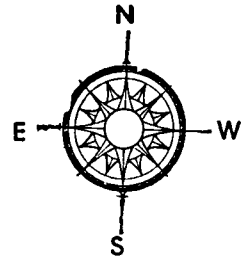


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Minutes of Meeting of Executive Committee

THE ASSOCIATION OF PROVINCIAL LAND SURVEYORS OF NOVA SCOTIA

held in the Board Room on the 7th Floor of the Provincial Building, Tuesday, April 30th, 1957

The meeting was called to order at 3:00 p. m. by President Tupper. Those present were: Freeman Tupper, President; Major James A. H. Church, Vice-President; Eric Millard, Past-President; Col. Spencer Ball; Walter E. Servant; William S. Crooker; R. E. Dickie; Errol Hebb; Donald L. Eldridge; Eldon Adams; Donald Wagstaff; H. B. Robertson, Secretary-Treasurer.

1. President Tupper explained to the members of the Executive, the events leading up to the presentation of the Bill No. 119 to the Legislature, and why Mr. Russell McInnes Q. C. was employed to redraft the original proposed Act as prepared by the Legislative Committee and accepted by the Executive of the Association into the form of Bill 119 which was presented to the Legislature.
2. President Tupper then informed the members that Mr. Millard had a very good suggestion to make, and asked Mr. Millard to present his suggestion to the Executive.
3. Mr. Millard said that the Attorney General's Department had felt that the Proposed Act as prepared by the Legislation Committee was incomplete, and, that Bill 119 had been drawn up in too short a time.
4. Mr. Millard suggested that we take the present Act (Chapter 230, of the revised Statutes of 1954, The Provincial Land Surveyors Act) and point out the deficiencies in this Act, draft up new clauses to cover the ones that we feel to be deficient, and then meet with the Attorney General's Department and the Minister of Lands and Forests, and have these amendments put through the next session of the Legislature as a Government Bill.
5. Mr. Millard added that in his opinion Bill 119 did not seem to be sufficient.
6. President Tupper said that the question of "why" we wanted to change our Act had been asked by Mr. Muggah and several others.
7. Mr. Adams said that he felt that if Bill 119 could be worked in with the present Provincial Land Surveyors Act, then we would have the ideal Act.
8. Mr. March said that he did not think Bill 119 would go through without repealing the present Act, Chapter 230 of the revised Statutes of 1954.
9. Major Church said that to get in line with the other Provinces calls for a three-year apprenticeship, and that we should get legal advice this time before we go too far.
10. Mr. Adams said that he did not approve of getting legal advice.
11. Col. Ball stated that the main object is to establish the Association.
12. Mr. Adams said that he was not in favor of the words "for Gain" being left in the Act, and suggested that we should insert a clause instead, stating that it is not the intention of the Act to deprive any person, or persons, or firm, or their agents of their civil right of taking any measurement, or measurements on their own property.
13. President Tupper suggested the words "for gain", directly, or indirectly.
14. Mr. Adams said that he would be in agreement with this.
15. Mr. March said there should be a tie between the present Association of Provincial Land Surveyors of Nova Scotia, as we are now called,

- and the proposed Association of Nova Scotia Land Surveyors as the Association will be called when the Act to Incorporate is passed.
16. Mr. Adams made the motion that a committee be appointed to proceed to bring Bill 119 of 1957 as an Act to Incorporate the Association of Nova Scotia Land Surveyors, and to make any additions as the said committee may find advisable to Bill 119. That Section one be amended to read "This Act may be cited as an Act to Incorporate the Association of Nova Scotia Land Surveyors", and that Section eighteen be omitted from Bill 119. Seconded by Mr. Crooker, motion carried.
 17. Mr. Hebb said that he did not vote on the above motion because he did not feel that he was familiar with the situation.
 18. Major Church asked that amendments to Chapter 230, of the revised Statutes of 1954, the Provincial Land Surveyors Act, be studied to bring the qualifications for Examinations in line with the other Provinces.
 19. Mr. Adams made the motion that the previous Legislative Committee carry, on with the Act, and Mr. E. O. Temple Piers fill the vacancy left by the death of Layton Reid. Seconded by Mr. Dickie, motion carried.
 20. Major Church asked that the Committee report back to the Executive no later than one month from this date. He said that we should not leave things to the last minute. It was agreed that Thursday May 30th. next be the date of the next meeting of the Executive Council.
 21. President Tupper then read a letter from Mr. Gerald MacDougall, P. L. S., describing illegal surveying of subdivisions being carried out in the town of Amherst.
 22. Mr. March said that he felt that this matter called for immediate action.
 23. Mr. Adams said that he would obtain the information required for the investigation of this matter.
 24. Mr. Eldridge said that after Mr. Adams has obtained the required information, that he could make further investigation while in Amherst, as he is required to be there quite often for business reasons.
 25. President Tupper asked the Secretary to write Mr. MacDougall and thank him for the information, and inform him that the Association is investigating the matter and that his name will be kept in the background.
 26. Mr. Dickie brought up the matter of delinquent members, and said that something should be done.
 27. Mr. Crooker said that he was not in favor of dropping these members from our list at the present time.
 28. It was decided that the Secretary send notices to all the delinquent members with the next issue of the Nova Scotian Surveyor.
 29. Mr. Adams suggested sending a copy of the Nova Scotian Surveyor to each of the Provincial Cabinet Members.
 30. President Tupper asked for a motion of adjournment.
 31. Mr. Adams moved that the meeting adjourn. Seconded by Donald Eldridge, motion carried.
 32. The Meeting Adjourned at 5 p. m.

July 17th./57

Hon. R. Clifford Levy Q. C.,
Minister of Lands and Forests,
Halifax, N. S.

Dear Sir:

Enclosed herewith our brief and addenda concerning the proposed amendments to the N. S. Land Surveyors Act and the Bill to Incorporate the Association of Provincial Land Surveyors of Nova Scotia.

The object has been to present as tersely as possible, the salient features of the present situation of surveys in this province, and the proposals for the rectification of this situation, not only as regards qualifications of Land Surveyors but also the discipline and regulations for control of

Land Surveyors, and the improved measures for preventing unauthorised persons from exploiting the public by carrying out illegal surveys.

It is hoped that this will inform the members of the legislature sufficiently to enable them clearly to grasp the urgency of the situation and the validity of the steps proposed to remedy it.

Your counsel and help in this will be deeply appreciated particularly in regard to future procedure.

Yours truly,

Freeman Tupper,
President, Association of
Provincial Land Surveyors
of Nova Scotia.

THE ASSOCIATION OF PROVINCIAL LAND SURVEYORS OF NOVA SCOTIA
Brief Regarding Proposed Amendments

TO THE PROVINCIAL LAND SURVEYORS ACT, CHAPTER 230, REVISED STATUTES OF NOVA SCOTIA, 1954, AND BILL TO INCORPORATE THE ASSOCIATION OF PROVINCIAL LAND SURVEYORS OF NOVA SCOTIA.

Before presenting to the members of the legislature any proposals regarding changes in the Provincial Land Surveyors Act or a Bill to Incorporate the Association of Provincial Land Surveyors of Nova Scotia, it is expedient to offer in support of such proposals a brief resume of the present status of land surveying in Nova Scotia, the conditions which have brought it about, and the steps proposed to improve or modify this status, with reasons therefor.

The original surveys of the province were made with compass and chain, a method which at the time was as advanced as any other and especially suited for wooded country of rolling character, interspersed with numerous lakes and streams. With the introduction of the transit theodolite and the steel tape, which met the demand for greater accuracy for railroad surveys and the necessity for higher standards and methods in the surveys of the mountains and the western plains the quality of the survey work rose steadily and greater attention was focussed on the development of mathematical solutions of problems and the precision of mechanical aids, particularly as land values rose everywhere.

These land values, with their consequent demands, rose faster in Upper and Western Canada than in the Maritimes, with the result that the Upper Canadian and Western surveys, which were undertaken much later were laid on a more up to date foundation, and the qualifications demanded of land surveyors other than in the Maritimes were steadily improved until the comparison between the two groups was startling and not to our credit.

During this transition period and since, our surveyors numbered in their profession some of the finest and best trained surveyors of Canada, but the regulations governing the admission to practise in this Province were of such nature as to allow some men to be licensed who were not only incapable of good work, but who did irreparable damage to the boundaries, and left a legacy of confusion and frustration which is costing the public exorbitant expenditures to attempt to rectify.

Since the first world war, aerial photography, photogrammetry, cartography and town planning have steadily developed until today they are commonplace throughout the North American continent. Large scale surveys are calling for these techniques coupled with training in geodetic methods, and in the foreseeable future a surveyor

will be considered ill prepared who cannot take his part in such work. Science and mathematics are even now producing survey methods which will revolutionize the profession, and those provinces only which recognize the trend and prepare for it will be in a position to profit by these progressive steps.

The profession of Land Surveying is one in which practice is as vital as theory in the preparation of the surveyor, and this has been recognized in most of the other provinces, in the requirement of three or four years of apprenticeship before completion of the final examinations. These examinations themselves have been extended and improved to keep pace with modern developments and the majority of the provinces favor a practical as well as a theoretical test. Subjects for examinations have been broadened to include geology, physics and higher mathematics. These subjects have been under careful scrutiny by a special committee of the Association of Provincial Land Surveyors of Nova Scotia, resulting in their unanimous approval of adoption of the Holloway Report on examinations for Canadian Surveyors. A copy of the main features of this report is appended.

Not only have survey methods outstripped us, but methods and procedures for registration have been brought up to date while we are left with much the same background, except for a minimum educational requirement, that has existed from the turn of the century.

These conditions can lead to only one result which embraces confusion in our records, many errors and uncertainties in the field, with constantly recurring expense due to constantly recurring necessity for successive surveys. The cost to the public is high, and the only way to reduce it is to ensure the satisfactory qualifications of the surveyor, the simplicity and efficiency of registration, and effectively to deny the opportunity to unqualified persons to carry out surveys in the Province.

In order to accomplish this it is necessary to insist on a minimum of three years apprenticeship, raising of the standard of examinations, and regulating the operations of all surveyors by requiring their membership in an Association established by Act of Parliament and linked with the Government Department of Lands and Forests.

In this way and only in this way can we place Nova Scotia in parity with the majority of the other provinces, and give to our public the service and protection they have a right to expect and

demand. In this regard we are in no way different from the Barristers, Architects, Engineers or Registered Nurses.

The solution to these problems is not difficult nor beyond reach, in fact the foundation has already been laid by the establishment of the Nova Scotia Land Survey School at Lawrencetown, Annapolis County, Nova Scotia, an educational establishment unique in Canada, and one which has marked Nova Scotia as a far seeing province with educationalists who are alive to the demands of present day advances.

The school, good as it is, and unique as it is, is not enough. It is only the first step, but a vital step. To accomplish our aims the school must be enlarged, as is the intention of the Department of Education and the curriculum must be broadened to cover the requirements of the modern surveyor.

These advances will bring Nova Scotia into line with the other provinces west of the Bay of Fundy and give strength and impetus towards establishment of a uniform training for surveyors across Canada.

It is equally necessary that the requirement of membership in the Association of Provincial Land Surveyors of Nova Scotia be established by Act of Parliament, to assure the compliance with all regulations for attainment of our goals.

Already the eyes of the rest of Canada are upon us, and we should fail our Province and our country if we did not strive to establish these measures, and we shall be so judged by our future actions.

To illustrate the present situation there is appended a brief by James A. H. Church, P. L. S., showing the requirements in the various provinces and strikingly pointing the wide discrepancy between our standards and those elsewhere in Canada.

To illustrate the danger to the public which at present exists there are appended actual cases of surveys carried out by unauthorized persons.

Our people have the intelligence and the will, let us give them the opportunity.

Submitted by
Spencer Ball, P. L. S.

Authority		Preliminary		Intermediate		Final	Term of Apprenticeship	Total Hours of Exams.	
Federal, D. L. S.	Obligatory	7 subjects	21 hrs.	None		13 subjects	39 hrs. 3 years	60	
British Columbia	Obligatory	6 subjects	18 hrs.	None		12 subjects	36 hrs. 3 years	54	
Alberta	Obligatory	6 subjects	18 hrs.	Obligatory	6 subjects	18 hrs.	12 subjects	36 hrs. 3 years	72
Sask.	Grade XI in lieu	4 subjects	12 hrs.	Obligatory	6 subjects	18 hrs.	8 subjects	24 hrs. 3 years	54
Manitoba	Obligatory	8 subjects	24 hrs.	Obligatory	6 subjects	18 hrs.	11 subjects	33 hrs. 3 years	72
Ontario	Matric. with honors	6 subjects	18 hrs.	Obligatory	7 subjects	21 hrs.	13 subjects	39 hrs. 4 years	78
Quebec	Obligatory	9 subjects	27 hrs.	None		12 subjects	36 hrs. 4 years	63	
New Brunswick	Junior Matric.	5 subjects	15 hrs.	Obligatory	4 subjects	12 hrs.	8 subjects	24 hrs. 2 years	51
P. E. I.	Unknown			Unknown		Unknown	Unknown		
Nova Scotia	None			None		6 subjects	12 hrs. 12 mos. experience	12	
Nfld.	Grade X			Unknown		5 subjects	2 years experience	Minimum	
Holloway Syllabus	Obligatory	5 subjects	15 hrs.		8 subjects	24 hrs.	8 subjects	24 hrs. 3 years	63

THE ASSOCIATION OF PROVINCIAL LAND SURVEYORS OF NOVA SCOTIA
Amendment of Provincial Land Surveyors Act

CHAPTER 230, REVISED STATUTES OF NOVA SCOTIA, 1954

Appreciation of the need thereof by J. A. H. CHURCH, P. L. S., Vice President, the Association of Provincial Land Surveyors of Nova Scotia

The increased speed of travel together with the considerable advances in the application of physics, photography and photogrammetry to survey problems have made it imperative that a more comprehensive program of education and training for Land Surveyors be inaugurated.

This condition of affairs has been recognised by the survey officers of all the provinces and by the Federal authorities: for the past eight years a Committee of all provincial officers has met in February at Ottawa under the chairmanship of the Surveyor General. The objective of the Committee was the standardization of a qualifying curriculum for Land Surveyors throughout Canada. In 1956 Mr. J. F. Holloway, D.L.S., A.L.S., of Edmonton, Alberta, presented his syllabus of training and examination which was approved in principal by the representative survey officers from every province. In 1956, the Association of Provincial Land Surveyors of Nova Scotia signified their acceptance of Mr. Holloway's syllabus. The ultimate goal of this movement is a Canadian Certificate of Competency subject only to an examination in the laws peculiar to any Province in which a surveyor may wish to practise. If it be granted that the foregoing paragraph be necessary and desirable it follows that the Provincial Land Surveyors Act, Chapter 230, Revised Statutes of Nova Scotia 1954, should be amended in the vital clauses, Section 4, subsection (c) (i) and (ii) substituting therefore a requirement of 3 years articulated pupilship (or apprenticeship) under a Registered Nova Scotia Land Surveyor together with such modification as may be requisite in view of special educational standards acquired by any candidate. This is the minimum required by Mr. Holloway's syllabus and full particulars will be furnished by the Secretary of our Association.

It would appear that under Sections 7 & 8 of the Nova Scotia Act there is power for the Board of Examiners to enlarge the scope of the statutory examination to any extent commensurate with the Holloway syllabus. It might be well to state here that nowadays all provinces set papers on Photogrammetry, town planning and curves, neither of which subjects receive any recognition from the existing Board of Examiners except the most elementary aspect of curves.

Subjoined is a tabular comparison of the various examinations and terms of apprenticeship for Land Surveyors across Canada: It is accurate to the best of my knowledge and belief and indicates that Nova Scotia standards are materially lower than those of the Dominion and all provinces to the west of the Bay of Fundy. We examine in only 6 subjects of which 5 are treated in the most perfunctory manner, the total number of hours devoted to examination for the issuance of a Certificate of Proficiency is 12, equivalent to only 20% of the time required elsewhere.

It should be noted that the requirements shown are those for aspirants who enter the profession without benefit of specialized education. Each province and the Dominion Land Surveyors has slightly varying modifications for University and Nova Scotia Land Survey School graduates.

Summary

It is not the intention to belittle the Nova Scotia training and examination both of which are the inevitable outcome of our Provincial Land Surveyor's Act which requires:

1. No entrance qualification
2. Only 12 months continuous training under a Registered Land Surveyor.

the records of the Board of Examiners will show that the present examination causes a high percentage of failures among aspirants who have had no special education.

Australia, New Zealand, South Africa and Great Britain all enjoy standardization of qualifying curriculum for surveyors and the vast program of mapping now undertaken in Canada has created the need for a similar system here. As a start on this Dominion-wide project, we are hoping that the Nova Scotia Government will amend the Provincial Land Surveyor's Act of 1954 to, at least, the extent of introducing a 3 year apprenticeship so that we may fall into line with the other provinces and begin to improve our standards.

Submitted by

James A. H. Church, P. L. S.
Vice President,
The Association of Provincial Land
Surveyors of Nova Scotia

EXTRACTS FROM A

Suggested Basic Training Course

AND SYLLABUS OF EXAMINATIONS FOR LAND SURVEYING STUDENTS

(Revised Dec. 6th, 1955, in accordance with suggestions made at the Annual Meeting of Survey Officers, February 2nd, 1954.)

By J. H. Holloway

The material below has been prepared to suggest the basic course of study which should be followed by students proposing to qualify as registered or licensed land surveyors in Canada. The present syllabuses and examination papers set by the various land surveyor's examining boards have been examined, as well as the current high school courses and university engineering courses, with the object of ascertaining the nature and scope of the academic and technical subjects in which land surveyors should be trained and the availability of suitable tuition in those subjects. It is hoped that this material may provide a foundation on which some closer standardization of examination requirements may be worked out, and that it may lead to greater reciprocity between examining boards in the recognition of surveyor's qualifications.

In the suggested arrangement of examinations, it is assumed that the majority of candidates would be composed of (a) pupils articulated for a term of not less than three years, and (b) university or college graduates who have taken a surveying course for not less than two years and have been articulated for a term of not less than one year.

It is proposed that there be three sets of examinations: 1. A Preliminary Examination comprising the following basic academic subjects in which tuition at school up to university entrance level is available:

- (a) English Language
- (b) Arithmetic and Mensuration
- (c) Plane and Solid Geometry
- (d) Plane Trigonometry and Logarithms
- (e) Algebra

Passage of or exemption from this examination would be required before an applicant is admitted to articles. Exemption would be allowed in the case of applicants presenting evidence of complete senior matriculation standing. The principal object of the examination would be to discover whether the applicant has a sufficient education in the appropriate academic fundamentals to enable him to cope readily with the technical and higher academic phases of his future course of training. It is suggested that the pass-mark in this examination be 55% and that only one supplemental examination in not more than two subjects should be allowed to candidates who fail at the

first attempt, the supplemental pass-mark to be 60%.

2. An Intermediate Examination, consisting partly of "final" technical subjects in which an articulated pupil may be expected to be sufficiently trained before completing his term of articles and partly of "preliminary" or fundamental academic subjects which are not sufficiently covered in the ordinary high school course. The proposed intermediate subjects are:

- (a) Physics
- (b) Elementary Analytical Geometry and the Elements of Calculus
- (c) Spherical Trigonometry
- (d) Principals of Astronomy
- (e) Geology, Mineralogy, Soils and Vegetation
- (f) Survey Methods and Theory of Instruments

It is suggested that a first supplemental in not more than three subjects and a 2nd supplemental in not more than one subject might be allowed to candidates who fail to pass this examination at the first attempt and that the pass-mark for the first examination be 55% and for any supplemental examination 60%.

Articled pupils serving a three year term would be admitted to the Intermediate Examination after one year of articulated service, and would have to complete this examination before being admitted to the Final Examination. In the case of graduates, this examination might serve as a "preliminary" test which they would be required to pass before being admitted to articles.

3. A Final Examination, consisting of two parts, in which the subjects of Part 1 would be:

- (a) Mathematics
- (b) Applied Astronomy
- (c) Survey Computations
- (d) Plan Drawing
- (e) Mapping, Photogrammetry and Map Projections.

Part II would consist of other subjects of limited or localized application, the scope and examination standards of which would be determined by each examining board according to the needs of local survey practice. The following subjects are cited as an indication of the suggested coverage of Part II:

- (a) The Dominion Land Surveyors' Manual.

- (b) Laws and Regulations pertaining to land registration and land surveying (2 or 3 Papers)
- (c) Town Planning Principles and Subdivision Design
- (d) Description of Land
- (e) Preparation of Technical Reports
- (f) An Oral Examination on Field Practice

Articled candidates, both graduates and non-graduates, would be required to write the complete final examinations. Admission to Part I would be allowed on completion of the prescribed period of field practice under articles; for admission to Part II, the term of articled pupillage should be completed, but one month's leeway might be allowed. Surveyors registered elsewhere or

commissioned by another examining board would be exempt from Part I, but would be required to write such subjects as may be specified under Part II; reciprocal exemptions in some of these subjects (e. g. The D. L. S. Manual) could be arranged by agreement between the boards concerned.

It is suggested that the pass-mark in Part I subjects be 55% or, in the case of supplementals, 60%; that the pass-marks in Part II subjects be as determined by each board; that a first supplemental in not more than one-half of the papers required to be written, and a second supplemental in not more than one-half of the subjects written in the first supplemental, to be allowed to candidates who fail to pass at the first attempt.

Title Searching in New Brunswick

By A. McF. Limerick as in October 1956 issue of THE CANADIAN SURVEYOR

(Continued From Last Issue)

I have referred to "curtesy" which is or was the interest of a widower in the lands owned by his wife, the full name being "curtesy of England". To entitle a husband to this right, there must have been a child born of them during the marriage. Whether the child lived or died the husband then became entitled to hold his wife's lands on her death for the balance of his own life. By the Married Women's Property Act in this Province, curtesy was abolished with respect to any lands acquired by a wife after April 29th, 1916, but still attaches to lands held by a married woman before that date. As this was only 40 years ago, it can still be of importance in title searching.

Conveyancing, or the alienation of property, in early times was done by some symbolic form of putting the grantee in possession as by handing over a stick or a clod of earth while standing on the ground to be conveyed, done in the presence of reputable witnesses, the grantor stating the extent of nature of the interest he was conveying, the statement being "words of limitation". This feoffment was often accompanied by delivery also of a deed or charter, particularly in later days, but this was not necessary until the Statute of Frauds in 1677, after which, written evidence of a transfer had to be given. The fact that the written evidence was not a deed but merely evidence of the fact that a transfer had taken place is clear from its language, which was not "I hereby give, etc". but "Know ye that I have given". In modern deeds, we combine both forms and say "have granted, bargained and sold, etc., and by these presents do grant, bargain and sell".

It is odd how certain problems continue to crop up today, even as they did centuries ago. The purpose of requiring livery of seisin, as it was called,

the actual ceremony of delivery of land to a grantee, was that no secret transfers could take place without public knowledge. I want to trace the development of our modern conveyancing practice, but would call your attention to the fact that today the Association of Assessing Officers passes resolutions aimed at forcing grantees to register their deeds so that there may be public knowledge of any transfers.

In the early days, unless there was this public delivery of possession by the former owner, the courts would not recognize this conveyance.

Where there was no change of possession of land, however, as where a tenant for years or for life holds the land and the reversioner or owner of the fee wishes to pass his rights to the tenant, the above ceremony is unnecessary and impossible. The tenant already is in possession, so a sealed deed or record of the court had by the 13th century in England become necessary to effect the transfer of rights. This document was known as a release and quit claim, the words quit claim being derived from the Latin expression used in this form of release — *quietum clamare*, to cry.

Similarly, where lands of an overlord were held under him by a tenant in fee or freehold, and the overlord wished to convey his rights to some third person, the landlord could not enter on the lands to make a feoffment there, and the doctrine gradually evolved that there also was a case of property rights which "lie in grant" as distinguished from the land itself which "lies in livery", or actual physical delivery. A deed of grant had to be executed — but the transfer of property rights was not complete until the tenant had attorned himself to his new lord, that is, acknowledged that he now owed allegiance and must render his service or payment for the lands to the new lord.

(To Be Continued)

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