

Treasurer
may act for
secretary.

“**4083.** Everything that, under this section, may or must be made and performed by the secretary of the board of examiners, may, in his absence or default, be made and performed in the same manner and with a like effect by the treasurer.

Services may
be made upon
him.

This provision shall also apply to all services which are, under this section, to be made upon the said secretary.

Delays ex-
piring on a
holiday.

If the day on which a thing may be or ought to be done under this section, be a non-juridical day, then the said thing may or shall be done on the first following juridical day.”

Coming into
force.

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

C A P X L I .

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

[Assented to 21st March, 1889.]

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

R. S. Q., art.
4084 replaced.

1. Article 4084 of the Revised Statutes of the Province of Quebec is repealed and the following articles 4084, 4084a, and 4084b, are substituted therefor :

§ 1.—*Interpretative and declaratory.*

“Land sur-
veyors” what
to mean.

“**4084.** The words “ land surveyors ” in this section mean “ land surveyors and geometers.”

Land survey-
ors exempt
from serving
as jurors.

“**4084a.** Land surveyors authorized to practise their profession under the by-laws of the corporation are exempt from serving as jurors before any court of justice in this Province.”

§ 1a.—*Incorporation of land surveyors.*

Land survey-
ors constitu-
ted a corpo-
ration.
Name.

“**4084b.** The land surveyors authorized by this section to practise as such in the Province of Quebec are constituted a body politic and corporate under the name of “ Land Surveyors and Geometers of the Province of Quebec.”

Inscription on
seal.

The seal of the corporation shall bear the following inscription “ Land Surveyors and Geometers of Quebec.”

2. Article 4086 of the said Revised Statutes is replaced R. S. Q. art. 4086 replaced by the following :

" 4086. The corporation has full power :

Powers of corporation.

1. To acquire and possess moveables and immoveables and enjoy the same, provided the value thereof does not exceed twenty thousand dollars ;

2. To pass by-laws, not inconsistent with the provisions of this section, for the :

a. Government, discipline and honor of its members ;

b. Management of its property ;

c. Maintenance of the corporation by levying contributions or otherwise ;

d. Election of a board of management ;

e. Examination and admission of candidates to the study or practice of the profession ;

f. Establishing fees for professional services in connection with land surveying.

3. To pass all other by-laws which may be deemed necessary for the proper working of the corporation."

3. Article 4087 of the said Revised Statutes replaced R. S. Q., art. 4087 replaced. by the following :

" 4087. The powers conferred by the present section on the corporation of land surveyors of the Province are exercised by a general council, under the name of the " Board of Management of the Land Surveyors and Geometers of the Province of Quebec." Powers exercised by board. Name of board.

To the board of management is delegated the right of making by-laws for the corporation and the obligation of causing them to be executed, but, before being sanctioned, such by-laws must be submitted for the approval of the members of the corporation, in the manner prescribed by the board of management. Powers of board.

In all suits instituted by the president of the board of management in the name of the corporation against any land surveyor for the recovery of contributions and other dues, it is sufficient to prove that a diploma or license as a land surveyor has been granted to the defendant, to establish that he is a member of the corporation of land surveyors." Certain proof required in suits by corporation against a land surveyor.

4. Article 4091 of the said Revised Statutes is replaced R. S. Q., art. 4091 replaced. by the following :

" 4091. The annual general meetings of land surveyors both for the election of the members of the board of management, when necessary, and for the despatch of business, When and where annual meeting for election of

board is to be held. ness, shall be held in the city of Quebec on the Wednesday in the second week of April in each year, or if such day be a non-juridical day, on the next juridical day, at the place and hour determined by the by-laws of the corporation.

Who presides. 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.

Election by ballot. The election is by ballot.

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

New ballot in case of equality of votes between two or more candidates. If the votes are equal for two or more candidates, whose election would give more than the number required to form the board of management, the ballot must be taken after for these candidates only who have an equal number of votes, so as to complete the number required to form the board of management."

R. S. Q., art. 4094 replaced. **5.** Article 4094 of the said Revised Statutes is replaced by the following :

Meeting of board when and where he held. "**4094.** The board of management is obliged to meet at least once a year in the city of Quebec, on the Tuesday of the second week of April, or on the following juridical day, if such day be a non-juridical day, for the despatch of business and for the admission of candidates to the study and to the practice of the profession of land surveyor."

R. S. Q., art. 4097 replaced. **6.** Article 4097 of the said Revised Statutes is replaced by the following :

Resignation of members of corporation. "**4097.** A land surveyor who has paid all his contributions and against whom the corporation has no claim, may, three months previous to the general meeting in the month of April, give notice to the secretary-treasurer that he no longer wishes to belong to the corporation of land surveyors. He then ceases, *ipso facto* to be a member of the corporation and can no longer exercise his profession.

Effect thereof. A land surveyor, who abandons the corporation after having given notice as above, and who desires to re-enter the said corporation, may be re-admitted by the board of management, provided that he pays an entrance fee of ten dollars or his contributions for the years elapsed since his withdrawal."

R. S. Q., art. 4112 replaced. **7.** Article 4112 of the said Revised Statutes is replaced by the following :

" 4112. Every candidate to be admitted as a student in land surveying shall undergo an examination, to the satisfaction of the board of management, on general geography, 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, inclusively. "

Examination to be admitted to study.

8. Article 4113 of the said Revised Statutes is replaced by the following :

R. S. Q., art. 4113 replaced.

" 4113. Before being examined on such matters, the candidate for the study of land surveying shall give one month's notice in writing to the secretary of the board, of his intention to present himself for such examination and shall pay into the funds of the corporation the sum of twenty dollars, as an examination fee."

Notice required.
Fee on notice.

9. Article 4117 of the said Revised Statutes is replaced by the following :

R. S. Q., art. 4117 replaced.

" 4117. To be admitted to the practice of the profession of land surveyor in the Province it is necessary :

Qualification for admission to practice.

To have attained the age of twenty one years ;

To have undergone, in a satisfactory manner, an examination upon the subjects required for admission to study and upon the following sciences :

Geometry, rectilinear and spherical (theoretical and practical) trigonometry, practical astronomy, linear and topographical drawing, levelling and all other questions relating to practical surveying, the use and theory of instruments, geology, mineralogy and the forest flora of Canada, on the mode to be pursued in establishing boundary lines, on the investigation of titles to property, and finally on all fundamental questions of law connected with the measurement of lands."

10. Article 4120 of the said Revised Statutes is replaced by the following :

R. S. Q., art. 4120 replaced.

" 4120. Every candidate for admission to practice, before undergoing examination, is obliged to pay twenty dollars to the land surveyors' fund."

Fee before examination for practice.

After passing his examination and before receiving his license, he must pay a further sum of twenty dollars, and further a sum of four dollars for the certificate of entry in the register of the corporation of land surveyors.

Fees after examination.

In case the candidate should fail in his examination, he may present himself at any future examination, by

Fees upon coming up after having failed to pass.

paying, whenever he may so present himself, a fee of five dollars."

R. S. Q., art. 4123 replaced. **11.** Article 4123 of the said Revised Statutes is replaced by the following :

Privileges granted to certain surveyors of other provinces, &c.

" **4123.** Every person admitted as a land surveyor for the Dominion of Canada, or for any of the provinces of the said Dominion, other than that of Quebec, in which there is a board lawfully authorized for the admission of land surveyors, and who holds a diploma from such board, is obliged to serve under written indenture for twelve consecutive months only and to prove that he has had three months practice in the field in the Province of Quebec, after which he may undergo the examination prescribed by this section, on complying with all the other provisions of the same ; provided always that such board grants the same privileges to land surveyors holding diplomas in the Province of Quebec."

Proviso.

R. S. Q., art. 4127 replaced. **12.** Article 4127 of the said Revised Statutes is replaced by the following :

Who may act as land surveyors in the Province.

" **4127.** No person 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 May, 1882, according to the laws then in force.

Proviso as to certain persons.

2. A surveyor even cannot act as such, if he is prevented by a by-law or resolution of the board of management, made and passed under this section, or if his name is not entered upon the official table of land surveyors published every year, or if he is unable to produce a certificate from the secretary establishing that his name could be entered upon the table for the current year.

Art. added after R. S. Q., art. 4128.

13. The following article is added after article 4128 of the said Revised Statutes :

What operations fall within attributes of land surveyors.

" **4128a.** All surveys of lands, measurements for boundary purposes, setting of boundaries, plotting of plans, plans, copies of plans, *procès-verbaux*, reports, and all documents or surveying operations connected with the scaling of rivers and lakes, and, finally, all operations whatever connected in any way whatever with the bounding or measuring of lands, in the Province of Quebec, fall within the attributes of a land surveyor of the Province."

14. Article 4141 of the said Revised Statutes is replaced R. S. Q., art. 4141 replaced. by the following :

4141. 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 at least five inches thick, or cast metal monuments of not less than four inches in diameter, or iron monuments of not less than two inches in diameter, 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 lands held by any persons in a parish or township ; and at least twelve inches in the ground in every case. Placing of boundary stones &c., and description of such to be used.

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

In cases, where no stone can possibly be placed in the ground for a boundary, a hole may be drilled into the rock and an iron, copper, leaden or other durable metal bar, not less than an inch in diameter, be driven not less than six inches into the same, leaving six inches above the rock. Proviso as to boundaries in the rock.

15. Article 4142 of the said Revised Statutes is re- R. S. Q., art. 4142 replaced. placed by the following :

4142. A land surveyor acting in contravention of the preceding article, is liable for each offence to a penalty which shall not exceed twenty dollars. Penalty for contravention.

16. Article 4145 of the said Revised Statutes is replaced R. S. Q., art. 4145 replaced. by the following :

4145. A land surveyor, if he plants any boundary marks, shall, as soon as he has finished his operations, draw up a *procès-verbal*, report or plan, as the case may require, declaring in such document that he is entitled to practise his profession, mentioning by order of what court or at whose desire and at what time he has acted, the residence of the parties, their qualities, his own name and residence and the date when he drew up such document. Procès verbal to be drawn and contents thereof.

R. S. Q., art. 4149 replaced. **17.** Article 4149 of the said Revised Statutes is replaced by the following :

Index to be kept by land surveyor under a penalty. **"4149.** Land surveyors shall, yearly, under a penalty of a fine of twenty dollars, make and keep, in good order a repertory or index to their *procès-verbaux*, reports and plans.

Contents of index. In such repertory or index they shall enter, consecutively according to dates and in numerical order, the names of the parties to the said *procès-verbaux*, reports or plans, and the number or numbers of the lots surveyed, under a penalty of not less than twenty dollars."

R. S. Q., art. 4165 repealed. **18.** Article 4165 of the said Revised Statutes is repealed.

R. S. Q., art. 4170 replaced. **19.** Article 4170 of the said Revised Statutes is replaced by the following articles :

Deposit of minutes, &c., of deceased &c., land surveyor in prothonotary's office of district. **"4170.** The minutes, repertories and indexes of every surveyor who dies, leaves the Province, becomes incapacitated from acting owing to interdiction, removal from office, or who voluntarily ceases practising, are deposited by him or by the person in whose charge he has left them, or by his curator, widow, children, heirs or legatees, as the case may be, in the office of the prothonotary of the Superior Court for the district in which such surveyor last practised or had his residence."

When deposit to be made. **"4170a.** Such deposit must be made within thirty days after the happening of the event which gives rise thereto, saving, in the case of death, when the delay is sixty days.

Penalty for not making deposit. **"4170b.** Every person who is obliged to make such deposit and who refuses or neglects to make the same, is liable to a fine of fifty dollars for each month's delay, counting from the delay fixed by the preceding article.

Notice to be given to prothonotary in case of default to deposit. **"4170c.** So soon as the syndic is informed that a surveyor's *greffe* has become subject to be deposited, and that such deposit has not been effected within the prescribed delay, he must give notice to the prothonotary of the district where such deposit should be made.

Prothonotary to take proceedings to recover *greffe*. **"4170d.** Upon the refusal, or neglect of any person obliged to effect such deposit, the prothonotary is bound to sue, in a summary manner, within the thirty days following the notice given to him by the syndic of the corporation of land surveyors, for the recovery and pos-

session of such *greffe* by suit in revendication before a judge of the Superior Court in the district, in term or in vacation.

He is also bound to report his proceedings to the president of the corporation of land surveyors without unnecessary delay. Report by prothonotary.

In default of the prothonotary fulfilling such duties, he is personally liable to a fine of fifty dollars for each month's delay. Fine on prothonotary for neglect.

“**4170e.** The prothonotary shall, upon payment of the customary fees, deliver to any person requiring the same, copies of all documents contained in the *greffe* deposited with him. Copies to be delivered by prothonotary.

“**4170f.** When a surveyor has been interdicted, absent from the Province, or has withdrawn from the corporation and is again admitted to practice, he may take possession of his *greffe*, if he wishes to resume practice. Land surveyor may obtain his *greffe* if he resumes practice.

In no case shall the prothonotary give up the *greffe*, unless the land surveyor hands him a certificate, from the president of the corporation, establishing that he is not under any disciplinary penalties and that he has a right to practice.” Certificate required before *greffe* is given up.

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

C A P. X L I I .

An Act to amend articles 4653, 4696 and 4697 of the Revised Statutes of the Province of Quebec respecting Joint Stock Companies.

[Assented to 21st March, 1889.]

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

1. Article 4653 of the Revised Statutes of the Province of Quebec is replaced by the following: R. S. Q., art. 4653 replaced;

“**4653.** When not otherwise expressly enacted, this section applies to every joint stock company incorporated by any charter, for any of the purposes within the jurisdiction of the Legislature.” Section applies to all joint stock companies.

2. The second clause of paragraph 1 of article 4696 of the said Revised Statutes is repealed by the following: R. S. Q., art. 4696 amended.