

provisions or give the periods of study and service required in the office or service of a corporate member of the society ; that he has however been practising as a civil engineer, within the meaning of this act, for a period of not less than ten years, and that he is a member of the highest grade of the Institution of Civil Engineers or any other national engineering society of similar standing ; and gives one month's notice, and, at the same time, pays the society the sum of fifty dollars, and passes the examination prescribed in paragraph (e) of article 6 of this act."

CHAP. 26

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

[Assented to 26th March, 1902]

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

Art. added after R. S., 4084*b*.

1. The following article is added after article 4084*b* of the Revised Statutes, as enacted by the act 52 Victoria, chapter 41, section 1 :

Certain property of land surveyors not liable to seizure.
Exception.

"**4084*c*.** The minutes, papers, plans, field-notes and books of a land surveyor are not liable to seizure ; his surveying and drawing instruments are also not liable to seizure, except by the vendor for the recovery of the purchase price."

R. S., 4086, amended.

2. Article 4086 of the Revised Statutes, as replaced by the act 52 Victoria, chapter 41, section 2, is amended by striking out the words : "in connection with land surveying," in the first and second lines of clause *f* of paragraph 2.

Id., 4088, replaced.

3. Article 4088 of the Revised Statutes is replaced by the following :

Members and officers of board.

"**4088.** The members elected upon the board of management are eleven in number, from among whom are chosen a president, two vice-presidents, a syndic and a secretary-treasurer.

President *de jure*.

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

4. Article 4089 of the Revised Statutes is replaced by the following : Id., 4089, replaced.

“ **4089.** The quorum of the board of management is six, and its members hold office for three years. Quorum and term of office of board.

Every year there shall be an election to replace a part of the board of management in the following manner : the first year four directors shall go out of office and shall be replaced ; four others after the second year, and three after the third. Election of members.

The order of retiring shall be determined by lot for the first year. Order of retiring, how determined.

This new manner of proceeding shall commence at the time of the next elections in 1903.” When article to come into force.

5. Article 4091 of the Revised Statutes, as replaced by the act 52 Victoria, chapter 41, section 4, is amended by adding after the words “ in the city of Quebec,” in the fourth line, the words “ or in any other place which may be chosen by the board of management.” Id., 4091, amended.

6. Article 4097 of the Revised Statutes, as replaced by the act 52 Victoria, chapter 41, section 6, is again replaced by the following : Id., 4097, replaced.

“ **4097.** A land surveyor, who has paid his contributions and against whom the corporation has no claim, may give notice to the secretary-treasurer that he no longer wishes to belong to the corporation of land surveyors. He then, upon payment of his contribution for the current year, shall, *ipso facto*, and at once cease to form part of the corporation and shall no longer have a right to exercise his profession. Withdrawal of members.

A land surveyor, who withdraws from the corporation after having given notice as above, and who desires to re-enter the said corporation, shall be entitled so to do, provided he pays an entrance fee of ten dollars or his contributions for the years elapsed since his withdrawal.” Reinstating of members.

7. Article 4098 of the Revised Statutes is replaced by the following : Id., 4098, replaced.

“ **4098.** In case of inability as provided by article 4093, or in case of resignation, absence, sickness or death of any of the members and officers of the board of management, he shall be replaced as follows : Replacing of members of the board, &c.

1. The president, by one of the two vice-presidents or a member of the board, precedence being given according to seniority in the practice of the profession of land surveyor ;

2. The other officers, by officers temporarily chosen by the board of management ;

3. The members, by other members temporarily chosen by the board of management among the land surveyors of the province."

Id., 4124,
replaced.

8. Article 4124 of the Revised Statutes, as amended by the act 57 Victoria, chapter 38, section 1, is replaced by the following:

Privilege of certain persons holding diplomas to be admitted to practice without previous study, &c.

"**4124.** Whosoever has followed, during at least two years, a regular course of studies in all the branches of science required by law in order to be received as a land surveyor, who has attended the lectures of any university, college or polytechnic school, in this province, where a complete course of theoretical and practical instruction is given in civil engineering, physics, geology and all other branches of science required by law in order to be admitted as a land surveyor, or who has followed a complete course of study in the Royal Military College in accordance with chapter 42 of the Revised Statutes of Canada and its amendments, and who has received from such university, college or polytechnic school, after a regular examination, his diploma and degree as a civil engineer or land surveyor, may be received as a student by any land surveyor in the Province, and shall be bound to serve under indentures for twelve months only, of which eight of active service in the field; or, if he has obtained his degree or diploma in less than two full years, then such time of active service only which, added to the time he has devoted to his course of studies, shall complete the period of three full years; and, at the expiration of the said active service, such person, on complying with the other provisions of this section, has the right to present himself and undergo the examination required by law, and, if qualified, to be admitted to practise as a land surveyor in the province as if he had served his three full years under indentures with a practising land surveyor; but, instead of paying forty dollars, he is obliged to pay fifty dollars as a fee for his license as land surveyor.

Limitation of privilege of certain pupils to those residing in province.

In the case of pupils of the Royal Military College of Kingston, however, the privilege granted extends only to those pupils who belong to the Province of Quebec; such pupils, upon their final examination, shall be examined in their knowledge of French or English."

Id., 4125,
replaced.

9. Article 4125 of the Revised Statutes is replaced by the following:

Fine for practising for payment, &c., when not authorized.

"**4125.** Any person, who for any payment or promise of or understanding as to payment, reward, indemnity or profit whatever, performs, directly or indirectly or exercises any of the functions of a land surveyor in the Province of Quebec,

or falsely pretends to be a land surveyor of this Province, is liable to a fine not exceeding fifty dollars or an imprisonment not exceeding three months.

Such fine is recoverable with costs by the corporation of land surveyors or by any person before any court of competent jurisdiction ; one half of such fine belongs to the corporation of land surveyors and the other half to the party prosecuting. Recovery of fine.

“ **4125a.** Surveyors practising under the provisions of this section, are entitled to emoluments or fees for the surveying operations made by them, and the professional services rendered by them, in addition to their expenses and disbursements. Emoluments of surveyors.

Such fees and emoluments are regulated by tariffs made in virtue of article 4086 of these Statutes. Tariffs.

“ **4125b.** In the class of professional services, entitling to emoluments or fees, are included, amongst others, journeys and attendance outside the office, vacations, written and verbal consultations and examinations of deeds and papers. What are included under professional services.

“ **4125c.** Every new tariff and every modification of the present tariff shall be approved by the Lieutenant-Governor in Council before having any force or effect. Approval of tariff.

“ **4125d.** The board of management may, from time to time, increase, diminish or otherwise modify the tariffs of the fees which land surveyors may exact for professional services, and it shall order to be printed, for the use of practising land surveyors, every tariff, modification or amendment thereof, and shall address to each by mail, as well as to each prothonotary of the Superior Court and to each clerk of the Circuit Court, a copy authenticated by the secretary-treasurer and by the seal of the corporation. Power of board to increase, &c , tariff, &c. Copies to be sent to certain persons.

Such prothonotaries and clerks shall keep such copy exposed in a conspicuous place in their offices. To be posted in certain offices.

“ **4125e.** Copies of the tariffs and amendments above-mentioned as well as extracts therefrom, certified as true, appearing to be signed by the secretary-treasurer of the corporation and bearing the seal of the corporation, are authentic, make proof of their contents and have force of law before all courts of justice.” Certified copies of tariffs, &c., prima facie proof.

10. Article 4126 of the Revised Statutes is amended by inserting after the word “interferes” in the second line the words “in any manner whatsoever.” Id., 4621, amended.

Id., 4127,
replaced.

11. Article 4127 of the Revised Statutes, as replaced by the act 52 Victoria, chapter 41, section 12, is again replaced by the following :

Conditions
required to
act as land-
surveyor.

“**4127.** (1) No one can act as a land surveyor in this province, unless he be duly authorized to practise as such, in conformity with the provisions of this section or has been authorized to that effect before the 27th of May, 1882, according to the laws then in force.

Who can not
act.

2. A surveyor cannot act as such, if he is prevented by a by-law or resolution of the board of management for some legal reason, made and passed under this section, or if his name is not on the official table of land surveyors published every year, or if he is unable to produce a certificate from the secretary-treasurer establishing that his name could be entered upon the table for the current year, or if he has ceased to form part of the corporation under the provisions of article 4097.”

Id., 4128,
amended.

12. Article 4128 of the Revised Statutes is amended by adding thereto the following :

Certain docu-
ments not to
be certified
by land sur-
veyors.

“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, except copies, connected with any surveying operation, which he has not himself performed or which had not been carried out under his immediate personal supervision.”

Id., 4132,
replaced.

13. Article 4132 of the Revised Statutes is replaced by the following :

Land sur-
veyors to pro-
cure standard
measure of
length, &c.

“**4132.** Every land surveyor duly admitted to the profession and practising in this province, shall, under penalty of forfeiting his license or certificate, procure, keep in his possession and cause to be examined, verified, corrected and stamped or otherwise certified by the Minister of Lands, Mines and Fisheries or by some other person by him duly authorized, or by the secretary-treasurer of the board of management of land surveyors, a standard measure of length.”

Id., 4136,
replaced.

14. Article 4136 of the Revised Statutes is replaced by the following :

Right of sur-
veyor, &c.,
to pass over
private lands.

“**4136.** Any land surveyor, as well as those who assist him, may in the performance of his professional duties, pass over the property of any person whomsoever, and thereon perform the operations he may deem necessary.

Recourse for
damages
against him.

If the land surveyor, either personally or by his assistants, causes any damage in carrying out his operations,

the party aggrieved has recourse against him, and may adopt the ordinary proceedings for arbitration, in similar cases. Recourse of surveyor in such case.

The land surveyor has his recourse against the party for whom he worked, unless the damages result from his fault."

15. Article 4145 of the Revised Statutes, as replaced by Id., 4145, replaced. the act 52 Victoria, chapter 41, section 16, is again replaced by the following :

"**4145.** A land surveyor, if he plant any boundary marks, shall, as soon as he has finished his operations, draw up a *procès-verbal* thereof, declaring in such document, on pain of nullity, that he is entitled to practise his profession, at whose request and when he performed the operations, the residence of the parties, their legal addition, his own name, residence and the date upon which he prepared such *procès-verbal*." Surveyor to draw up *procès-verbal* if he plant boundary marks and what to contain.

16. Article 4146 of the Revised Statutes is replaced by Id., 4146, replaced. the following :

"**4146.** In addition, the land surveyor shall mention in the *procès-verbal* the titles or documents exhibited to him in connection with the work he is called upon to perform. He shall also faithfully detail all his operations and enter in the *procès-verbal* all the information of a nature to enable the boundary marks which he has planted and the lines which he has established to be found and identified. Further contents of *procès-verbal*.

Registrars are bound, when thereto required, to register the *procès-verbaux* of surveys against the lots affected." Registration of *procès-verbaux*.

17. Article 4147 of the Revised Statutes is replaced by Id., 4147, replaced. the following :

"**4147.** The land surveyor shall also cause such *procès-verbal* to be signed by the parties, if they are present, or by their authorized representatives, and if they are able and willing to sign ; and if they or any of them are not present or are unable or unwilling to sign, mention of the fact shall be made, and every party assenting to the said *procès-verbal*, but unable to sign, shall make his mark in presence of a witness who signs." Signature of *procès-verbaux*.

18. Article 4156 of the Revised Statutes is replaced by Id., 4156, replaced. the following :

"**4156.** In the case of outside or central lines, the land surveyor cannot proceed to establish them except under the authorization of the Minister having the control of surveys, according to instructions given for that purpose, and, in case such operation is made upon the request of private individuals or of municipalities, the costs may be at the charges of such private individuals or of such municipalities." Order of Minister required in cases where outside and central lines are established.