

sons in-
ligible.

as above mentioned shall be eligible as a member of the board."

b. By replacing paragraph 5, by the following :

Term of
office.

" 5. The nine elective members of the board shall remain in office for one year.

Members of
board re-
eligible.

They are eligible for re-election, and shall remain in office until the election of their successors at the next general election as fixed by paragraph 8 of this article."

Coming into
force.

2. This act shall come into force on the day of its sanction.

CHAP. 61

An Act to amend the law respecting land surveyors and the survey of lands

[Assented to 25th April, 1908]

HIS MAJESTY, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows :

R.S.Q., 4084,
replaced.

1. Article 4084 of the Revised Statutes, as replaced by the act 52 Victoria, chapter 41, section 1, is again replaced by the following :

Meaning of
"surveyor."

" **4084.** The word "surveyor" in this section means a Quebec Land Surveyor ("Q. L. S."), in French "Arpenteur-Géomètre (A. G.)".

Id., 4088,
replaced.

2. Article 4088 of the Revised Statutes, as replaced by the act 2 Edward VII, chapter 26, section 3, is again replaced by the following :

Board of
management,
&c.

" **4088.** The members elected upon the board of management are eleven in number, from among whom are chosen a president, two vice-presidents, one, two or three syndics, as may be necessary, and a secretary-treasurer.

From whom
secretary-
treas., &c.,
may be
chosen.
Honorary
president.

Nevertheless the secretary-treasurer and the syndics, may be chosen from among the members of the corporation not forming part of the board of management, if the board thinks proper.

The minister having the control of the survey of lands or, in his absence, the deputy-minister, is *de pure* honorary president of the corporation."

Id., 4089,
amended.

3. Article 4089 of the Revised Statutes, as replaced by the

act 2 Edward VII, chapter 26, section 4, is amended by adding thereto the following paragraph :

“ The retiring members shall be eligible for re-election.”

Members re-eligible.

4. Article 4091 of the Revised Statutes, as replaced by the Id., 4091, act 52 Victoria, chapter 41, section 4, and amended by the act replaced. 2 Edward VII, chapter 26, section 5, is again replaced by the following ;

“ **4091.** The annual general meetings of land surveyors Annual both for the election of the members of the board of manage-general ment, when necessary, and for the despatch of business, shall meeting, &c. be held in the city of Quebec or at any other place chosen by the board of management, on the second Wednesday of April in each year, or, if such Wednesday be a non-juridical day, on the next juridical day, at the place and hour determined by the notice thereof given by the secretary-treasurer. The board of management shall hold a meeting the day before for the despatch of business.

Such meetings are presided over by the president of the President of board, or, in his absence, by one of the vice-presidents, and, in meeting. their absence, by the senior member of the board or of those present.

The election shall be held in the manner determined by the Election, by-laws of the corporation.” how held.

5. Article 4094 of the Revised Statutes, as replaced by the Id., 4094, act 52 Victoria, chapter 41, section 5, is again replaced by the replaced. following :

“ **4094.** The board of management shall meet at least once Meetings of a year in the city of Quebec, or elsewhere if it thinks proper, on board of the first Tuesday of June, or on the following juridical day, if management. such Tuesday be a non-juridical day, for the despatch of business and for the examination of candidates for admission to the study and practice of the profession .”

6. Article 4098 of the Revised Statutes, as replaced by the Id., 4098, act 2 Edward VII, chapter 26, section 7, is amended by adding amended. thereto the following paragraph :

“ If the vacancies in the board of management are such Vacancies that there is no quorum, the general meeting shall fill each in board. vacancy, and, under such circumstances, the secretary-treasurer shall call a general meeting within the shortest possible delay.”

7. Article 4111 of the Revised Statutes is replaced by the Id., 4111, following : replaced.

“ **4111.** No candidate shall be admitted to the study of Qualifica- land surveying, unless he is sixteen years of age, and unless he tions of can- didate for

admission to study. has passed an examination, to the satisfaction of the board of management, upon the following subjects: universal geography—the histories of France, England and Canada—the history and the principles of French or English literature.

The candidate shall moreover, have a sufficient knowledge of one of the official languages, and must be able correctly to translate English into French or French into English according as he shall choose French or English for his examination.

Certain persons exempted from certain examination. Every candidate who shall have taken the degree of Bachelor of Rhetoric in a classical college in this Province, and shall have taken the number of marks required to obtain the degree of Bachelor of Letters, and who shall produce a satisfactory certificate to that effect, need not pass an examination on the subjects mentioned in this article."

Id., 4112, replaced. **8.** Article 4112 of the Revised Statutes, as replaced by the act 52 Victoria, chapter 41, section 7, is further replaced by the following :

Further examination. "**4112.** Every candidate for admission to study shall further pass an examination, to the satisfaction of the board of management, on arithmetic, on algebra as far as quadratic equations inclusively, on the theory and use of logarithms, on plain geometry, and on plane trigonometry."

Certain persons exempted from certain examination. "**4112a.** Students of the universities of this Province, or of colleges affiliated thereto, who shall have obtained the degree of Bachelor of Science, or of Arts, and have taken 60 per cent of the marks granted for mathematical subjects, and who produce a certificate to that effect, may be admitted as surveyors' clerks without passing the examination on the subjects prescribed by articles 4111 and 4112."

Id., 4113, replaced. **9.** Article 4113 of the Revised Statutes, as replaced by the act 52 Victoria, chapter 41, section 8, is again replaced by the following :

Notice by candidate for admission, &c. "**4113.** The candidate for admission to study, who wishes to pass the preliminary examination, shall, at least one month before the day fixed for such examination, notify in writing, the secretary of the corporation, of such intention, and at the same time forward him the sum of one dollar for the noting and production of said notice before the board of management."

Id., 4114, replaced. **10.** Article 4114 of the Revised Statutes, is replaced by the following :

Fee payable by candidate. "**4114.** On presenting himself for examination, the candidate shall pay the sum of twenty dollars into the funds of the corporation, as an examination fee."

11. Article 4117 of the Revised Statutes, as replaced by the Id., 4117, act 52 Victoria, chapter 41, section 9, is amended by adding ^{amended.} thereto the following paragraph :

“ The candidate for practice shall also be examined on ^{Examination} theoretical and practical astronomy ; and, beginning with the ^{for admission} examination to take place in 1912, students shall also pass an ^{to practice,} examination on the following subjects, namely : analytical geometry, descriptive geometry, differential calculus, physics, chemistry in its relation to minerals, the elements of mechanics, free hand drawing, and the drawing of plans.” ^{&c.}

12. Article 4118 of the Revised Statutes, is replaced by the Id., 4118, ^{replaced.} following :

“ **4118.** Each candidate for practice is bound to make, to ^{Survey by} the satisfaction of the board of management, a survey on the ^{candidate for} ground and to produce a plan thereof with his field notes.” ^{practice.}

13. Article 4119 of the Revised Statutes, is replaced by the Id., 4119, ^{replaced.} following :

“ **4119.** Every candidate for practice must also have ^{Service of} regularly and faithfully served, during four consecutive years, ^{candidate} as a student, under notarial indentures, with a land surveyor ^{with land} duly admitted to practise for the Province, and being a member ^{surveyor, &c.} of the corporation entitled to practice ; have received from such land surveyor a certificate of service during such period ; and have had one year's practice in the field in the Province of Quebec, either with his patron or with any other land surveyor who is also a member of the corporation and entitled to practice.

The candidate shall give at least one month's notice to the ^{Notice by} secretary of his intention to present himself for examination, ^{candidate.} and with such notice forward the sum of one dollar.”

14. Article 4124 of the Revised Statutes, as replaced by the Id., 4124, act 2 Edward VII, chapter 26, section 8, is again replaced by ^{replaced.} the following :

“ **4124.** Whosoever has followed a regular course of studies in ^{Period of} all the branches of science required by law in order to be receive- ^{indenture-} ^{ship shorten-} ed as a land surveyor, in any university, college, polytechnic ^{ed in certain} or other school, in this Province, where a complete course on theo- ^{case, &c.} retical and practical surveying is given, or who, being resident in the Province of Quebec, has followed the course of study in the Royal Military College of Kingston, and who has received from such university, college or school, after a regular examination, his diploma or degree as a civil engineer, land surveyor or bachelor of applied science or who has been admitted as a member of the Canadian Society of Civil Engineers in virtue of

the act 61 Victoria, chapter 32, shall be bound, after obtaining such degree or diploma, to serve under indentures for twelve months only, eight of which shall consist of active service in the field. At the expiration of said twelve months, such person has the right to present himself before the board of management and to undergo the examination required by law, and to be admitted to practise as a land surveyor in the Province, if his examination is considered satisfactory. Every person privileged to undergo only one examination before the board of management for admission to practice surveying, shall pay thirty dollars as the fee for such examination."

Id., 4128,
replaced.

15. Article 4128 of the Revised Statutes, as amended by the act 2 Edward VII, chapter 26, section 12, is replaced by the following :

Surveys, &c.,
must be by
land-sur-
veyor.

" 4128. No survey, nor any operations coming within the functions of a land surveyor of this Province, as defined by article 4128*a*, shall be valid unless performed by a land-surveyor duly admitted to practise in the Province by law and the regulations of the corporation, or made under his immediate personal supervision.

Surveyors
forbidden to
sign, &c.,
certain docu-
ments.

Every surveyor is, under the penalty of the nullity of his proceedings and of suspension by the board of management, prohibited from signing or certifying any documents whatever, connected with any surveying operation which he has not himself performed or which has not been carried out under his immediate personal supervision or which has been undertaken by a person not a surveyor."

Id., 4128*a*,
replaced.

16. Article 4128*a*. of the Revised Statutes, as enacted by the act 52 Victoria, chapter 41, section 13, is replaced by the following :

Certain
surveys, &c.,
within exclu-
sive province
of land-sur-
veyors.

" 4128*a*. All surveys of lands, measurements for bound-ary purposes, setting of boundaries, plotting of plans, plans, copies of plans, *procès-verbaux*, reports, technical descriptions of territories, and all documents or surveying operations connected with the scaling of rivers and lakes, and, generally, all operations whatever connected in any way whatever with the bounding, measuring, laying out and picketing of lots, and the calculation of the area of lands, in the Province and the cadastral division, subdivision, re-division, and re-subdivision of such lands, fall within the attributes of a land-surveyor of the Province and shall not be undertaken or executed except by a surveyor as prescribed by article 4128.

Only sur-
veyors' plans
to be deposit-
ed, &c., in
certain cases.

Proviso.

Provided however that nothing in this article contained shall be interpreted as applying to plans prepared under the provisions of chapter 37 of the Revised Statutes of Canada 1906, respecting railways, and its amendments.

17. The following article is inserted in the Revised Statutes *Id.*, art. inserted after article 4142, as replaced by the act 52 Victoria, chapter 41, section 15. *art. 4142.*

" 4142a. Any person not being a land-surveyor duly qualified to practice his profession, who places or plants boundaries as described in article 4141, shall be liable to a fine of not more than fifty dollars and, in default of payment, to imprisonment for not more than two months." *Penalties in certain cases.*

18. Article 4147 of the Revised Statutes, as replaced by *Id.* 4147, the act 2 Edward VII, chapter 26, section 17, is amended by *par. added.* adding thereto the following paragraph :

"The land-surveyor, in the performance of his duties, shall keep notes, in a note-book used for that purpose, of all his surveying work, even if he is not called upon to place boundary marks or monuments, mentioning the date of his operations, the names of the parties for whom he did the work, and a description of the land upon which he worked." *Surveyor's field-notes.*

19. Article 4152 of the Revised Statutes is replaced by the following : *Id.*, 4152, replaced.

" 4152. The land-surveyor employed to make any survey in a township, shall govern himself by the surveys made according to competent authority. In every surveyed township, the original lines, whether internal or external, which have been run, established or re-established, on the ground, under instructions issued by the competent authority, and accepted by it, shall be and remain the true lines of such township, whether they are or are not in conformity with the lines mentioned in said instructions ; and every post, boundary mark or monument, planted in execution of such instructions by a duly qualified land-surveyor, are declared to be true, and shall not be removed except by the competent authority ; and if such lines, posts, boundaries, or monuments are obliterated, effaced, lost or removed, the re-establishment thereof shall be effected according to articles 4153, 4154. 4155 and 4156. *Running of lines, &c., in townships.*

By competent authority is meant the Legislature, or the Lieutenant-Governor in Council, or a court of law." *"Competent authority" defined.*

20. Article 4158 of the Revised Statutes is replaced by the following : *Id.*, 4158, replaced.

" 4158. The side lines of lots in a township shall be established and traced on the azimuth or bearing of the lines, which, in the instructions for the survey of such township is indicated as governing the side lines in each range which it effects. This guiding line shall be either one of the outside lines of the township or a central line, or some other line, according as the *Side lines of townships.*

side lines of the lots are shown on official plans deposited among records of surveys, as lines parallel to one or other of such lines.

Future surveys of townships.

This means of establishing the side lines of lots shall be the only one followed in townships surveyed after the coming into force of this act."

Id., 4159, replaced.

21. Article 4159 of the Revised Statutes is replaced by the following :

Certain side lines valid.

" **4159.** The side lines of the lots established before the coming into force of this act, in accordance with the law in force when they were established, shall be and remain valid.

Certain method of running boundary lines in certain cases.

Moreover when, before the coming into force of this act, the side lines of one or more lots in a range of a township, have been established before any other line, in accordance with the usage followed in some parts of the Province from a part of one range to the corresponding one in the adjoining range above or below, and such lines have not been revoked by judicial authority, the land-surveyor establishing the side lines of such range shall follow the same method of division in running the boundary lines of the lots remaining to be bounded in the same range. Except as aforesaid, the side lines of lots shall be established according to the provisions of article 4158."

Id., 4164, replaced.

22. Article 4164 of the Revised Statutes is replaced by the following :

Limits of lot.

" **4164.** The side lines established as aforesaid, from the posts marking a lot on the front of a range, to the rear line of such range, shall form, with the part of such latter line, between the side lines and the posts of the front line between the said posts, the limits of such lot."

Id., 4167, repealed.

23. Article 4167 of the Revised Statutes is repealed.

Id., 4170, amended.

24. Article 4170 of the Revised Statutes, as replaced by the act 52 Victoria, chapter 41, section 19, is amended by adding thereto the following paragraph :

Sale, &c., of records to land-surveyor, &c.

" Nevertheless, a land-surveyor, during his life-time, or his heirs after his death, may sell or give such set of records to another land-surveyor if they think proper. In such case the person who so becomes owner of such set of records, shall give notice thereof to the prothonotary of the district."

Certain acquired rights not affected, &c.

25. Nothing in this act shall affect the acquired rights of surveyors' clerks indentured before April, 1909. Nevertheless the date fixed for the examinations shall be strictly followed after the coming into force of this act.

26. Nothing in this act contained shall be interpreted as affecting the rights and privileges granted by law to the members of the Canadian Society of Civil Engineers. Privileges of Can. Soc. of C. E. not affected

27. This act shall come into force on the day of its sanction. Coming into force.

CHAP. 62

Act to amend the Cities and Towns' Act 1903

[Assented to 14th April, 1908]

HIS MAJESTY, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows:

1. The following article is inserted in the act 3 Edward VII, chapter 38, after article 58 : 3 Ed. VII, c. 38; s. inserted after s. 58.

“ **58a.** The office of mayor or alderman also becomes vacant: Other causes of vacancy.

a. In case of refusal to accept such office, or of refusal to continue to perform the duties thereof.

b. In case of absence from the municipality, for three consecutive months, without the permission of the council.”

2. Article 262 of the said act is replaced by the following : Id. s. 262, replaced.

“ **262.** Every person who aids, abets, counsels or procures the commission by any person of the offence of personation, shall be liable to a penalty not exceeding two hundred dollars and not less than fifty dollars, and to imprisonment for a term not exceeding two years and not less than three months.” Aiding personation.

3. This act shall come into force on the day of its sanction. Coming into force.