs, for each and every offence, and in default of payment, shall be imprisoned in the Common Jail of the County or District in which such offence is committed, for a term not exceeding thirty days and not less than ten days: provided always that one-fourth of such fine shall be paid to the complainant, if not a Land Surveyor, one-half to be paid to the Treasurer of the Association of Provincial Land Surveyors and Institute of Civil Engineers and Architects for the use of the said Association, and the remaining one-fourth to Her Majesty.
- Penalty for practising Land Surveying without License.
- Proviso. To whom fine shall be paid.
- XV. Hereafter every Land Surveyor surveying public lands in the unorganized territory of the Province, shall be a Justice of the Peace *ex officio* in such territory during such survey.
- When surveyors shall be *ex officio* Justices of the Peace.
- XVI. From and after the passing of this Act, every Provincial Land Surveyor now admitted or hereafter to be admitted, shall be called Land Surveyor, and every indentured apprentice to Land Surveying shall be called Surveying Student.
- To be called Land Surveyors and Surveying Students.
- XVII. It shall be lawful for any licensed Surveyor employed in surveying land or otherwise professionally engaged, to charge at the rate of *Six Dollars* per day and board and travelling expenses, provided always that no agreement in writing has been entered into by such Surveyor, specifying the rate of wages, and that there are no written instructions setting forth the amount to be allowed for that service.
- Tarif.
- Proviso.
- XVIII. Land Surveyors shall be exempt from militia duties and from attendance at the annual militia muster.
- Land Surveyors exempt from Militia services.
- XIX. Whenever any Land Surveyor shall sue for the recovery of wages earned in the surveying of Land or other professional service, such Surveyor's oath shall be considered sufficient testimony of being employed to perform such survey and of having performed the same: provided always that such Surveyor shall prove by one Land Surveyor that such charge is fair and equitable and according to the custom of the Profession of Land Surveying in the Province.
- Land Surveyors shall recover their wages.
- Proviso.
- XX. Any Act or Acts, or any section or sections, or any part or parts of any section or sections of any Act or Acts, inconsistent with the provisions of this Act, shall be and are hereby repealed.
- Inconsistent enactments repealed.