

*Laws of Her Majesty's Province of United Canada*, passed in the year 1851. York: Stewart Derbyshire and George Desbarts, 1851.

14 & 15 Victoria – Chapter 4

**An Act to amend the Act concerning Land Surveyors. 2d August, 1851.**

Whereas it is expedients amend the Act hereinafter mentioned in certain particulars: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That so much of the Act passed in the twelfth year of Her Majesty's Reign, and intituled, *An Act to repeal certain Acts therein mentioned, and to make better provision respecting the admission of Land Surveyors and the Survey of Lands in this Province*, as may be inconsistent with this Act, shall be and is hereby repealed.

II. And be it enacted, That for and notwithstanding any thing in the said Act, there shall be two Boards of Examiners for the examination of Candidates for admission to practise as Land Surveyors, one to consist of the Commissioner of Crown Lands, and eight other competent persons to be appointed from time to time by the Governor, and to meet at the City of Quebec for the examination of Candidates for admission to practise as Land Surveyors in Lower Canada, and the other to consist of the said Commissioner of Crown Lands, and eight other competent persons to be appointed from time to time by the Governor, and to meet at the City of Toronto for the examination of Candidates for admission to practise as Land Surveyors in Upper Canada; and the present Board of Examiners shall be dissolved; and any three of the Members of either of the said Boards shall form a quorum; and each of the said Boards or a majority thereof shall appoint a Secretary; and the said Boards shall meet at the places hereinbefore mentioned respectively on the days appointed in and by the said Act for the meeting of the Board therein mentioned; and each of the said Boards and the Members and Secretary thereof shall, as regards the examination of Candidates for admission to practise in that section of the Province in and for which such Board shall sit, and as regards Surveyors practising therein, have the same authority, powers and duties as are by the said Act vested in the Board therein mentioned and its Secretary, and shall be bound by the same rules in the exercise and performance thereof.

III. And be it enacted, That for and notwithstanding any thing in the said Act, every person desiring to be examined before either of the said Boards shall give due notice thereof in writing to the Secretary of such Board at least one month previous to the meeting thereof, and shall then pay to the Secretary the fee of Five Shillings in the said Act mentioned; and each applicant obtaining a certificate shall pay to the Secretary the fee of Ten Shillings in the said Act mentioned.

IV. And be it enacted, That for and notwithstanding any thing in the said Act, the sum payable by each applicant receiving a certificate shall be Five Pounds Currency, and not Two Pounds Ten

Shillings Currency, as in the said Act mentioned; and the said sum shall be applied and divided in the manner and to the purposes to which the said sum of Two Pounds Ten Shillings is by the said Act directed to be applied and divided.

V. And be it enacted, That for and notwithstanding any thing in the said Act, the oath of allegiance and of office to be taken by persons admitted as Surveyors, shall, if taken in Lower Canada, be deposited in the office of the Prothonotary of the Superior Court in the District of Quebec; and if taken in Upper Canada, in the Registry Office in the County of York.

VI. And be it enacted, That no instrument in writing under which any applicant for admission to practise as a Surveyor shall claim to have served with some practising Surveyor the period of three years, one year, or six months mentioned in the third section of the said amended Act, shall avail to authorize the admission of such applicant, unless such instrument, if executed before witnesses, or a notarial copy thereof, if it be a notarial instrument, shall have been transmitted to the Secretary of the Board before whom the applicant is to be examined, within two months next after the date thereof if it be executed after the passing of this Act, or before the first day of January now next if it shall have been executed before the passing of this Act; and the said Secretary is hereby required to acknowledge by post the receipt, of all such instruments or copies thereof transmitted to him, and carefully to keep the same in his office.

VII. And whereas, owing partly to certain delays which have occurred in the distribution of the Statutes and partly to other causes, many *Procés-Verbaux* of Survey in Lower Canada have been drawn up in a manner substantially correct, but not in the precise form required by the said Act, and law suits and vexatious proceedings might grow out of the same: For remedy thereof, Be it enacted, That any *Procés-Verbal* now existing in Lower Canada which shall substantially contain such particulars as may be requisite for the full understanding of the Survey or operation to which it relates, and of the doings of the Surveyor, and the intention of the parties interested with regard to the same, shall be held to be authentic and valid, and shall have effect according to the tenor thereof, whatever be the form in which the same may have been drawn up.

VIII. And be it enacted That the Standard English Measures of Length importep under the requirements of the Act hereby amended, shall hereafter be deposited with the Secretary of the Board of Examiners at Toronto, and the Standard French Measures of Length imported under the said Act, and the copy of the said Standard English Measures of Length now in the Office of the Commissioner of Crown Lands at Montreal (which copy shall be hereafter used as a standard for the purposes of the said Act) shall be deposited with the Secretary of the Board of Examiners at the City of Quebec, and the said Secretaries respectively, under such instructions as they shall receive from time to time from their respective Boards, shall and may examine, test and stamp Standard Measures of Length for the Surveyors bringing the same for examination, as the Commissioner of Crown Lands may do under the Act aforesaid and with the same effect, and for each measure so examined and stamped such Secretary may demand and receive Two Shillings and Six Pence Currency.