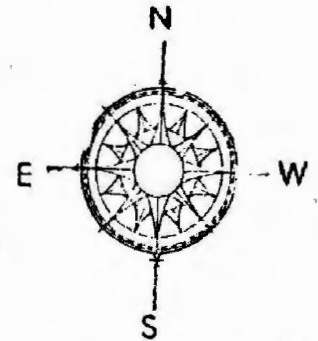


The Nova Scotian Surveyor

Published Quarterly under the Auspices of
The Association of Provincial Land Surveyors
of Nova Scotia Incorporated



Founded 1951

R. E. Millard, P. L. S., Managing Editor

Incorporated 1955

VOLUME 7

DECEMBER 1957

NUMBER 13

MINUTES OF MEETING

of the Committee to bring Bill 119 as an Act to incorporate the Association of Nova Scotia Land Surveyors

held in the South Committee Room, Province House, Halifax, N. S., Wednesday, May 31, 1957.

The meeting was opened at 3 p.m.

Those present were: Freeman Tupper, Col. Spencer Ball, Major James A. H. Church, J. E. R. March, H. B. Robertson, Secretary.

President Tupper said that he had been talking with Mr. Muggah of the Attorney General's Department, and that Mr. Muggah was in favor of revising the present Act (Chapter 230, revised Statutes of 1954, the Provincial Land Surveyors Act) and tying it in with an Act to incorporate the Association of Nova Scotia Land Surveyors (now known as the Association of Provincial Land Surveyors of Nova Scotia).

Col. Ball stated that we must correlate the Association of Provincial Land Surveyors of Nova Scotia, as it is now called with the Association of Nova Scotia Land Surveyors which we propose to be called when the Association becomes incorporated.

Major Church suggested that either Mr. March or himself, both of whom were in attendance at the meeting of the representatives from all the Provinces, held in the Surveyor General's Office in Ottawa a year ago, should present a brief, outlining the reasons for revising the Provincial Land Surveyors Act, and present it to the Chairman of this Committee. Other interested members should also present briefs giving their reasons why they think the Act should be revised. These briefs could then be studied by the Chairman and from them a final brief could be proposed for presentation to the Legislature, along with the proposed amendments to the Provincial Land Surveyors Act, and the Act to Incorporate the Association of Nova Scotia Land Surveyors. This would help to consolidate the amendments to the Act.

President Tupper suggested that Chapter 230, the Provincial Land Surveyors Act, should be amended to read "The Nova Scotia Land Surveyor's Act", and that wherever the name Provincial Land Surveyor appears in the Act, it should be amended to read Nova Scotia Land Surveyor.

Major Church said that he felt that Mr. Muggah should be consulted to decide if this is required.

Col. Ball stated that there should be no doubt. If there is the slightest loop-hole in the Act, the name should be changed — subject to Mr. Muggah's approval.

Col. Ball suggested that Section 1, clause (c) "regulations should be changed, and that he feels that the regulations should be made by the Association.

Mr. March said that at present there are no regulations. That the former regulations were repealed in 1954 and that new regulations have not been drawn up.

Major Church said that if it is a Government Bill the regulations cannot be left in the power of the Association.

Mr. March Agreed with Major Church.

Col. Ball asked if the regulations could not be left as they are in Bill 119, that is, subject to the approval of the Governor-in-Council.

All present felt that this could be done.

Major Church said that the meaning of the "Board" should be changed so that the Association could appoint the Board rather than the Governor-in-Council as it is at present.

President Tupper said that he felt we should get the Incorporation of the Association before we make any changes in the present Act.

Mr. March brought up the subject of qualifica-

tions and apprenticeship, and said that he feels this matter is very important.

Major Church said that the period of apprenticeship should be laid down in the Act.

Col. Ball suggested that we substitute clause (c) of Section 4 of Chapter 230, of the revised Statutes of 1954, the Provincial Land Surveyors Act for reasons that it is not adequate, and replace it with Section 4 clause (c) of the former proposed Act previously prepared for presentation to the Legislature.

All present were in agreement with Col. Ball.

Mr. March suggested that we explain to Mr. Muggah what we want and let him draft up the new Bill and amendments accordingly.

All present were in agreement with Major Church's suggestion.

Mr. March then made the motion that Col. Ball be Chairman of this Committee.

Seconded by Major Church. Motion carried.

Mr. March suggested that Major Church write

up the brief, previously mentioned by Major Church, telling why the Act should be revised.

Major Church agreed to do this.

President Tupper said that he would meet with Mr. Muggah and suggest to him the two amendments that we require in the present Provincial Land Surveyors Act, and ask what could be done to correlate Bill 119 with this Act, and that he would also ask Mr. Muggah for his suggestions in wording Section 1 clause (d) of the Provincial Land Surveyors Act to include "and is a member of the Association of Nova Scotia Land Surveyors, and is in good standing."

Col. Ball requested President Tupper to ask Mr. Muggah if it would be possible to put the Bill to Incorporate the Association of Nova Scotia Land Surveyors through at the beginning of the Session of the Legislature, and the Amendments to the present Act through after the Incorporation had been passed and proclaimed by the Legislature.

The meeting adjourned at 4.30 p.m.

MINUTES OF MEETING OF EXECUTIVE COMMITTEE

held in the Committee Room on the 1st Floor of the Province House, Halifax, N. S. Thursday, May 30th, 1957.

The meeting was called to order at 2:45 by Vice-President J. A. H. Church, acting in the absence of President Freeman Tupper.

Those present were: Major J. A. H. Church, Vice-President, Col. Spencer Ball, R. E. Dickie, J. R. March, Errol Hebb, Ronald Chisholm, Walter Servant, H. B. Robertson, Secretary.

Copies of the April 30th meeting of the Executive Committee and of the May 1st meeting of the Legislation Committee were distributed to all present.

Referring to the minutes of the meeting of the Legislation Committee, Mr. Dickie asked if the President had met with Mr. Muggah and discussed the Amendments to Chapter 230 of the revised Statutes of 1954, the Provincial Land Surveyors Act, and the possibility of combining this with our Bill 119 so as to incorporate the Association of Nova Scotia Land Surveyors.

Mr. March said that he could answer that, as he and President Tupper had met with Mr. Muggah, and that Mr. Muggah had agreed to work out our amendments and to combine the Incorporation of the Association with the Present Provincial Land Surveyors Act. However, before this can be done we will have to get the approval of the Minister of Lands and Forests.

Major Church said that he was of the opinion that Chapter 230 was in need of serious amendments.

Mr. March said that Mr. Muggah wants to introduce Chapter 230 with as few amendments as

possible and introduce the bill to incorporate the Association of Nova Scotia Land Surveyors as Part 2 of Chapter 230.

Major Church asked if the Legislation Committee should not meet with the Minister of Lands and Forests as soon as possible and present him with a prepared brief requesting the amendments and the incorporation of the Association.

Mr. Hebb asked if our incorporation would be the same as in New Brunswick, Ontario or any of the other Provinces.

Mr. March said that it is very seldom that an Act is passed in this Province just because it is done in any or all of the other Provinces.

Mr. Servant asked if we could not ask for the Ontario Act.

Col. Ball made the motion that we arrange a meeting of the Legislation Committee as soon as possible for the purpose of preparing a brief for presentation to the Minister of Lands and Forests.

Seconded by Walter Servant. Motion carried.

Friday, May 31st at 2 p.m. was set as the time of the next meeting of the Legislation Committee, the place to be arranged by the Secretary.

Major Church requested that the minutes of all meetings be in the mail within 24 hours.

The Secretary advised the members of the Executive that at the April 30th meeting of the Executive a motion had been made appointing Mr. E. O. Temple Piers as a member of the Legislation Committee in the place left vacant by the death of Layton Reid, but that on investigation it was

found that Mr. Piers was already a member of that Committee, and the Committee is still short one member.

Mr. March made the motion that Walter Servant be appointed to the Legislation Committee.

Seconded by Ronald Chisholm. Motion carried.

Major Church said that we should also make clear in our brief the fact that New Brunswick will not consider reciprocity with this Province until the Apprenticeship system is adopted.

Major Church asked what has been done with regards to the case of illegal surveying being done in Amherst.

Mr. March said that as the result of Mr. Adams investigation we have found out that sub-division plans had been signed by a person who is not a qualified Provincial Land Surveyor, and that the plans are now on the files of Mr. A. E. Priest, Architect for the Co-operative Housing Developments involved. President Tupper had not been able to contact Mr. Priest since he received the information from Mr. Adams.

Mr. March said that we should not let this matter drop.

Mr. Dickie made the motion that we make a test case of this matter and that the President go after the Attorney Generals Department for prosecution of this case.

Seconded by Mr. March. Motion carried.

Col. Ball asked if we have any idea when we could expect results from the Attorney Generals Department after we present our brief requesting the revision of the Act and the incorporation of the Association.

Major Church said that we would first have to get the approval of the Minister of Lands and Forests.

Mr. March said that it may also take time for the Minister of Lands and Forests to get the approval of the Cabinet.

Major Church said that we must draw up our brief immediately and present it to the Minister so that we could have his approval by the end of July.

Major Church said that if there is no further business that a motion to adjourn is in order.

The meeting adjourned at 4:15 p.m.

Minutes of Meeting of the Legislation Committee

held in the Committee Room on the 1st Floor of the Province House, Halifax, N. S., Friday, May 31st, 1957.

The meeting was called to order by the Chairman, Col. Spencer Ball at 8:15 p.m.

Those present were: Col. Spencer Ball, Chairman, Major J. A. H. Church, Walter Servant, J. E. R. March.

Col. Ball stated that the brief to be prepared for presentation to the Minister of Lands and Forests for his consent to amend Chapter 230 of the revised Statutes of 1954, the Provincial Land Surveyors Act, and to introduce the Incorporation of the Nova Scotia Land Surveyors Association as Part 2 of the Act should be plainly outlined step by step.

Mr. Servant asked if the Amherst situation should be mentioned in the brief.

Col. Ball stated that in his opinion anything should be used in the brief which will point out the need for amending the Act, and to support the incorporation of the Association.

Mr. Servant mentioned the case of a sub-division at Cox Lake, Halifax County, surveyed by a man who is not a qualified Provincial Land Surveyor, and asked the Secretary if the information referring to this case was in the files of the Association.

The Secretary informed Mr. Servant that he was not sure but that he thought this information was in the files.

Mr. Servant said that this particular case had caused trouble as the lots were not of regulation size and were not approved by the County Planning Board.

Major Church said that we should point out that the Architects, Registered Nurses, and others all have Acts of Incorporation which are for the protection of the public as well as the members, and that we feel that the Land Surveyors would be in a better position to serve the public if they were incorporated.

The Newfoundland Qualifications for Examinations were produced by the Secretary, and were added to the brief prepared by Major Church, which outlined the Qualifications required for each of the other Provinces.

Mr. March said that whenever we request changes we should, in all cases, state why we think these changes should be made.

It was agreed by all present that Col. Ball should prepare the brief for presentation to the Minister of Lands and Forests.

Major Church said that we should tell Mr. Muggah what changes we would like made in the present Act so that he will have something to work with.

Mr. March said that of first importance is the incorporation of the Association by Legislation, and

that the Legislation must specify that no one but a member of the Association may practice as a Land Surveyor. Second is the matter of Apprenticeship and third the matter of Examinations. All present agreed with Mr. March.

Major Church said that the Holloway report should be presented along with the brief.

Col. Ball said that he thinks that if Mr. Muggah gets our brief along with the former proposed Act he will be able to correlate the revisions to the Act and the Incorporation of the Association.

Mr. March said that the penalty clause is all right, except that it is too mild.

Major Church said that we will have to have another meeting of this Committee before the brief is presented to the Minister of Lands and Forests.

Mr. Servant said that the brief which we intend to present to the Minister of Lands and Forests should only contain the principals of why we want the Amendments to the present Act, and the Incorporation of the Association.

Mr. Servant said that he was afraid that Mr. Muggah will draft up Part 2 to agree with the Present Act.

The meeting adjourned at 4:00 p.m.

Minutes of Meeting of the Legislation Committee

HELD AT 92 BIRMINGHAM STREET, HALIFAX, ON WEDNESDAY, JUNE 26th, 1957

The meeting was called to order by the Chairman, Col. Spencer Ball at 11:00 a.m.

Those present were: Col. Spencer Ball, Chairman, J. E. R. March, E. O. Temple Piers, H. B. Robertson, Secretary.

Col. Ball read the brief which he prepared for presentation to the Minister of Lands and Forests, and asked those present for their comments.

Both Mr. March and Mr. Piers agreed that the

brief was very well prepared and that it was now ready to be typed, and that a meeting of the whole committee be held sometime before the end of the coming week.

It was decided that the next meeting of the Legislation committee would be held on Thursday July 4th at 8 p.m. at the residence of Mr. E. O. Temple Piers, 92 Birmingham Street, Halifax.

The meeting adjourned at 12:15 p.m.

Minutes of Meeting of the Legislation Committee

HELD AT 92 BIRMINGHAM STREET, HALIFAX, THURSDAY, JULY 4th, 1957

The meeting was called to order by Col. Spencer Ball, Chairman of the Committee, at 8.15 p.m.

Those present were: Col. Spencer Ball, Chairman, President Freeman Tupper, Major James A. H. Church, J. E. R. March, Walter E. Servant, E. O. Temple Piers, H. B. Robertson, Secretary.

Col. Ball asked the committee if there were any additions or alterations to the brief which he had prepared for presentation to the Hon. R. Clifford Levy, Minister of Lands and Forests.

Mr. March said that Col. Ball's brief was very well prepared.

Major Church said that he felt that Col. Ball had done an excellent job in preparing the brief and that in his opinion no additions or alterations are necessary.

President Tupper made the motion that the brief prepared by Col. Ball for presentation to the Minister of Lands and Forests, be accepted as is.

Seconded by Mr. March. Motion carried.

It was decided that the brief to the Minister of Lands and Forests be accompanied by a covering letter.

Mr. March suggested that we submit our brief

to the Hon. R. Clifford Levy, Minister of Lands and Forests, consisting of the briefs by Col. Ball and Major Church, the brief giving the salient points of the Holloway report, and evidence of surveys done by persons who are not qualified Provincial Land Surveyors. After this has been approved by the Minister, then, copies should be printed for distribution to the members, and to Mr. Muggah of the Attorney General's Department who will then proceed to prepare the revisions to the Act and the Bill to incorporate the Association of Nova Scotia Land Surveyors as we wish to be called after incorporation.

Mr. Piers said that he feels that the evidence of Surveys by persons who are not qualified Provincial Land Surveyors has very little bearing on revising the Provincial Land Surveyors Act or Incorporating the Association.

Col. Ball reminded Mr. Piers that we want the Association strong enough to prevent unqualified persons from surveying, and, that this can only come about by incorporation.

Major Church said that we want to substitute the Association for the individual who might get into trouble.

Col. Ball stressed the fact that we have to give the Authorities evidence of unqualified surveys so that action can be taken.

President Tupper produced two plans of subdivisions in the Amherst area. One shown as drawn from surveys by D. Maxwell in 1948, and W. H. Nichols in 1953, both of whom are shown on the plans as being Provincial Land Surveyors. Mr. Nichols is not a qualified Provincial Land Surveyor. The second plan is signed by W. H. Nichols as being surveyed by himself.

Major Church said that only the plan which was surveyed and signed by W. H. Nichols should be

used in the brief to the Minister of Lands and Forests.

All present agreed with Major Church.

Major Church said that he would submit evidence of a sub-division which was surveyed by a person who is not a Provincial Land Surveyor.

It was agreed that the secretary finalize all the briefs and the evidence, and that another meeting of this committee be held on Thursday, July 11th next at 8 p.m. at 92 Birmingham Street, Halifax, at which time the brief would be given final approval for presentation to the Hon. R. Clifford Levy, Minister of Lands and Forests.

The meeting adjourned at 9.50 p.m.

Minutes of Meeting of the Legislation Committee

HELD AT 92 BIRMINGHAM STREET, HALIFAX, THURSDAY, JULY 11th, 1957.

The meeting was called to order by President Freeman Tupper at 8.30 p.m. in the absence of the Committee Chairman, Col. Spencer Ball.

Those present were: President Freeman Tupper, Major James A. H. Church, J. E. R. March, H. B. Robertson, Secretary.

The members of the Committee present were shown copies of the final brief prepared for presentation to the Hon. R. Clifford Levy, Minister of Lands and Forests, which consisted of:

(I) Report by Col. Spencer Ball which gave a summary of the situation confronted by Land Surveyors in Nova Scotia, and the comparison with the other Provinces.

(II) Report by Major James A. H. Church which outlined the comparison of examinations and qualifications between this Province and the rest of Canada.

(III) Extracts from the Holloway Report on Suggested Basic Training and Syllabus of Examinations for Land Surveying Students.

(IV) Evidence of illegal surveys in the Amherst area.

President Tupper made the motion that the entire brief be accepted as is.

Seconded by Mr. March. Carried.

It was then agreed that the brief would be turned over to President Tupper for presentation to the Minister of Lands and Forests, and that President Tupper would contact Col. Ball for his signature to his brief as convener of the Legislation Committee, stating that the entire brief has the full approval of the Committee.

Mr. March made the motion that the brief to be presented to the Minister of Lands and Forests be published in the next issue of the Nova Scotian Surveyor. Omitting the letter regarding illegal surveys in the Amherst area.

Seconded by Major Church. Carried.

Major Church suggested that the letter of congratulations from the Association to Mr. Holloway be included in the brief to the Minister of Lands and Forests. All present were in agreement with Major Church.

The meeting adjourned at 9.45 p.m.

Minutes of Meeting of the Executive Committee

HELD IN THE BOARD ROOM ON THE SEVENTH FLOOR OF THE PROVINCIAL BUILDING IN HALIFAX, MONDAY, SEPTEMBER 23, 1957.

The meeting was called to order at 3.00 p.m. by President Freeman Tupper.

Those present were: Freeman Tupper, President, Major J. A. H. Church, Vice-President, Col. Spencer Ball, Walter Servant, R. E. Dickie, Errol Hebb, Donald Eldridge, Ronald Chisholm, Herbert Martell, Eldon Adams, J. R. March, H. B. Robertson, Secretary-Treasurer.

President Tupper explained to the members of

the Committee that he had tried to contact the Hon. R. Clifford Levy, Minister of Lands and Forests and Municipal Affairs to ask if he could be present so that the Committee could discuss with him the proposed Bill to be presented at the next session of the Legislature. Mr. Levy was not available at the moment but would be available later.

President Tupper then brought up the matter of the Annual Meeting and asked the members of

the Committee for their opinions with regards to holding this years annual meeting in a Hotel instead of at the Nova Scotia Technical College as in previous years.

He gave the members an estimate of the cost of holding such a meeting at the hotel and explained that a large portion of the costs would be absorbed by charging the exhibitors for their exhibit space.

The amount to be charged to the exhibitors for their exhibit space was then discussed. After much discussion it was agreed that forty (\$40.00) would be the amount charged for exhibit space.

President Tupper said that he felt that the last week in November was too late for the meetings, and that we could have had weather to prevent travelling at that time. He said that at first we used to hold our meetings in January to coincide with the Engineer's meetings, but that this was also too late.

The secretary explained that he had contacted the Lord Nelson Hotel and that the dates for the last week in November were open but did not know about any earlier dates.

President Tupper stated that, since the Hotel space is available, perhaps we should hold our meetings during the last week of November as in previous years, and that the matter of holding the meetings earlier could be discussed at the Annual Meeting.

Mr. Adams stated that some of the members, particularly those in the Cape Breton Area prefer that the meetings be held on Monday so that Sunday could be used for travelling. In this way less time would be lost from work.

Mr. Adams made the motion that the annual meeting be held on Monday and Tuesday, November 25th and 26th next with the Banquet on the evening of Monday, November 25th, providing the Hotel space is available for those dates.

Seconded by Mr. March. Motion carried.

Mr. March made the motion that the secretary notify the exhibitors as soon as possible.

Seconded by Col. Ball. Motion carried.

Mr. March also suggested that a letter be sent to the Technical College as well as Dal. and St. Marys informing them of the exhibits so that the students could be notified.

President Tupper then asked for a nominating committee.

Col. Ball made the motion that the previous nominating committee act with R. M. Schofield replacing the late Layton Reid, and that the secretary be a member of the committee.

Seconded by Mr. March. Motion carried.

Mr. Adams said that he feels that the present Presidents name should be included on the voting list.

President Tupper then asked the members of the committee for suggestions for papers to be read at the coming annual meeting.

Mr. March made the motion that all papers

read at the annual meeting be printed or typed and copies supplied to the secretary to be published in the NOVA SCOTIAN SURVEYOR.

Seconded by Mr. Eldridge. Motion carried.

Mr. Martell made the motion that the Hon. R. Clifford Levy be invited as guest speaker at the Annual Banquet. Seconded by Mr. Adams. Motion carried.

Mr. Dickie then brought up the subject of the by-laws, explaining that certain by-laws made at the time of incorporation under the Societies Act have been amended by motions at General meetings but have never been amended by the procedure called for under the Act, and therefore were not actually in effect.

The matter of amending the by-laws was discussed and it was decided to wait for the new legislation to go through before amending the by-laws.

Col. Ball made the motion that Mr. March be chairman of a committee to be chosen by himself to deal with papers for the Annual Meeting. Seconded by Mr. Chisholm. Motion carried.

Mr. March then appointed President Tupper and Mr. Servant as members of the papers committee.

Mr. Adams reminded the members of the committee of his notice of motion which he gave at the last Annual meeting, that he intends to make the motion that the Association fees be doubled. That the Initiation fees be \$10.00 and the annual fees be \$6.00 instead of \$5.00 and three \$3.00 dollars as they are at present.

The secretary reminded Mr. Adams that the fees are included as a part of the by-laws and that a letter ballot to the entire membership will be require after the motion has been passed at the Annual Meeting.

Mr. Adams asked what action has been taken about the unqualified surveys being carried out in the Amherst area by one Mr. Hartt Nichols.

Mr. Tupper explained that the plans of the subdivisions had been obtained from Mr. Priest the Provincial Architect, and that copies had been made and passed on to the Hon. R. Clifford Levy, Minister of Lands and Forests.

President Tupper then called Mr. Levy who said that he would be available in about ten minutes.

While waiting for Mr. Levy further business was discussed.

Mr. Adams made them otion that the minutes of all meetings should be published in the next following issue of the NOVA SCOTIAN SURVEYOR.

Seconded by Mr. Dickie. Motion carried.

Mr. Dickie asked that the secretary report on the paid up membership in the Association.

The secretary replied that there are still 19 members unpaid for 1957 and 25 members who still owe both 1956 and 1957 dues.

A list of the names of those members were passed to the members of the Committee.

Mr. Levy then joined the meeting and was introduced to the members of the committee.

President Tupper then asked Mr. Levy if the Bill to revise the Land Surveyors Act and incorporate the Association could be presented to the legislature as a Government Bill, and could be scrutinized by Mr. Muggah of the Attorney General's Department.

Mr. Levy said that the Bill could be scrutinized by Mr. Muggah, but that he was not certain if it could be put through as a Government Bill.

Mr. Levy explained that one of the reasons that our Bill (Bill 119) was not passed at the last session of the legislature was that we were too late presenting it, and that he hoped we would not be late again for the coming session.

Mr. March said that the Bill would be presented in two parts, with Part 1 being a revision of the present Provincial Land Surveyors Act, Chapter 230 of the revised Statutes of Nova Scotia 1954, and Part 2 being the incorporation of the Association of Provincial Land Surveyors of Nova Scotia.

Mr. Levy said that the biggest objection had been in the wording of the Bill (Bill 119) and he quoted as an example that if the Bill had been passed it would have prohibited any person other than a Land Surveyor from making any measurements, even on his own property for his own satisfaction.

Major Church said that the present Act is not properly administered, and that the authority should be given to the Association of Provincial Land Surveyors of Nova Scotia.

Major Church also remarked that the qualifications did not compare with the other provinces and that something should be done.

Mr. Levy said that there were only one or two things objected to by the Law Amendments Com-

mittee, and that we should have plenty of time to prepare the new Bill for presentation to the next session of the Legislature.

Mr. Tupper then invited Mr. Levy to be the guest speaker at the Annual Banquet.

Mr. Levy replied that he would be glad to do so.

Mr. Tupper then asked Mr. Levy for his opinion on the surveys by Mr. Nichols in the Amherst area.

Mr. Levy said that this should be acted upon. Mr. Levy was asked if the Department of Lands and Forests should be the ones to carry on with this matter.

Mr. Levy suggested that the procedure would be for the Association to lay the evidence before a Provincial Magistrate for prosecution.

After further discussion on the matter Mr. Levy excused himself from the meeting.

Mr. Servant then asked what action would be taken in the Amherst case.

Mr. Adams suggested that we write Mr. Nichols and warn him that further action on his part will result in charges being laid against him.

President Tupper said that he would take the matter up with Mr. Jones of the Attorney General's Department.

Major Church then asked what would be the next step with regards to amending the Act.

President Tupper said that he would contact Mr. Muggah and get him started on the revision of the Act.

Mr. Servant and Mr. Eldridge both suggested that copies of the new Act should be available for the entire membership before the Annual Meeting.

Mr. Adams made the motion of adjournment. Seconded by Mr. March. Motion carried.

The meeting adjourned at 5:30 p.m.

NOTICE — All Land Surveyors — Your Attention Please

"As Land Surveyor with the C.N.R. Real Estate Department of the Atlantic Region, I would urge all land surveyors to contact this Department if and when they encounter any serious difficulties in establishing boundaries adjacent to Railway property.

In most cases the Railway's Division Engineers have all the information the surveyor requires. However, the right of way for the older lines in the Province was, in some cases, acquired by depositing a plan and the intended boundaries are difficult to re-establish. In such cases it is the desire of this Department to co-operate with Provincial Land Surveyors in every way possible, to avoid subsequent disputes. The Real Estate Department (formerly the Right of Way Department) has on record or can obtain all old plans and deeds to Railway property and often additional information which

will assist the surveyor.

Regarding the above, I could cite numerous instances where boundaries adjacent to Railway property have been incorrectly indicated and subsequently involved unnecessary expense to the adjacent owner.

Furthermore, most Railway right of way in the Maritimes is the property of Canadian Government Railways, i.e. the Crown. In such cases adjustment of errors, i.e. encroachments, etc., are difficult to resolve in view of Government requirements that such lands be sold to the highest bidder.

Therefore, it is considered advantageous to all concerned if boundary problems are solved before complications arise. Requests for information should be addressed to: Regional Manager, Real Estate Department., Canadian National Railways, Moncton, N. B."

Minutes of Seventh Annual Meeting

HELD IN THE LORD NELSON HOTEL, HALIFAX, N. S., MONDAY AND TUESDAY, NOVEMBER 25th AND 26th, 1957.

MEMBERS REGISTERED AND PRESENT AT ONE OR MORE SESSIONS.

James A. H. Church, Lawrencetown, Annapolis County; Spencer Ball, Halifax; John Carl MacDonald, Glace Bay; Robert E. Gough, Halifax; Allan J. Ingarfield, Halifax; J. F. Doig, Paradise, Annapolis County; R. E. Dickie, Liverpool; J. Ronald Chisholm, Antigonish; J. H. MacDougall, Antigonish; R. M. Schofield, Dartmouth; John A. McElmon, Halifax; Ralph Kendall, Sydney; D. E. Wagstaff, Brooklyn, Queens County; M. F. Cossitt, Sydney; R. F. McLanson, Mill Village; A. B. Rutledge, Enfield; R. E. Millard, Liverpool; D. W. Crandall, Dorchester; E. B. Ritchie, Liverpool; G. F. MacDougall, Amherst; E. O. Temple Piers, Halifax; Freeman Tupper, Halifax; Donald J. Bird, Rockingham; George T. Bates, Halifax; Robert Hunt, Liverpool; David Crooker, South Brookfield; Herbert Martell, Sydney; H. B. Robertson, Halifax; A. F. Chisholm, Halifax; W. E. Servant, Halifax; S. G. Snow, Ecum Secum; J. E. R. March, Halifax; E. A. Crawley, Chester; Luke R. Feetham, Windsor Junction; Joseph F. Archibald, Dartmouth; Paul Wendt, Ellershouse; J. L. Ryan, Halifax; C. H. Robart, Moncton; Chester Keen, Marshalltown, Digby County; W. S. Crooker, Port Wallis, Halifax County; C. S. Creighton, Halifax; Laurie Schofield, Kentville; H. K. Wedlock, Dartmouth; Donald L. Eldridge, Truro; Hoyes A. Cameron, Bridgeville, Pictou County; Eldon Adams, Sydney; Millan J. MacDonald, New Glasgow; Walter A. G. Snook, Halifax. A total of 48.

MONDAY, NOVEMBER 25th, 1957

The meeting was called to order at 10:15 a.m. by the President, Freeman Tupper.

President Tupper welcomed the members and guests to the 7th Annual Meeting and told them that the topic of his address would be "the subject that is of the most interest", the revision of the Land Surveyor's Act, and the Incorporation of the Association. He explained that the "Revised Act" which had been prepared by the Legislation Committee and presented for presentation to the Legislature had been objected to by Mr. Muggah of the Attorney General's Department because of some of its wording and because it was not arranged in an alphabetical order. Because Mr. Muggah was too busy at that time to make the necessary alterations in the Act, we engaged the services of Mr. Russell McInnis, Q.C. Mr. McInnis put aside our original Bill and in its place prepared the Bill No. 119 which was the one presented to the Legislature.

President Tupper said that this all happened in a very short time because the sessions of the

Legislature were almost at an end. Because of this there was very little time to make a careful study of the Bill prepared by Mr. McInnis.

President Tupper said that Bill 119 was presented to the Legislature and was turned down, but that after careful study of the Bill he was not sorry that it had not been passed, as it was his opinion that the Bill (Bill 119) was not adequate, and that several important items had been omitted, due to the very limited time allowed Mr. McInnis for preparation of the Act.

President Tupper explained that soon after our Bill No. 119 had been turned down by the Legislature a meeting of the Executive of the Association was called and the situation was explained. The committee was informed that Mr. Muggah would prepare the necessary changes in our Act if we could get the permission of the Minister of Lands and Forests to make the changes to our present Act with the Incorporation of the Association as Part Two of the Act. This could then be put through the next session of the Legislature as a Government Bill, and as such would have a better chance of being passed. He then explained that the next step was the preparation of a brief to be presented to the Hon. R. Clifford Levy, Q.C., Minister of Lands and Forests explaining why a revision of the Act and the Incorporation of the Association was necessary. (This brief was published in the August issue of the Nova Scotian Surveyor).

This brief was prepared by Col. Spencer Ball, Chairman of the Legislation Committee, with the assistance of Major James A. H. Church and was approved for presentation by the Legislation Committee and presented to the Hon. R. Clifford Levy, Minister of Lands and Forests.

A meeting of the Executive of the Association was then called and at that time the Hon. Mr. Levy sat down with us and discussed the revision of the Act.

President Tupper informed the members that Mr. Muggah is at present working on the revision of the Act and has expressed the desire of an early meeting with the Executive and the Legislation Committee to discuss certain proposed revisions in the Act.

President Tupper said that he felt that the Bill will go through as a Government Bill and as such would have a better chance of being passed than if it were presented as a private Bill.

President Tupper told the members that complaints had been received by the Association about surveying and laying out of sub-divisions by a person who is not a registered Provincial Land Surveyor. He explained that these cases are now un-

der study by the Attorney General's Department.

President Tupper then introduced the visitors:

Mr. Llewellyn T. Schofield, Secretary, Massachusetts Association of Land Surveyors and Civil Engineers.

Mr. Charles Cook, N.B.L.S. President of the New Brunswick Land Surveyors Association.

Dr. Meyerhoff, Head of the Department of Civil Engineering, Nova Scotia Technical College.

President Tupper then informed the meeting that Dr. Meyerhoff would like to make an announcement.

Dr. Meyerhoff then thanked the members for the invitation to attend the meeting, and then gave notice that the Department of Civil Engineering of the Nova Scotia Technical College is giving an extension course in Photogrammetry. The courses will be given by Professor March of the N. S. Technical College and Professor Cameron of Acadia University. He mentioned that the course was brought about by suggestions and requests from members of the Association at former Annual Meetings, and he hoped as many of the members as possible would take advantage of the opportunity.

President Tupper reminded the members that every Province has an Association and that we must not lose our enthusiasm because we had trouble with our Bill on the first attempt.

President Tupper asked that each member consider the notice of motion given by Mr. Adams with regards to increasing the Membership Fees. He reminded the members that it is urgent that we obtain more funds.

President Tupper then called on the Secretary to read the minutes of the Sixth Annual Meeting held on November 27th, and 28th, 1956.

The Secretary reminded the members that the minutes of the Sixth Annual Meeting had been published in the Nova Scotian Surveyor and a copy had been mailed to every member. He then made the motion that the minutes be accepted as printed.

Seconded by Col. Ball. Motion carried.

President Tupper then called on the Secretary to read the financial report.

The secretary said that copies of the Financial Report had been distributed to each of the members present at the beginning of the meeting. (See page 15 for report). He then made the motion that the Financial Report be adopted.

Seconded by Mr. Piers. Motion carried.

The notice of motion by Mr. Adams, made at the 6th Annual Meeting was brought up.

In the absence of Mr. Adams who could not be present until later in the day, Mr. Martell offered to put through Mr. Adams' motion that the Initiation Fees be doubled from five (\$5.00) dollars to ten (\$10.00) dollars and that the Annual dues be doubled from three (\$3.00) dollars a year to six (\$6.00) dollars.

Seconded by Major Church.

Mr. Dickie said that he is in agreement with Mr. Martell's motion but feels that the initiation

fees should be at least fifteen (\$15.00) dollars, and that we have a large number of members residing outside of the Province and that in their case six (\$6.00) dollars may be a little too high, and could result in the loss of some of those members.

Mr. March said that he was in agreement with Mr. Dickie, and asked Mr. Charles Cook, President of the New Brunswick Land Surveyors Association what fees are charged by their Association to members not residing within the Province.

Mr. Cook stated that they have a straight fifteen (\$15.00) dollar membership fee, and mentioned that they also have affiliate members, and that they have very few members residing outside the Province.

President Tupper said that his feelings on the matter are the same as those of Mr. Dickie.

Mr. Crawley asked if any of those members mentioned by Mr. Dickie were residing in New Brunswick and practising in Nova Scotia.

Mr. Dickie said that those members living in New Brunswick who could survey in Nova Scotia should not be exempted, but should be charged the full fee. If any of the members who should be exempted were to return to Nova Scotia, then they would also have to pay the full fee.

Mr. Martell stated that he was not in agreement with raising the initial membership fee to more than ten (\$10.00) dollars, because the most of the new members are young men who have just obtained their P.L.S., and are not in a position financially to afford to pay more than that. He also stated that in the case of members residing outside of the Province, it is his opinion that the difference between six (\$6.00) and three (\$3.00) dollars is not enough to scare them off.

Major Church reminded the members that we are making too much of an issue of this thing. When the Association is incorporated and have some authority behind us then we can do something, but not until then. He said that he feels we are making it too cumbersome, and that the motion by Mr. Martell should get us by until the new Act is passed.

Mr. Dickie said that we should not carry members who are not paying their dues.

Mr. Bates proposed an amendment to Mr. Martell's motion, that the initial fees be fifteen (\$15.00) dollars and the annual membership fee be five (\$5.00) dollars, and non-residents and associate membership be three (\$3.00) dollars.

Mr. Martell said that he is in favour of the motion as it stands.

Mr. Wendt asked why don't we wait until the new Bill goes through.

Col. Ball asked if we are discussing the motion or the amendment.

Mr. Dickie said that he would be in favor of Mr. Bates' amendment to Mr. Martell's motion had he made the annual fee six (\$6.00) dollars instead of five (\$5.00) dollars.

Mr. Martell said that if we are going to cut

down on fees for non-residents we are cheapening ourselves.

Mr. Crooker asked if we could not collect in some other manner rather than raise the dues at this time.

Col. Ball said that when the new legislation is passed there will be considerable cost in the setting up of a Board; and to engage specialists to prepare some of the courses. He said that it is not the time for any great increase in fees, that Mr. Martell's motion is sufficient to supply the required money.

Mr. Gerald MacDougall stated that he understands that we have no authority to amend Mr. Martell's motion which is really Mr. Adams' notice of motion. He asked President Tupper for a ruling.

President Tupper said that he always felt that any motion could be amended.

Mr. Crawley made the motion that the Executive be instructed to send out a letter ballot at the earliest possible moment.

President Tupper reminded Mr. Crawley that this is in the by-laws and does not require a motion.

The members then voted on Mr. Martell's motion. In favor 31. Against 1, motion carried.

President Tupper mentioned that our by-laws should be brought up to date and that this will have to be one of the first things attended to after the Bill has been passed.

President Tupper then brought up the matter of registration fee for the Annual Meeting. He quoted a registration fee of one (\$1.00) dollar as an example.

Col. Ball said that he thought that this is an excellent idea, and that this would give us an opportunity to put on a better Banquet which would also be good advertising for the Association.

President Tupper mentioned that we are getting reimbursed by the Exhibitors for their display space in the Lounge.

Major Church said that we need the registration fee.

Mr. Bates said that he agrees with Major Church.

Col. Ball made the motion that a registration fee of one (\$1.00) dollar be set and that it is to be retroactive to 9 a.m. November 25th, 1957.

Seconded by Mr. A. F. Chisholm.

Mr. Crawley asked why we could not increase the Annual fees by another dollar instead of having a registration fee.

President Tupper explained that this would not be fair as all of the members of the Association do not attend the Annual Meetings.

Motion carried.

Mr. Bates then made the motion that the Executive of the Association be empowered to continue with the preparation of the Bill for presentation to the Legislature.

Seconded by Mr. Crawley. Motion carried.

President Tupper thanked Mr. Bates for mak-

ing the motion which showed that the Executive have the confidence of the membership.

President Tupper said that the reason for our Bill 119 being turned down was because it stated that no person other than a registered Land Surveyor is entitled to measure or lay off any land.

President Tupper said that we should not deprive any land owner from making measurements on his land. He said that a wood lot owner should be allowed to brighten up his line, provided he does not re-run any portion to establish a position or length.

Mr. Piers stated that a man who is measuring his own land is not practising surveying.

Mr. Doig asked if the words "for gain" should be used.

Mr. Crooker stated that it should be stated that no line should be established except by a Land Surveyor.

Mr. March said that the definition of a Land Surveyor is well established.

Mr. March said that in his opinion brightening of lines by incompetent persons should not be allowed.

Mr. Dickie said that he is in agreement with Mr. March.

President Tupper agreed.

Mr. Bates said that we should be careful not to eliminate the instrument man working under the supervision of a Land Surveyor.

President Tupper said that in the case of woods work or lines that an owner should be allowed to brush out but not spot.

Mr. Crawley asked if we can define the difference between maintaining a line and brushing it.

Mr. March said not to cut anything but the limbs of the trees and to blaze nothing.

Mr. Dickie asked Mr. March how a person is to know where the line is if it is not blazed. He said that he does not see how in woods work we can eliminate blazing.

Mr. March said that he meant the land owner should blaze nothing and was not referring to the Land Surveyor. He said that if the land owner goes over and spots up a line, then important center trees may be destroyed.

Mr. Martell said that the Bill should be formed by the Association and then taken to Mr. Muggah.

Mr. March said that the marking of lines will come under the regulations.

President Tupper said that the question of what a person can, and cannot do will come under the Act. He said that he feels that the words "for gain" should come out.

Mr. Wendt said that he was in agreement with Mr. March that the owner should not be allowed to blaze anything. If he does that, then in later days a surveyor has no way of knowing if the blaze was made by the land owner or the surveyor.

A discussion on the marking of lines followed.

Mr. Crawley said that nothing in this Act should

prevent a land owner from taking measurements on his own land, but that the owner should not be allowed to sub-divide.

Mr. Cossitt said that it is not a good idea to state in the Act what a land owner can or can not do. This should be done only by the proper wording or it will be mis-used.

Mr. Crooker said that he agreed with Mr. Cossitt.

Mr. A. F. Chisholm asked if a person who is not a registered land surveyor is allowed to line in a post with a transit.

President Tupper replied that this should not be allowed if that person is establishing a boundary.

President Tupper stated that he is against a compass course with a transit.

Mr. A. F. Chisholm said that he did not see why, if the needle is of the correct length.

A discussion on the Surveyor's compass followed.

Mr. Wendt said that the four inch needle is out dated, that the new prism compass is more accurate.

President Tupper stated that the old surveyor's compass was accurate if properly used.

Mr. Bates reminded the members that we can swap experiences for hours and still be no further ahead. He said that he is satisfied that the Executive will use caution in revising the Act.

Mr. Servant reminded President Tupper that we were to get an opinion from the Attorney General's Department.

President Tupper said that Mr. Muggah had asked that the Executive meet with him sometime soon.

Mr. A. F. Chisholm said that we should be considering some of the new instruments that are coming on the market.

President Tupper said that in Nova Scotia we have two types of surveying: Sub-divisions and Town Surveying which should be done only with a transit, and woods surveying for which a compass is sufficient.

Mr. Martell said that in the case of instruments, he thought it would be a good idea if the Association would publish an article on the care of instruments.

Mr. Llewellyn Schofield said that he was very interested in the discussion on compasses. He said that the compass is not used in Massachusetts, and doubted if very many of their surveyors would know how to use one. He said that the surveyors in Massachusetts do not have the problems that we have here, that the Deeds refer to monuments and that lines are seldom marked. He mentioned that he has used the compass to re-run some of the old original Grants which date back to pre-revolutionary days. He said that the original lines were run by a compass and that he had also used the compass to try and follow in the foot steps of the original surveyor. He said that in Massachusetts a system of co-ordinates for both horizontal and vertical control was established during the depression years cover-

ing the entire state. These co-ordinates are all referred to a grid bearing.

President Tupper stated that in his opinion it is not practical to run woods lines with a transit, but that the compass is gradually losing its status.

President Tupper asked Mr. Millard for his opinion on the matter.

Mr. Millard said that at the moment he was more concerned about material to publish in the Nova Scotian Surveyor. He asked for permission to bring The Surveyor up to twelve pages and to get more advertisers, and asked for more articles from the members to keep the magazine going.

Mr. Piers asked if any of the members present had read his letter in the Nova Scotian Surveyor on the erroneous maps which are published showing the Province of Nova Scotia as being misplaced many miles to the north. He said that he has written several officials of the Provincial Government about this matter and that he feels that other members should also complain about this situation. He mentioned as examples the one which is displayed by the Canadian Restaurant Association, and the one published by the Department of Transport, which is on display at the Moncton Airport.

Mr. Charles Cook, President of the N. B. Land Surveyors Association spoke on the use of the compass with the use of the Transit. He said that his firm has been experimenting with the costs of the two methods and finds that modern methods now available for cutting lines that it has been their experience that the cost of transit work is not much greater than the cost of compass work.

The meeting adjourned for lunch at 12:30 p.m.

The meeting was called to order at 2:30 p.m. by the President Freeman Tupper.

President Tupper then reminded the members and guests that since our last Annual Meeting two members of the Association had passed away. He told them of the recent death of Mr. F. A. Harrison, former Deputy Minister of Lands and Forests, and one of our Honorary Members. He also reminded them of the tragic death of James Layton Reid, who was killed in an automobile accident on December 17th, 1956. He mentioned that Mr. Reid was one of the most active members of the Association.

President Tupper then asked the members and guests to stand for one minute silence in memory of Mr. Harrison and Mr. Reid.

President Tupper then reminded the members that we have the President of the Canadian Institute of Surveying present at our meeting. He then asked Mr. J. R. March to rise. Mr. March is also a Past President of our Association.

President Tupper then introduced Mr. John Fiske, Traffic Engineer, Nova Scotia Department of Highways.

Mr. Fiske then gave a very interesting paper on Highway Safety and Traffic Control which was followed by a discussion period with many of the members and guests taking part.

Mr. Bates moved a vote of thanks to Mr.

Fiske for his very excellent and informative paper. Seconded by Mr. R. E. Dickie, motion carried. Major Church made the motion that the Secretary be paid the amount of one hundred (\$150.00) and fifty dollars for his services during the past year.

Seconded by Mr. March, motion carried.

Upon being called by the President the scrutineers, Messrs W. E. Servant, R. E. Dickie, and R. E. Millard withdrew to count the ballots.

A brief recess was called while the scrutineers were counting the ballots.

The meeting was again resumed following the return of the scrutineers.

President Tupper told the members that out of a membership of 226 members only 53 members had sent in their ballots. He then announced that the following gentlemen had been elected to the 1958 Executive of the Association.

President: Col. Spencer Ball

Vice-President: Herbert Martell

Secretary-Treasurer: H. B. Robertson

Halifax City: Walter E. Servant, E. O. Temple
Piers
Halifax County: William S. Crooker, Walter A. G. Snook

Eastern part of Province: J. Ronald Chisholm, Donald Eldridge

Western part of Province: Donald Wagstaff, Errel B. Hebb

Cape Breton Area: Eldon Adams, Leonard M. Harvey.

Col. Spence Ball then took the President's chair and thanked the members for so honouring him. He then thanked the Past President, Mr. Freeman Tupper and the other members of the Executive for their work during the past year.

He said that the coming year is an important one for the Association and that every member will be called upon to take his part.

President Ball told the members that one of our members, Mr. Donald Bird, has recently resigned his position as County Engineer (Halifax County) and has accepted the position of Planning Engineer for the Province of Nova Scotia. President Ball then asked for a motion that Mr. Bird be made a member of the Executive ex-officio.

Mr. March said that he would be pleased to make that motion.

Seconded by Major Church, motion carried.

President Ball announced that there would be a meeting of the Executive immediately following adjournment at noon, November 26th.

President Ball then called on Major Church to present his paper on "Control for Urban Plans from Aerial Survey".

Major Church then read his very interesting paper which will be published in an early issue of the Nova Scotian Surveyor.

President Ball thanked Major Church for his very interesting paper, and said that he agreed with Major Church that it is up to every member of the

Association to work for the amendments to the Land Surveyor's Act.

President Ball then announced that a 15 minute film produced by the R.C.A.F. entitled "Aerial Survey" would be shown, following which the meeting would adjourn until the following morning. He then told them that the reception and banquet would be held at 7 p.m. and that tickets for the banquet were on sale at the Hotel desk. He said that he had been asked to announce that "Wild of Canada" have a film entitled "Mapping the efficient way" which they would like to show in this room following the banquet. He also announced that Keuffel and Esser were holding open house in Room 718 following the banquet.

The Annual Banquet and Reception was held in the Ball Room of the Lord Nelson Hotel with the reception beginning at 7:00 p.m. and the banquet at 7:30 p.m., with Rev. Father Burke-Gaffney as guest speaker. Father Burke-Gaffney gave a very interesting talk on the Satellites. 52 members and guests were present.

Tuesday, November 26th, 1957:

The meeting was called to order by president Ball at 9:30 a.m.

As this was the period for special business, President Ball brought up the question of setting the dates for the 1958 Annual Meeting.

Mr. Dickie said that he preferred the middle of November rather than the last of November.

Major Church said that it could be on any day but Monday.

Mr. Adams said that Monday was preferred by most of the members from Cape Breton.

President Ball asked for an opinion from the members from the South and West end of the Province.

Mr. Ritchie stated that the roads are sometimes icy in November, especially the latter part, and suggested that the meetings be held in October.

Mr. Tupper said that the dates of the meetings did not matter to him personally as he is here anyway, but favored October as he felt we would get more of the out-of-town members.

Mr. Adams made the motion that the 1958 Annual meeting be held on the last Monday and Tuesday in October.

Seconded by Major Church, motion carried.

Mr. Adams asked if the Annual Meetings could be alternated to other parts of the Province.

President Ball said that if we have a joint meeting with the New Brunswick Association that it will be held somewhere in the area close to the Provincial Boundary.

Mr. Millard said that Halifax was central and should be continued.

Major Church said that as a Provincial organization we should hold our meetings in the Capital of the Province, that it is unwise to move about.

Mr. Ritchie said that he agrees with Major

Church, that a member could attend to business in Halifax, as well as attend the meeting.

Mr. Martell mentioned the possibility of spending a full day on each project, such as an examination of highway accidents with talks on the subject by the R.C.M.P., Lawyers, Judges and finally the Land Surveyor.

President Ball said that all suggestions such as that are always welcome.

Mr. Adams suggested that this could be in the form of a panel discussion.

Mr. A. F. Chisholm asked if the surveyors who employ college engineering students during the summer months could give a report of their value in the field.

Prof. Piers said that some of them were not the worst. He said that the opinion today seems to degrade surveying at colleges and put more time on other subjects.

Mr. Snook said that a lot of students are surveying part time and that a good many of them do not know what to put on a plan, and mentioned that even the north sign is sometimes due south. He said that they do not know the methods of laying out a sub-division.

President Ball said that this is due to lack of practise.

Mr. Crawley said that he has noticed what Mr. Snook mentioned and added that profile work is sometimes skimpy with lack of detail between stations.

Col. Ball said that nobody should be teaching a subject unless he has worked at it.

Prof. Piers said that Mr. Snook and Mr. Bird should be called in the colleges to lecture the students on planning standards.

Mr. Kendall stated that he has noted on a good many plans that the direction of the flow of a stream or the date of the magnetic north has been omitted.

Mr. Bates said that there is no excuse for the present day surveyor, that sub-division regulations are available.

Major Church reminded the members that there is nobody to enforce the Act., and that we cannot get anything done until the Act is amended. He said that something should be done. He said that he knows of an incorporated town that accepted a plan of a sub-division by a person other than a registered Land surveyor.

Prof. Piers said that if such a person were to try to file plans with the local board he would not succeed.

Prof. Piers said that in some areas it is not always easy to get a magnetic bearing.

Mr. March mentioned the Surveyor General's Tables and said that by using them it is no problem to show astronomic north on a plan and forget the magnetic needle. He then placed copies on the President's table for any member who wished to take a copy and also suggested that they put their

names on the mailing list for future copies when available.

President Ball said that when we are an official body we will have the authority to enforce the Act.

Mr. Adams said that we were satisfied with the present Act, and by combining it with a revision of Bill 119 we will have the Authority to enforce the Act.

President Ball said that he agrees with Mr. Adams.

Mr. Adams asked Mr. Snook if college students are doing land surveying.

Mr. Snook answered that they are.

Mr. Adams asked if they are surveying without being licensed Provincial Land Surveyors.

Mr. Snook answered that some of them are.

Mr. Adams then asked what is being done about the Amherst case.

President Ball said that the Past President, Mr. Tupper could best answer that.

Mr. Tupper advised Mr. Adams that the Attorney General's Department is working on the case.

Mr. Adams said that he questioned the words "for gain" being left in the Act.

Mr. Tupper said that the words "for gain" are being considered very carefully and that he personally feels that this is a loop hole in the Act.

Mr. Ritchie said that if these college students who are doing surveying are not licensed Provincial Land Surveyors, that they should not be allowed to survey.

Mr. MacDougall explained the case in Amherst and stated that if the Government accepted plans by unqualified Surveyors then the Association should protest to the Government to prevent this.

President Ball reminded the members that by putting this in the hands of the Attorney General's Department we are getting expert advise.

Mr. Snook said that the Planning Board does not accept plans unless signed by a P.L.S., but there are many things which do not require a check to see if they are signed by a P.L.S. and do not actually come before the Planning Board.

Mr. Snook said that we should carry on public relations work to educate the public on the value of the Land Surveyor.

President Ball then reminded the members that it was time to close the business session, and then introduced Professor H. L. Cameron who presented a very interesting paper on "Modern methods of Survey in the Petroleum and Mineral Fields". To illustrate this paper he showed slides taken by himself from a helicopter during a geologic survey in the Yukon and Alaska. A discussion period followed with many members and guests taking part and asking Professor Cameron questions about his recent survey and mapping experience in Western Canada.

Mr. Bates moved a vote of thanks to Prof. Cameron for his very interesting paper.

Seconded by Major Church, motion carried.

President Ball thanked Prof. Cameron for his in-

teresting paper and show of slides.

President Ball expressed his thanks on behalf of the Association to Mr. Ralph Myers for his assistance to Professor Cameron in preparing for the showing of the slides and for showing the film the previous afternoon.

President Ball then announced the next item on the program which consisted of a panel discussion on Surveying problems to be under the Chairmanship of Past President Freeman Tupper, with Messrs Snook and Bird taking part. This was followed by a discussion period with questions from the floor. This proved to be a very lively discussion period and was ended only because it was nearing the time to close the meeting.

President Ball thanked Messrs Tupper, Bird and Snook for their very interesting discussion.

Mr. Bates made the motion that the President attend the meeting of the Massachusetts Association of Land Surveyors and Civil Engineers to be held in Boston on the following week. This to be at the discretion of the Executive.

Seconded by Major Church, motion carried.

President Ball then asked for a motion of adjournment.

Moved by R. E. Dickie that the meeting adjourn

Seconded by Mr. Adams.

The Seventh Annual Meeting adjourned at 12:15 p.m. November 26th, 1957.

MINUTES OF MEETING OF NEW EXECUTIVE COMMITTEE

HELD IN THE LORD NELSON HOTEL, TUESDAY, NOVEMBER 26, 1957.

The meeting was called to order by President Spencer Ball at 12:30 p.m. Those present were:

Spencer Ball, President; Herbert Martell, Vice-President; Freeman Tupper, Past President; J. A. H. Church, D. E. Wagstaff, J. R. March, W. S. Crooker, R. E. Dickie, E. O. Temple Piers, Donald Bird, Eldon Adams, Donald Eldridge, Ronald Chisholm, H. B. Robertson, Secretary-Treasurer.

Mr. Adams stated that the meetings are not long enough. He said that it should be a two day affair, as we grow the meetings will have to grow with us.

It was agreed that the next years meeting would be a two day affair.

Mr. March said that we need more publicity.

Mr. Chisholm said that we will have to set up a program committee.

The possibility of sending the President or some other delegate to attend the meeting of the Massachusetts Association of Land Surveyors and Civil Engineers was considered and it was decided that due to the lack of funds that it would be unwise to send a delegation this year. The secretary was instructed to write the Massachusetts Association and thank them for their invitation and for the valuable contribution made by their Secretary, Mr. Llewellyn T. Schofield at our meetings this year.

President Ball said that the arrangements will be made with Mr. Muggah regarding the date that he will be available to meet with the Executive and Legislation Committee.

The Secretary was instructed to write a letter of appreciation to the Exhibitors.

The meeting adjourned at 1 p.m.

Title Searching in New Brunswick

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

(Continued From Last Issue)

Referring back now to the provisions of section 9 of the New Brunswick Property Act, only since 1904, in this province, have corporeal hereditaments lain in deed as well as in livery. How does it happen then that, from the setting up of the Province in 1784, lands have been conveyed by deed, and these deeds have been registered in Registry Offices set up by an Act passed at the first session of the New Brunswick Legislature in 1786?

The Statute of Uses, 1535, made a great change in conveyancing law in England, and is indeed the foundation of modern conveyancing. Before the passing of this Act, land was often conveyed to one man for the use of another, very similar to our mod-

ern method of a trustee holding land in trust for children. The legal title to the land was in one person but the beneficial right or interest was in another, and often this resulted in fraud and in loss of revenue to the King. The Statute of Uses provided that, where land was held and was seized of the land and the first or legal owner had nothing.

How did the authorities get around the necessity for livery of seisen to convey land?

The law of equity, which developed early to avoid the harshness of the strict rules of common law, provided that if a man bargained and sold (note the words in our modern deed) his land, that is, entered into a contract to sell it and received the purchase price, but had not made a legal feof-

fment, that is, actually delivered the land, the vendor was still seised of the land, but held it to the use of, or interest for, the purchaser. Then the Statute of Uses was passed and provided that the purchaser automatically became the owner and was seised of the land without any public livery of seisen.

Every time some change is made in the law to prevent or cure some defect or supposed defect, a legal way to get around that change is sought by interested parties, often assisted by their lawyers, and a legal way is often found. At the same time, changes in the law frequently give rise to new problems, and both happened in the case under discussion. The deed of bargain and sale enabled a man to convey away his freehold by writing alone, something that could not have been done before the Statute of Uses, but this process operated as a "secret conveyance" because there was no public ceremony of delivery, and, therefore, lands could be transferred without anyone other than the buyer and seller knowing of the transfer. To correct this, the Statute of Enrollment was enacted in the same year, 1535, and required all bargains and sales of freehold land to be made in writing, indented, sealed, and enrolled in the County before the Custos Rotulorum and two Justices of the Peace and the Clerk of the Peace, or two of them, of whom the Clerk must be one.

To avoid this necessity of registering or enrolling the conveyance, the lawyers of that day worked out a new form of conveyance, a bargain and sale of the land for a term of one year, in other words, a lease of the land was made, and this, not being a freehold interest in the land, did not require registration or enrollment.

Another document was then drawn up immediately, in the form of a common law release to the purchaser of the reversionary estate owned by the vendor. Since this reversionary estate had been ruled by the Courts to be one of those intangible or incorporeal acts which can be done by deed and did not require delivery of seisen, the transfer of title and possession was thus complete, and there was no necessity for any public ceremony of delivery or acknowledgment. Because of this feature, the conveyance by lease and release was the general form used in England and in the American colonies which followed the law of England until the time of the American Revolution.

In New York State, this form of conveyancing was used until 1788.

Our Registry Offices, as we know them today, go back, however, to the year 1709, when by a special Act in England a Registry Office was set up for the County of Middlesex at which all deeds and conveyances of land could be registered. There was no compulsion with respect to registering deeds, but, as in modern days, an unregistered deed was void as against a subsequent purchaser for value who registered his deed first.

(To be continued)

FINANCIAL REPORT

Association of Provincial Land Surveyors of Nova Scotia, for Period October 23, 1956 to October 31, 1957.

Bank Balance October 23, 1956	\$546.17	
Receipts	757.60	
Expenditures		\$1,088.66
Bank Balance October 31, 1957		215.11
	<u>\$1,303.77</u>	<u>\$1,303.77</u>

DETAIL OF EXPENDITURES

Printing August issue N. S. Surveyor	\$40.00
Printing 1500 envelopes	30.81
Editor's expenses re: The N. S. Surveyor	4.94
Mimeographing and typing for 1956 Annual Meeting	3.00
Postage	36.00
Printing cards and folders for 1956 Annual Meeting	19.45
Expenses re: Annual Banquet November 27, 1956	80.75
Janitor service for 1956 Annual Meeting	10.00
Typing minutes of 1956 Annual Meeting	7.00
Flowers for the funeral of the late Layton Reid	10.00
Typewriter rental	28.00
Refund to James C. Sherren (Overpayment of dues)	1.00
Expenses to send delegate to attend Annual meeting of N. B. Land Surveyors Association	45.95
Presidents expenses to 50th Annual Meeting of The Canadian Institute of Surveying	139.70
Printing August issue of N. S. Surveyor	55.00
Expenses re: emergency meeting of Executive	41.96
Post Office box rental	6.00
Honorarium to Sect'y-Treasurer for 1956	150.00
Printing fees for Bill 119 (Queens Printer)	40.50
Russell McInness Q.C. for redrafting Bill 119	150.00
Printing February issue of N. S. Surveyor	45.00
Expenses April 30th meeting of Executive	10.00
Typing brief for Major J. A. H. Church	2.00
Queens printer (late introduction fee for Bill 119)	40.00
Printing May issue of N. S. Surveyor	52.80
July 4, 1957 Meeting of Legislation Committee	10.00
July 11, 1957 Meeting of Legislation Committee	10.00
September 23, 1957 Meeting of Executive	10.00

BANK CHARGES

Cheque returned from bank (account closed)	5.15
Exchange on cheques (not deducted on deposit)	2.55
Bank operating charges	1.10

\$1,088.66

Surveying & Drafting Instruments
White & Blueprinting Machines

Instruments (1951) Limited

4646 Decarie Blvd., Montreal, P. Q.

Montreal — Ottawa — Toronto — Regina

OVERSEAS INSTRUMENTS OF CANADA

P. O. Box 483, Kingston, Ontario

MILLER Transits and Levels
OTT Planimeters
MIFA Drafting Pencils

ANNOUNCEMENT

Norman Wade Co. Limited

88 Princess St. Saint John, N. B.

Exclusive Maritime Distributors of
Wild Transits, Levels,
Stereoscopes, Engineering
Supplies and Accessories.

Available from Stock

Careful attention to prompt servicing
and parts by Wild experts.

We invite your enquiries

GARNETT SCIENTIFIC SALES

SURVEYING AND DRAFTING
INSTRUMENTS

Box 1164

Halifax, N. S.

Eastward Industries Ltd.

exclusive representatives for the
KEUFFEL & ESSER COMPANY OF CANADA

K & E TRANSITS, LEVELS, RODS ETC.,
in stock.

293 Young Street

Halifax, N. S.

THS INSTRUMENTS

are known throughout Canada for their
workmanship, accuracy and superb optics.
Well stocked parts depots and expert repair
service assure the Surveyor of long service
and complete satisfaction.

Available at dealers from coast to coast.

BETTER MEASURE WITH *LUFKIN*

TAPES-RULES-PRECISION TOOLS

Send For Free Catalog

THE *LUFKIN* RULE CO. OF CANADA, LTD.
BARRIE, ONT.

A. E. SIMPSON LTD.



Aerial photography, for all purposes.
Photographic Mosaics for detailed
"surface" studies. Accurate and econ-
omical planimetric or contoured maps
or plans, at all scales, to meet your
layout, planning, location or other,
engineering needs.

1810 Laval Road

Montreal 9, Que.

NOVA SCOTIA LAND SURVEY SCHOOL

Operated By

Vocational Education Division
Department of Education
Province of Nova Scotia

The Twelve Month Course Prepares One
To Sit For The **PROVINCIAL LAND
SURVEYOR'S CERTIFICATE**

Full particulars from:

J. A. H. CHURCH, P.L.S.
LAWRENCETOWN, NOVA SCOTIA

The Hughes Owens Co., LIMITED

A complete line of
Supplies for the Engineer, Surveyor and
Draftsman

Ozald and Blueprinting
165-169 Hollis St., Halifax