

## CAP. XVI.

An Act respecting the land surveyors of the Province of Quebec and the survey of lands.

[Assented to 27th May, 1882.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

## INCORPORATION.

1. The land surveyors now authorized by law to practise <sup>Incorporation.</sup> as such in the Province of Quebec and those who shall be so in the future, are by this act constituted a body politic and corporate under the name of "The Land Surveyors of <sup>Name.</sup> the Province of Quebec."

The seal of the Corporation shall bear the following <sup>Seal and in-</sup> inscription: "Land Surveyors of Quebec."

## GENERAL POWERS OF THE CORPORATION.

2. The rights, powers and privileges granted by law to <sup>General</sup> ordinary corporations are hereby granted to the corporation <sup>powers of the</sup> of land surveyors of the Province of Quebec. <sup>Corporation.</sup>

3. As such the corporation has full power:

<sup>Special pow-</sup>  
ers;

1. To acquire and possess movables and immovables <sup>To hold real</sup> and enjoy the same, provided the value thereof does not <sup>estate;</sup> exceed twenty thousand dollars; <sup>Proviso.</sup>

2. To pass by-laws, not inconsistent with the provisions of <sup>To pass by-</sup> this act, for the government, discipline and honor of its <sup>laws for cer-</sup> members, for the management of its property, for the <sup>tain purposes.</sup> maintenance of the said corporation by levying contributions or otherwise, for the election of a board of management, for the examination and admission of candidates to study or to practise the profession of land surveyor, respecting fees for professional services in connection with land surveying rendered other than at the request of the Commissioner of Crown Lands, and all other by-laws which may be deemed necessary for the proper working of the said corporation.

4. The by-laws of the corporation, respecting fees for <sup>Approval by</sup> professional services, in order to have force and effect, shall <sup>lieutenant gov-</sup> be first approved of by the Lieutenant-Governor in <sup>ernor of by-</sup> Council. <sup>laws respect-</sup> ing fees.

## BOARD OF MANAGEMENT.

Board of management.

**5.** The powers, conferred on the said corporation of land surveyors of the province of Quebec by the present act, are exercised by a general council, under the name of the "Board of management of the land surveyors of the Province of Quebec."

Members of the board.

**6.** The members elected upon this board of management are fifteen in number, from among whom are chosen a president, two vice-presidents, a syndic and a secretary.

The commissioner of crown lands, and in his absence the assistant commissioner are honorary members.

Quorum and term of office.

**7.** The quorum of the said board is seven, and its members shall hold office for three years.

Decision of questions submitted.

**8.** All questions submitted to the said board are decided by the majority of the active members present, and the president votes only when the votes are equally divided.

## ELECTION OF MEMBERS OF THE BOARD OF MANAGEMENT, &amp;C.

First meeting of surveyors for the election of members of the board.

**9.** The first general meeting of the land surveyors of the province of Quebec, for the purpose of electing members of the board of management and officers, shall be held on the first Tuesday of July, 1882, or if such Tuesday be a non-juridical day then on the next following juridical day, at the hour of ten in the forenoon, in the room hitherto reserved for the sitting of the Board of examiners for Land Surveyors, in the new Departmental Buildings, in the city of Quebec.

Chairman of meeting.

This meeting is presided over by the senior land surveyor present, according to the date of his being received as such.

Method of election. Contents of ballot paper.

The election is by ballot.

Each ballot-paper shall contain a number of names, not exceeding that of the members to be elected.

General meetings after the first.

**10.** The subsequent annual general meetings for the election of the members of the board of management when necessary, and for despatch of business, shall be held in the city of Quebec on the first Tuesday in July in each year, or if such Tuesday be a non-juridical day, then on the next following juridical day, at the place and hour determined by the by-laws of the corporation.

Chairman of such meeting.

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

The elections are held in the manner prescribed in the preceding section. Method of election.

**11.** Special general meetings may be held and be convened by a notice, signed by the secretary, and addressed to each land surveyor fifteen days before the date of such meetings, by order of the president or of one of the vice-presidents, at the requisition of at least ten members of the said corporation. Special general meetings.

#### DUTIES OF THE BOARD OF MANAGEMENT.

**12.** The board of management, once constituted, is obliged to meet at least once a year in the city of Quebec, for despatch of business and for the admission of candidates to the study and to the practice of the profession of land surveyor, on the first Tuesday in July, or on the following juridical day, if such Tuesday be a non-juridical day. Annual meetings of the board of management.

The board, in addition to the usual annual meeting, meets at the same place on the second Tuesday of January, or on the following juridical day if such Tuesday be a non-juridical day, in the years one thousand eight hundred and eighty-three, one thousand eight hundred and eighty-four, and one thousand eight hundred and eighty-five for the admission of candidates to the practice of the said profession of land surveyor, under indenture at the time of the passing of this act, who have the privilege of presenting themselves at the examination which shall precede the expiration of their three years of study. Special meetings for the purpose of admitting certain students to practice.

**13.** At every annual general meeting of the land surveyors, with the exception of the first, the said board is bound, before the election of its members, to make a report of its operations, of the questions which have been submitted to it, of the result of the examinations and generally the business which it has transacted and disposed of during the course of the past year. Reports by the board of management.

This report is submitted, under the form of minutes, for the approval of the general meeting and remains in the archives of the corporation in the custody of the secretary. Form of such report.

#### FUNCTIONS OF THE BOARD OF MANAGEMENT.

**14.** The functions of the board of management of the land surveyors of the province of Quebec are : Functions of the board of management.

1. To maintain the discipline and honor of the body of land surveyors and to pronounce censure upon any member guilty of any offence in this respect ; Maintenance of discipline.

Conciliation of differences; hear complaints and censure, fine or suspend surveyors.

2. To prevent and conciliate all misunderstandings between land surveyors, and to take cognizance of all complaints and accusations preferred by third parties against them and to punish any land surveyor found guilty of the facts alleged in the said complaints or accusations, according to the gravity of the offence, by censure, fine or suspension from the exercise of his profession. But such fine shall not exceed the sum of one hundred dollars and such suspension shall not be for a period exceeding two years;

Amount of fine and term of suspension limited.

Deliver or refuse certificates to candidates.

3. To deliver or refuse, after examination, all certificates of capacity and admission applied for by candidates to the study or practice of the profession of land surveyor;

Summon surveyors to appear before it

4. To order any land surveyor practising in this province to appear before it, when the same is deemed necessary;

Punish surveyors guilty of offenses.

5. To punish any land surveyor, according to the gravity of the offence, either by depriving him of his vote at general meetings or by forbidding his entrance as a member of the corporation, for a period which shall not exceed two years for the first offence and which shall not exceed four years for the second or any subsequent offence;

Regulate by by-law proceedings on accusations.

6. To regulate by by-law the method of proceedings in bringing accusations against the members of the corporation before the council;

Dismiss officers; provide.

7. To dismiss, at will, any officer and to appoint another in his place; but no officer shall be dismissed, except when the absolute majority of the members of such board shall have voted for his dismissal.

Vacancies in board how filled.

15. In case of absence, sickness or death of any of the officers of the board of management, he shall be replaced as follows, to wit:

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

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

3rd. The members, by other members also temporarily chosen among the land surveyors of this province.

THE SECRETARY.

*His duties.*

Secretary of the board.

16. The secretary of the Board of management is also recording secretary and secretary-treasurer.

He shall, within fifteen days after his appointment, give security to the extent of one thousand dollars, the certificate whereof shall be deposited in the hands of the president.

Security to be furnished by him.

**17.** The duties of the secretary are :

His duties.

1. To carefully take down the proceedings of the general meetings of the land surveyors of the province, and of the meetings of the board of management, minutes of which he keeps in a book set apart for that purpose ;

Keep the minutes.

2. To deposit in a place of safety, indicated by the said board of management, the archives of which he is the custodian.

Keep the archives.

3. To deliver copies, and other documents which may be required, certified by him ; and such copies, documents signed and sealed with the seal of the corporation, shall be received as authentic proof in all courts of justice in the province ;

Deliver copies of papers, &c.

4. To keep the monies of the said corporation, to receive and pay out all the sums authorized and to deposit the funds of the corporation in one of the incorporated savings banks in this province and to render an account of his administration, every year, to the general meeting of the land surveyors, and whenever he is called upon so to do by the board of management.

Keep the cash and pay out monies.

THE SYNDIC.

**18.** The syndic represents, before the board of management, persons prosecuting any land surveyor accused.

Duties of the Syndic.

**19.** Whenever any subject relating to a charge brought against a land surveyor is in question, the syndic, who is prosecutor, is not allowed to vote.

Can not vote on accusations against a surveyor.

PROCEEDINGS UPON COMPLAINTS.

**20.** The method of proceeding before the board of management upon any complaint brought by the syndic is as follows :—

Proceedings! upon accusations.

1. In order to be received, every complaint must be sworn to by the complainant, before the president of the board of management or one of the vice-presidents, or before a justice of the peace ;

Complaint to be sworn.

2. The syndic, upon receiving any complaint against any member of the Corporation relating to the honor, dignity

Duty of syndic upon receiving complaint

or the interests or duties of the profession, submits the same without delay to a meeting of the board specially convened therefor, and if the majority of the board find there is sufficient matter for an investigation they order such member to be summoned and arraigned; he may also in each case require, from the complainant or party prosecuting, a deposit with the secretary of a specified sum as security for the costs of the adverse party;

Security for costs may be required.

3. Upon this order the syndic draws up the accusation, in the form of schedule A, annexed to the present act, and transmits it to the secretary of the board who makes a copy thereof, signs it and it is served, together with the president's order in form B, commanding the accused to appear in person before the board on the day and at the place and hour mentioned therein.

Duty of syndic if accused party is ordered to be summoned.

Form of accusation.

Form of president's order.

21. The service of such accusation or other proceedings is made by a bailiff.

Service of accusation, &c.

22. The delays upon summonses are the same as those mentioned in the code of civil procedure for the Superior Court.

Delays upon summons.

23. The board of management has power to summon witnesses and for that purpose to issue subpœnas. These subpœnas, in form C, are issued in the name of the president of the board, signed by the treasurer and stamped with the seal of the corporation.

Board may examine witnesses. Form of Subpœna.

The board has the same powers as the Civil Courts to compel the witnesses to attend and give evidence.

Power of board as to witnesses.

24. The board of management proceeds to deliberate on any matter relating to any individual, only after having heard or duly summoned the land surveyor accused or interested.

Surveyor accused must be heard or duly summoned.

25. Every accused member may be represented or assisted by counsel or by a land surveyor who is a member of the corporation.

Surveyors accused may be represented by counsel.

26. The reasons for any decisions of the board shall be fully set forth and signed on the minutes thereof, by the president or vice-president and the secretary, and the minutes of all proceedings shall contain the names of the members present.

Reasons for decisions must be given.

27. The costs of the summons, the amount of the contributions and the fines hereby imposed are recoverable with costs, and the recovery thereof may be sued for by the said

Recovery and application of fines.

board of management, in its corporate name, and the sums so recovered shall belong to the corporation for its use.

#### ADMISSION TO STUDY.

**28.** No person is admitted to the study of land surveying, without having previously passed an examination before the board of management as to his knowledge of the French or of the English language, according as the candidate is of French or English origin. In the first case, the board of management shall require in the candidate a knowledge of the elements and syntax of the French language and that he be able to translate English into French correctly; in the second case that he knows the elements and syntax of the English language and be able to translate French into English correctly; and in both cases the candidate should be able to write correctly his mother tongue from dictation. Conditions required at examination for admission to study.

**29.** Every candidate to be admitted as a land-surveyor-student shall undergo an examination to the satisfaction of the board of management upon the general geography of the globe, on that of Canada in particular, on the history of Canada, arithmetic, the elements of geometry, the use of logarithms and lastly on algebra as far as quadratic equations. Further conditions.

**30.** Before being examined on such matters, the said candidate for the study of land surveying shall pay into the funds of the corporation the sum of twenty dollars, examination fee, and shall give one month's notice in writing to the secretary of the board of his intention to present himself for such examination. Notice to be given and fees to be paid before examination.

**31.** Such notice shall be accompanied with the sum of one dollar, being the secretary's fee for receiving and filing such notice. Fee of secretary for notice.

**32.** After the examination, if he is admitted as a student in land surveying by the board of management, the candidate shall pay a sum of four dollars to the secretary as his admission fee to the study of land surveying. Fee of secretary on admission of student.

**33.** If the said candidate fails in his examination, he may present himself a second time, at a subsequent meeting, without being obliged to pay a further fee of twenty dollars. If candidate fails certain fee not again required.

## ADMISSION TO PRACTICE.

Conditions re-  
quired to be  
admitted to  
practice.

**34.** To be admitted to the practice of the profession of land surveyor in the province of Quebec, it is necessary:—

To have attained the age of twenty-one years, have undergone an examination in a satisfactory manner upon the subjects required for the admission to study and upon the following sciences:

Geometry, rectilineal and spherical (theoretical and practical) trigonometry, practical astronomy, linear and topographical drawing, elements of geography, geology, mineralogy and the forest *flora* of Canada, on the mode to be pursued in running a boundary, on the investigation of titles to property, and finally on all fundamental questions of law connected with the measurement of lands.

Survey by can-  
didate for  
practice.

**35.** Each such candidate for the practice of the profession of land surveyor is bound to make a survey on the ground and make a report thereon to the satisfaction of the examiners.

Service as  
student under  
indentures.

**36.** Every candidate for the practice of the profession should also have regularly and faithfully served during three consecutive years as a student, under notarial indenture, with a land surveyor duly admitted to the practice for the province of Quebec and being a member of the corporation of land surveyors; have received from such land surveyor a certificate of service during the required period, and have had one year's field practice either with his patron or with any other land surveyor who is also a member of the said corporation.

Notice by can-  
didate and fee  
required.

At least one month's notice to the secretary of the intention of the candidate to present himself for examination shall be given, and with such notice, the sum of one dollar as the fee of that officer shall be forwarded.

Fees before ex-  
amination.

**37.** Every candidate for the practice of the profession before undergoing examination, is obliged to pay twenty dollars to the land surveyor's fund, and upon receiving his

After exami-  
nation.

license, pay a further sum of twenty dollars, as a fee; and a sum of not more than four dollars for the certificate of entry in the registers of the corporation of land surveyors.

Indentures  
must have  
been trans-  
mitted within two  
months after  
being passed.

**38.** A candidate for the practice of the profession, who has served under notarial indenture with a practising land surveyor in this province, for the period of three years or one year, as the case may be, cannot be admitted, unless a certified copy of such notarial deed has been transmitted to the secretary of the board of management, within two months after the passing of such deed.



And whenever the secretary receives such copy of notarial indenture, together with the sum of two dollars as his fee, he is bound to acknowledge the receipt thereof and file it among his archives. Fee of secretary on receipt of indentures,

And the same applies for a transfer of notarial indenture of the student in land-surveying. Fee on transfer.

In both cases the deed is not considered as received, unless the fee has been paid. If fee not paid.

**39.** Every land surveyor duly admitted in any of Her Majesty's dominions or possessions, other than this province, is obliged to serve under written indenture, for twelve consecutive months only; after which he may undergo the examination prescribed by this act, on complying with all the other provisions of the same. Land Surveyors from outside the Province.

In case a Dominion land surveyor, appointed under the Dominion Lands Act (42 Victoria, chapter 31) applies for a commission as a land surveyor in this province, he is entitled to a certificate of admission, without being subjected to any examination, except as regards the system of survey of lands in the Province of Quebec, by paying the fees required for ordinary cases of admission. Dominion Land Surveyors.

**40.** Whosoever follows a regular course of studies in all the branches of the sciences required by law in order to be received as land surveyor, during at least two years, who has attended the lectures of a university, college or polytechnic school, in this province, where a complete course of theoretical and practical instruction is given in civil engineering, on physics, geology and all other branches of sciences required by law, in order to be admitted as land surveyor, and who has received from such university, college or polytechnic school, after a regular examination, its diplomas or degrees as a civil engineer or land surveyor, may be received as a student by any land surveyor in the province, and shall only be bound to perform twelve months active service as such, or if he has obtained his degree or diploma in less than two full years, then only such time of active service 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 act, 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 for the province of Quebec, as if he had served his three full years under indenture with a practising land surveyor, but instead of paying forty dollars, he is obliged to pay fifty dollars as a fee for his license of land surveyor. Privilege of certain persons holding diplomas to be admitted to practice without previous study &c. Fee in such case.

Conditions re- 41. No land surveyor has the right to vote at elections  
quired to have of the board of directors, or to be elected as director, unless  
a right to vote. he has complied with the by-laws of the corporation.

Conditions re- 42. No person can act as a land surveyor in this  
quired to act province, unless he be duly authorized to practise as such  
as land sur- in conformity with the provisions of this act, or has been  
veyor. authorized to that effect before the passing thereof, accord-  
ing to the laws then in force.

Penalties for 43. Whosoever, in any part of the province, interrupts,  
interfering molests, or interferes with any land surveyor, in the  
with land sur- performance of his duties as land surveyor, may, upon con-  
veyor in the viction thereof before any court of competent jurisdiction,  
performance of be punished by a fine of not more than twenty five dollars  
his duties. or imprisonment of not more than two months in default  
of payment, saving all civil recourse which the said land  
surveyor or any other person may exercise against the  
said offender for damages caused by such offence.

Land survey- 44. No survey shall be valid unless performed by a  
ors alone can perform valid land surveyor duly admitted to practise the profession.  
perform valid surveys.

#### BOUNDARY LINES.

Existing lines 45. All boundary or division lines, legally established  
legally estab- and ascertained under the authority of any ordinance or  
lished remain act heretofore repealed, remain good and all acts or things  
valid. legally done and performed under the authority of the said  
acts or ordinances remain valid, notwithstanding the repeal  
of such acts and ordinances; and suits, actions and pro-  
ceedings, if any have been taken under such former act  
or ordinance may be continued, adjudged, and decided,  
and execution taken therein as if such act had not been  
passed.

#### MEASURES AND STANDARDS.

Standards to 46. Every land surveyor shall compare the standard of  
be compared. length measure, which he is bound to keep, with the stan-  
dard of English measure of length and the standard of  
French measure of length, compared with and corrected  
by the standards for such measures established in this Pro-  
vince and supplied by the Commissioner of Crown Lands.

Deposit of 47. The standard of French measure of length, as well  
standards to as a pattern of the English measure of length, which shall  
serve as such. continue to serve as the standard of measure for the pur-  
poses of this act, shall be deposited in the hands of the  
secretary of the board of management of land surveyors.

**48.** The secretary of the board of management of land surveyors has the same power as the Commissioner of Crown Lands to examine, test and stamp the standard measures of length which are submitted to him therefor.

Examination and testing of standards.

For each standard measure so examined the secretary has a right to a fee of fifty cents.

Fee for such examination, &c.

**49.** Every land surveyor, duly admitted to the profession and practising in this province, shall, under penalty of forfeiting his license or certificate, procure and cause to be examined, corrected and stamped or otherwise certified by the Commissioner of Crown Lands or some one by him duly authorized, or by the secretary of the board of management of land surveyors a standard measure of length. And every such surveyor shall, previously to proceeding on any survey, verify by such standard the length of his chains and other surveying instruments.

Land surveyors to procure standards duly stamped, &c.

**50.** The measure for land in this Province is the same as it was before the year one thousand seven hundred and sixty as to the lands included in the original concessions under the seigniorial tenure; but in the townships the measure for land shall be English measure.

Measures for land in this Province.

#### CHAIN-BEARERS.

**51.** Every chain-bearer, before he commences his chaining or measuring, is bound to take and oath or affirm before the land surveyor in whose employ he is :

Chain bearer to be sworn.

1. To act as such with precision and exactitude, and according to the best of his judgment and ability ;

Nature of the oath.

2. To render a true and faithful account of his chaining or measuring to the land surveyor by whom he has been appointed to such duty ;

3. That he is absolutely disinterested in the survey in question, that he is not related or allied to any of the parties interested in the survey within the degree of cousin german inclusively ; for no person, related or allied to any of the parties, within the said degree above mentioned, can be employed as a chain-bearer in any survey.

#### POWERS AND DUTIES OF LAND SURVEYORS.

**52.** Any land surveyor, when engaged in the performance of the duties of his profession, may follow, measure and ascertain the bearings of any seigniorial, township, concession or range line or other main line or side line, and for such purposes may pass over

Right of surveyors to pass over private lands.

the lands of any person whomsoever, doing no actual damage to the property.

Proceedings by  
surveyor when  
in doubt as to  
boundaries,  
&c.

**53.** When any land surveyor is in doubt as to the true boundary or limit of the tract of land which he may be employed to survey, he may interrogate any person whom he thinks capable of giving him important information or being in possession of any writings, plans or documents touching such boundaries or limits.

Proceedings  
by surveyor if  
persons refuse  
to give infor-  
mation, &c.

**54.** And if such person refuses to willingly give information or produce the documents required, upon such land surveyor or the party employing him filing in the Circuit Court of the county or district where the survey is being made, or in the prothonotary's office of the Superior Court for such district, a *præcipe* for a *subpœna* or *subpœna duces tecum* as the case may require, accompanied by an affidavit or solemn declaration of the facts, made before a Justice of the Peace, a commissioner of the Superior Court for receiving affidavits or a prothonotary or clerk of such court, the Judge of the Superior Court residing in such district in term or out of term, or in his absence, any Judge of the Court may compel any such persons to appear before the land surveyor at the time and place mentioned in the *subpœna* and to bring with him any writing, plan or document mentioned or referred tot herein.

Service of  
*subpœna*.

**55** The service of the *subpœna* is effected in the manner required by the code of civil procedure.

Refusal of  
person sum-  
moned to ap-  
pear.

**56.** If the person, commanded to appear by such *subpœna*, after being paid his reasonable expenses or having the same tendered to him, refuses or neglects to appear as commanded by the said *subpœna*, he is deemed guilty of a contempt of the court and subject to an arrest on a warrant, and may be punished by fine or imprisonment in the discretion of the judge.

Method of  
marking bound-  
aries in this  
province.

**57.** Every land surveyor who surveys or measures lands in the Province shall, when thereunto required by the parties, place one or more boundary marks of stone, either to mark the boundary of any property or to show the course of any line of division; of which boundary marks the length above ground shall be six inches at least between two townships or between two parishes or a parish and a township, or between public lands not conceded and a parish or township; and at least three inches above the ground between persons holding lands

in a parish or Township, and at least twelve inches in the ground in every case.

Under such boundary marks he shall place pieces of brick, Brick, &c., to be placed under boundary marks. or delf or earthenware, slag-iron or broken glass, and in the country parts before every boundary mark a post of squared timber.

**58.** Every land surveyor who puts as evidence or indications of his boundary marks any other matter than is ordered by the preceding section shall for each offence incur a penalty of twenty dollars. Penalty for not placing such brick &c., under boundary stones.

**59.** Whosoever, voluntarily and illegally, effaces, alters or removes any boundary stone or other mark or post, placed by any land surveyor in the performance of his duties, is liable to a fine not exceeding one hundred dollars. Penalty upon those who remove boundary stones, &c. Such fine may be recovered before any competent court by the said corporation of land surveyors of the province of Quebec, or by any person interested in the boundary line affected by the removal of such boundaries, as above stated in this section.

In default of payment of the fine imposed with the costs within fifteen days after the rendering of the judgment, the property of the person so condemned may be seized and sold, up to the amount of the said fine and costs, and, in default of sufficient property, the person so condemned may be imprisoned for a term not exceeding thirty days. But such person may, at any time, obtain his discharge by paying such fine and costs. Imprisonment in default of payment.

**60.** Every land surveyor, as soon as his operations have been finished, shall draw up a *procès verbal* in which he shall mention by order of what court or at whose desire and at what time he has operated, the residence of the parties, their qualities, his own name and residence and the date of the *procès verbal*. Duty of surveyor when work is completed.

The proceedings above-mentioned shall be carried out under pain of nullity of the *procès verbal*, and of a fine of not more than one hundred dollars against the land surveyor who has operated, or an imprisonment of not more than three months in default of payment, at the discretion of the court. Effect of non-observance of such duty.

**61.** In such *procès verbal* the land surveyor shall, under the penalty mentioned in the last section, faithfully detail: Contents of procès verbal.

1. What he has done, according to the nature of the survey required of him;

2. If any and what title-deeds were produced before him, according to which he has been guided in his operations;

3. What is the form and area of the ground which he has surveyed;

4. What chaining he has performed and what lines he has drawn, gone over or verified;

5. What remarkable fixed objects his lines may have crossed, intersected or run close to;

6. The true astronomical course by his instrument of any line she has drawn or verified;

7. The day, hour and place when and where the variation of the magnetic needle of such instrument had been then last ascertained by him; and whether it was so ascertained by the public meridian lines or marks hereinafter mentioned (if any such lines are established) or by direct astronomical observation;

8. What he has put under any boundary marks which he may have placed; their respective distances from each other when there are several, and their distance from any remarkable and fixed object.

Signature to  
*procès verbal*.

**62.** Such land surveyor shall also, under the same penalty, cause such *procès verbal* to be signed by the parties if they are present and able and willing to sign, and to make their mark if they are unable to sign and to make mention thereof.

*Procès verbal*  
to be kept by  
land surveyor  
as a minute.

**63.** He is bound to preserve the said *procès verbal* as a minute, of which he shall, upon being remunerated therefor according to the land surveyors' tariff, give copies to the parties who may require them.

Index to *procès*  
*verbaux* to be  
kept by land  
surveyors.

**64.** Land surveyors shall, during the year next after the coming into force of this act, make and thereafter yearly keep, in good order, a repertory or index to their *procès verbaux*, in which they shall enter consecutively, according to dates and in numerical order, the names of the parties to the said *procès verbaux* and the number or numbers of the lots surveyed, under a penalty of a fine of twenty dollars.

Interlineations,  
&c., not  
permitted.

**65.** The land surveyor cannot enter any interlineations nor make any erasure in his minutes nor in the copies of a *procès verbal*.

Marginal  
notes and  
words struck  
out to be men-  
tioned and  
certified.

He mentions the number of words struck out and the number of marginal notes in each of his minutes, which shall be initialed by the parties and the land surveyor or by those who can sign, and in the copies with the initials

of the land surveyor; otherwise these copies shall be null and void.

66. The *procès verbaux*, existing in Lower Canada, now the Province of Quebec, on the 2nd August, 1851, substantially containing the particulars requisite for the full understanding of the survey or operation to which they relate and of the doings of the land surveyor and the intention of the parties interested with regard to the same, continue to be held to be authentic and valid and have effect according to the tenor thereof, whatever be the form in which the same may have been drawn up. *Procès verbaux executed before 2 August, 1851, confirmed.*

67. And as it is has happened that boundary stones and other marks, not being of the necessary dimensions and required material, have been placed by land surveyors, and that such boundary stones have not been marked in the manner by law prescribed, the boundaries placed in this province by any land surveyor, before the 30th August, 1849, and mentioned in his *procès verbal*, continue to be considered good and valid, if their position can be ascertained from such *procès verbal*, whatever their form, dimensions or material. *Boundary stones, &c., planted before 30th August, 1849, confirmed.*

68. The *procès verbaux* made or boundaries placed since the dates mentioned in the last two preceding sections up to the coming into force of the Consolidated Statutes of Canada, 1859, with regard to which the absolute requirements of the law on pain of nullity have not been complied with, remain null and void, except only that in places where stones of the proper size cannot be procured (which fact shall appear by the *procès verbal*) boundary marks of wood or other material may have been used, which shall, in such case, have the same effect as the boundary marks of stone mentioned in this act. *Procès verbaux made and stones, &c., placed after above dates and before 1859, remain null except in certain cases*

69. In cities, towns, and other places in the Province, where, from local circumstances, boundary stones or marks cannot be placed, the land surveyor in his *procès verbal* mentions the fact; he fixes the boundaries and describes his operations by referring to streets, neighboring properties and other fixed objects, so as to enable any other land surveyor, from such *procès verbal*, to repeat the operations and ascertain the boundaries, points, lines and other particulars therein mentioned. *Boundaries, &c., in cities, &c., in this province.*

#### RULES FOR THE GUIDANCE OF LAND SURVEYORS.

70. The land surveyor employed to make any survey in Rules for the

guidance of  
land surveyors  
in township  
surveys.

a township shall govern himself by the surveys made under the plans and instructions issuing from the Commissioner of Crown Lands or other officers appointed by him for the purpose.

*Measuring of range or concession lines.*

Witnesses to  
be examined if  
posts, &c., are  
lost.

**71.** Whenever it happens that the posts or boundary marks between any lot or range of lots have been effaced, removed or lost, such land surveyor is hereby authorized to administer the oath to witnesses and to examine them for the purpose of ascertaining the former boundaries.

Method of  
measurement  
if boundaries,  
&c., can not be  
established.

If these former boundaries cannot be ascertained, such land surveyor shall then measure the true distance between the nearest undisputed posts, limits or boundaries and divide such distance into such number of lots as the same space contained in the original survey, giving to each a breadth proportionate to that intended in the original survey as shown on the plan and field notes thereof of record in the office of the Commissioner of Crown Lands.

Method of run-  
ning certain  
lines that  
should be  
straight ac-  
cording to  
original sur-  
vey.

**72.** If any part of any outside line, of the central line, or of a concession or range line intended in the original survey to be straight, has been obliterated or lost, the land surveyor then runs a straight line between the two nearest points or places where such line can be clearly and satisfactorily ascertained and plants, at 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 are the true limits thereof.

Order of Com-  
missioner in  
certain cases.

However in the case of outside or central lines the land surveyor cannot proceed to establish them except upon the order of the Commissioner of Crown Lands upon instructions to that effect.

Power of Lieu-  
tenant Gover-  
nor to cause  
meridian lines  
to be run.

**73.** The Lieutenant Governor may, at any time, direct a land surveyor to draw a meridian line wherever he may think proper, or to determine the bearings between certain fixed points and objects, so as to enable a land surveyor thereby to ascertain the variation of the magnetic needle.

*Measuring of side lines.*

How side lines  
are run in cer-  
tain cases.

**74.** Whenever the outside lines of a township are parallel to the interior division lines of lots of land of regular form, the side lines of these lots are established and traced on the bearing or course of the outside lines of such township, as set forth on the plan and in the description contained in the proclamation erecting such township.



**75.** When the outside lines of such township are not parallel to the internal sub-division of the lots, the guiding line is the centre line, as indicated upon the plan which accompanied the official description of the said township, drawn on the course of the side lines of the said lots in each range which it affects. Idem, in certain other cases.

**76.** The sub-division lines of a township are drawn in the manner above-stated from the posts or division pickets planted or established on the front of each range or concession line. Subdivision lines.

**77.** The front of each range shall be understood to be the lowest range line in the series of numbers designating the several ranges of a township. Thus the front of the first range of a township shall be the division line which separates it from the township, seigniory or river upon which it rests; Front of ranges.

The front of the second range shall be the division line between the first and the second range ;

The front of the third range shall be the line between the second and the third ranges, and so on.

**78.** When in a township the front of the first range happens to be a line on which no sub-division posts have been planted or should it be formed by the shore of a lake or water course on which there is no such post, the front line is referred to the range line next above the first, and the side lines of the lots shall be traced from the posts planted thereon, or from those which have been lawfully substituted for them on either side, in opposite directions for the first and the second ranges, the front being common to both. Front line how drawn in certain cases ;

**79.** If it happen that at the same time both on the front and rear lines of any range the entire series of posts marking out the lots has been destroyed, either by lapse of time or by fire or from any other cause, the sub-division of such lots shall be made *de novo* in conformity with section 71 of this act, that is with the official plan of the original survey, and the side lines established and drawn from the posts so planted, as above described. In case posts are destroyed.

**80.** The side lines thus established from the posts which mark out a lot on the front line of a range and drawn parallel to the side lines, or to the centre line of the township in which such lot is included, in conformity with the proclamation erecting such township with the plan annexed to the official description of its erection, produced Boundaries of lots.

to meet the rear line of the said range, form, together with the portion of such latter line comprised between such side lines and that part of the front line between the posts aforesaid, the boundaries of the said lot.

Certain system of drawing lines before 24th Dec., 1875, still to be followed in certain cases.

Proviso.

**81.** When the lateral lines of one or more lots situated in any range of a township shall have been traced before the 24th December, 1875, in accordance with the system adopted in certain parts of the province, from a post on one range line to the corresponding post on the range line immediately above or below, the land surveyor establishing such side lines in the said range is bound to continue to use the same system of division in marking out other lots which remain to be marked out in the same range; if however these lots are cleared, improved and occupied according to the system of marking out above mentioned, the division lines between these lots shall not in such case come under the provisions of this act; if on the contrary the lots in question are still wooded their side lines shall be established in accordance with the provisions of this act.

#### VARIOUS PROVISIONS.

Copies of plans &c., may be required by Commissioner from any land surveyor.

**82.** Every provincial land surveyor is bound, upon being remunerated therefor according to the land surveyors' tariff, to deliver to the Commissioner of Crown Lands, whenever the latter shall require the same, any certified copy of plans or minutes of any survey which the latter may have performed for any person, and this under pain of dismissal or suspension from his office, unless he show sufficient cause before the board of management of land surveyors.

Certificate of the accomplishment of conditions required by crown lands act.

**83.** Any provincial land surveyor, who may be called upon to grant a certificate, setting forth that the conditions of settlement required by the act respecting the sale and administration of the public lands and by the regulations of the Crown Lands Department have been complied with on any lot purchased from the Crown, the purchaser whereof desires to take out letters-patent therefor, shall grant such certificate in the form D, hereunto annexed.

Consequence of untrue statement in certificate.

**84.** Any land surveyor, wilfully inserting in the said certificate any untrue statement, is, upon proof thereof before the board of management of land surveyors, liable to dismissal or to being suspended from his office.

Consequence of untrue

**85.** Any land surveyor, who, in any report of inspection or valuation respecting Crown lands, whether vacant or

sold, wilfully leads into error the Commissioner of Crown Lands or his representatives by false information, is also liable to the penalties set forth in the preceeding section.

statements in reports to Commissioner.

**86.** When any Provincial land surveyor dies, his registers, plans and other papers relative to his profession and signed by him are holden to be public records, and shall be deposited in the office of the Superior Court of the District in which he has acted.

Deposit of minutes and plans of deceased land surveyor.

And the clerks of the Court shall deliver copies thereof to such persons as may require them, upon their paying the usual fee. Half of this fee goes to the widow of the land surveyor or if there be no widow to his heirs, for the space of five years from the day of his decease.

Copies of such minutes, &c.

The clerk shall every year give to all who may have a right to it, the amount coming to them and a faithful account of all monies received therefor.

#### SPECIAL PROVISIONS.

**87.** Whereas in several townships, some of the concession lines or parts of concession lines were not drawn, at the time of the original survey performed under competent authority, that the traces of some of these lines have been obliterated and owing to the want of such lines, the inhabitants of such concessions are subject to serious inconvenience, therefore :

Recital.

The council of a municipality township, parish, town or village, in which such concession is situated, may as in the past, on application of one half of the resident landholders in any concession (or without application) petition the Lieutenant Governor requesting him to cause any such line or parts of line of such concession which have been obliterated to be surveyed and marked by permanent stone boundaries under the direction and upon the order of the Commissioner of Crown Lands in the manner prescribed by this act, at the cost of the proprietors of the lands of the concession interested.

Case in which a council may demand the planting of boundaries.

**88.** The lines shall be so drawn as to leave each of the adjacent concessions of a depth proportionate to that intended in the original survey.

How lines are to be drawn.

The lines, so surveyed and marked, as aforesaid, become thereafter the permanent boundary lines of such concession to all intents and purposes whatsoever.

Lines thus drawn to be the boundary lines.

**89.** The Council shall cause to be laid before them an estimate of the sum requisite to defray the expenses to be incurred, in order that the same may be levied on the said

Expense how estimated.

properties in proportion to the quantity of land held by them respectively in such concession.

**Levying of such expenses.** The manner of levying such amount is the same as that authorized by law for any other purpose.

**By whom costs of survey are to be paid.** **90.** The expenses of all such surveys are paid by the treasurer of the council of such municipality of such township, parish, town or village, to the persons employed in such services on the certificate and order of the Commissioner of Crown Lands.

**Municipal council may cause boundaries to be placed on lots in concessions.** **91.** Every municipality of any township, parish, town or incorporated village adopting a resolution on application of one-half the resident land-holders to be affected thereby that it is desirable to place stone boundary marks or other durable monuments at the front or at the rear, or at the front and rear angles of the lots in any concession or part of a concession or range therein situated respectively, may make application to the Lieutenant Governor in the manner prescribed by sections 87 and following, praying him to cause a survey of such concession or range to be made and such boundaries to be planted under the authority of the Commissioner of Crown Lands.

**How such boundaries are to be made and planted.** **92.** The boundary marks or durable monuments so planted shall be in stone or other material and be planted by those employed in the survey in front or in rear or at the front and rear angles of each lot; and the limits of each lot so ascertained and marked are the true limits thereof.

**Costs of survey how paid.** **93.** The costs of survey are defrayed in the manner prescribed in section 90 of this act.

**Distribution of this act to surveyors.** **94.** A copy of this act shall be sent to every land surveyor, in the same manner as the other statutes are sent to the parties entitled to receive the same.

#### REPEALING CLAUSE.

**Repeal of C. S. C., cap. 77; 39 Vict., cap. 34; 40 Vict., cap. 25; 43-44 Vict., cap. 25.** **95.** The provisions of chapter 77 of the Consolidated Statutes of Canada, which are within the competence of the legislature of Quebec, and chapter 34 of the act 39 Victoria, the act 40 Victoria, chapter 25 and the act 43-44 Victoria, chapter 23, of this province, are hereby repealed.

**Act in force.** **96.** The present act shall come into force on the day of its sanction.

## SCHEDULE A.

## ACCUSATION BY THE SYNDIC.

*Form in connection with section 20.*

Province of Quebec }  
 District of }

To the President and members of the Board of management of land surveyors of the Province of Quebec.

I. A. B., syndic elected for the board of management of the land surveyors for the province of Quebec, inform your board that C. D. esquire, one of the members of the corporation of land surveyors of the province of Quebec residing at \_\_\_\_\_ is accused under oath by

persons worthy of belief by E. F. of &c &c, that the said C. D. (here describe the offence).

Wherefore I. A. B. pray that an order do issue commanding the said C. D. to appear before the Board, in order that proceedings upon the present information be had according to law and justice.

This \_\_\_\_\_ day of \_\_\_\_\_

(Signed,)

A. B.,  
 Syndic.

## SCHEDULE B.

## ORDER OF THE BOARD.

*Form in connection with section 20.*

Province of Quebec, }  
 District of }

By the president and members of the board of management of the land surveyors of the province of Quebec.

To C. D, esquire, land surveyor of the province of Quebec.

Greeting :

You are hereby required to appear, in person, before us

in our office in the city of \_\_\_\_\_  
 on the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_  
 o'clock in the \_\_\_\_\_ noon to answer the  
 complaint, copy of which is here in above written, brought  
 against you by A. B., esquire, syndic of the board of man-  
 agement of the land surveyors of the province.

And you are informed that in default of your appearing  
 before us on the day and at the hour and place above  
 mentioned proceedings shall be had by default on the said  
 complaint.

Given at \_\_\_\_\_ under the seal of  
 the corporation \_\_\_\_\_ signed by our  
 president and countersigned by our secretary-treasurer,  
 this \_\_\_\_\_ day of \_\_\_\_\_

Signed, F. S.,  
 President.  
 [L. S.]  
 L. M.,  
 Secretary.

### SCHEDULE C.

#### FORM OF SUBPÆNA.

*Form in connection with section 23.*

Province of Quebec, }  
 District of \_\_\_\_\_ }

By the president and members of the board of manage-  
 ment of the land surveyors of the province of Quebec.

To A. B. of \_\_\_\_\_

Greeting :

We hereby command you each and every one of you to  
 appear, in person, before us at our office, in the city of \_\_\_\_\_  
 on the day \_\_\_\_\_ at \_\_\_\_\_  
 o'clock to give evidence and to speak the truth upon all  
 you know respecting the complaint laid before us by \_\_\_\_\_  
 esquire, syndic of the board of management of  
 the land surveyors of the province of Quebec, against C. D.,  
 esquire, member of the corporation of land surveyors.

And herein fail not under the penalties provided by  
 law.

Given at the city of \_\_\_\_\_ under the seal of our  
 corporation and signed by our secretary, this  
 day of \_\_\_\_\_ 18 .

Signed, L. M.,  
 Secretary.  
 [L. S.]

### SCHEDULE D.

*Form in connection with section 83.*

I, the undersigned provincial land surveyor, certify that  
 on the \_\_\_\_\_ 18 \_\_\_\_\_ I visited lot  
 No. \_\_\_\_\_ of the \_\_\_\_\_ range of the  
 township of \_\_\_\_\_ in the county of \_\_\_\_\_  
 where I ascertained that the purchaser Mr.  
 or his representatives Mr. (or Messrs.)  
 has (or have) been resident upon the said lot during the  
 \_\_\_\_\_ years last past and that Mr.  
 is at present in the locality, the recognized possessor of  
 the said lot.

I further certify upon inspection that there are upon  
 the said lot \_\_\_\_\_  
 acres under cultivation and that a habitable house, occu-  
 pied by the said \_\_\_\_\_ or his represen-  
 tatives, the dimensions whereof are at least 16 feet by 20,  
 has been erected on the same.

*Signature,*

A. B.  
 Provincial Land Surveyor.

### C A P . X V I I .

An Act respecting the percentage payable by public  
 officers on their fees.

*[Assented to 27th May, 1882.]*

**H**ER MAJESTY, by and with the advice and con-  
 sent of the Legislature of Quebec, enacts as follows :

1. The act 44-45 Victoria, chapter 13, is repealed.

44-45 Vict.,  
 cap. 13, re-  
 pealed.