

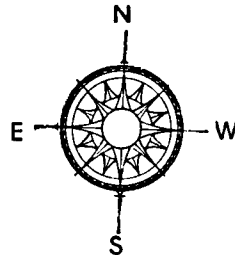
The Nova Scotian Surveyor

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Minutes of Special Meeting

OF THE EXECUTIVE COMMITTEE AND THE LEGISLATION COMMITTEE HELD IN HALIFAX,
SATURDAY, MARCH 1, 1958.

The meeting was called to order by President Spencer Ball at 2:30 p.m. Those present were:

President Spencer Ball, Halifax, N. S.
E. O. Temple Piers, Halifax, N. S.
Donald Wagstaff, Brooklyn, Queens Co., N. S.
J. Ronald Chisholm, Antigonish, N. S.
R. E. Millard, Liverpool, N. S.
J. R. March, Halifax, N. S.
R. E. Dickie, Brooklyn, Queens Co., N. S.
H. B. Robertson, Secretary-Treasurer,
Halifax, N. S.

President Ball informed the members of the Executive and the Legislation Committee that the reason for calling a Special Meeting at such short notice was to get their approval of the first draft of a Bill to Revise Chapter 230, of the Revised Statutes, 1954 the Provincial Land Surveyors Act, and to recommend any changes that they feel should be incorporated in the Bill before the final draft is presented to the Legislature.

President Ball said that the New Bill should be carefully studied, by Section and clause, and given the approval of the Executive, with suggestions for changes or additions where we consider them necessary.

Section 1 approved as is.

Mr. Millard asked if the definition of an apprentice should not be defined under Section 2.

President Ball said that as the meaning of apprentice is well defined it should not be necessary to include this with the definitions. This can be included in the By-laws.

Section 2 was then approved as is.

Section 3 approved as is.

Referring to Section 4 clause (4), Mr. Dickie

said that fourteen days notice of every meeting of the Council was too long. After a brief discussion it was decided to take this matter up with Mr. Muggah. With this exception Section 4 was approved as is.

Referring to Section 5 clause (g) "establishing a minimum standard schedule of charges", President Ball reminded those present that this clause is very likely to meet with the disapproval of the Legislature, but that we will try to have it included in the Act if possible.

Section 5 was then approved as is.

Section 6 approved as is except for the following exceptions: clause 1 (c) which reads: "certifying as his own survey a survey not made by himself or under his supervision."

It was suggested by Mr. March and approved by all present that this clause should be amended to read:

"certifying as his own survey a survey not made by himself or under his direct personal supervision."

and clause 4 which heads:

"If a majority of the members of the Council are satisfied that the grounds leading to the suspension or expulsion of a member have ceased to exist or that a person who has been suspended or expelled is a fit and proper person to be reinstated as an active member, the Council may rescind the order of suspension or expulsion."

Mr. Piers stated that he feels this clause should be amended to read:

"If two thirds of the members of the Council are satisfied that the grounds leading to the sus-

pension or expulsion of a number have ceased to exist or that person who has been suspended or expelled is a fit and proper person to be reinstated as an active member, the Council may rescind the order of suspension or expulsion."

All present were in agreement with Mr. Piers.

Section 7 approved as is.

Section 8 approved as is.

Referring to Section 9 clause 1 (b), Mr. Chisholm said that he feels that a holder of a commission as a Dominion Land Surveyor should be required to write the legal examination in this Province before being granted a Certificate of Qualification as a Provincial Land Surveyor. After a period of discussion it was decided to leave this clause as is except that the word "or" following Dominion Land Surveyor should be deleted.

Referring to Section 9 clause 1 (d) Mr. Dickie said that he did not approve of this clause as it is written. He said that he feels that the civil engineers and forestry graduates should be required to write the full examinations. All present were in agreement with Mr. Dickie.

President Ball said that he was also in favor of including a Bachelor of Science degree in Land Surveying in this clause as some of the Universities are now taking the necessary steps towards giving such a degree.

It was then decided to amend Section 9 clause 1 (d) which now reads:

"holds a Bachelor of Science degree in civil engineering or forestry in a college or university recognized by the Board, and has served a total of twelve months apprenticeship, of which at least nine months has been in actual practice in the field as an apprentice to a Provincial Land Surveyor entitled to practise as such."

to read:

"holds a Bachelor of Science degree in civil engineering, or land surveying, or forestry in a college or University recognized by the Board, and has served a total of twelve months apprenticeship, of which at least nine months has been in actual practice in the field as an apprentice to a Provincial Land Surveyor entitled to practise as such, and has passed the examination set by the Board."

Mr. Piers then questioned Section 9 clause 1 (e) and asked if the graduates of the Nova Scotia Land Survey School should not also be required to write the full examination. All present agreed that they should, but that the period of apprenticeship should remain as written.

It was approved that Section 9 clause 1 (e) which now reads:

"has a diploma from the Nova Scotia Land Surveyors School and has a period of appren-

ticeship with a Provincial Land Surveyor satisfactory to the Board."

should be amended to read:

"has a diploma from the Nova Scotia Land Surveyors School and has a period of apprenticeship with a Provincial Land Surveyor satisfactory to the Board, and has passed the Examination set by the Board.

Section 9 clause 1 (a) and (b), and clause 2 were accepted as is.

Section 10 approved as is.

Section 11 approved as is.

Section 12 approved as is.

Section 13 approved as is.

Section 14 approved as is.

Section 15 approved as is.

Section 16 approved as is.

Section 17 approved as is.

Section 18 approved as is.

Referring to Section 19 clause 1, Mr. Dickie questioned using the words "original corners". He stated that it is not always possible to find the original corners since a good many of them no longer exist. After some discussion it was decided to take this up with Mr. Muggah for his opinion on the matter.

With the above exception Section 19 was approved as is.

Section 20 approved as is.

Section 21 approved as is.

Section 22 approved as is.

Section 23 approved as is.

Section 24 approved as is.

President Ball asked if anything has been omitted which should have been included in the Act.

All present felt that everything has been covered, and that we will be very fortunate if this Bill is passed during this session of the Legislature.

Mr. Millard moved a vote of appreciation to President Ball and the Legislation Committee for the fine work they have done on this Act.

Seconded by Mr. Dickie. Carried.

President Ball thanked Mr. Millard and reminded those present that once this Act has been passed there would be plenty of work for everyone.

Mr. Piers made the motion that the amendments to the Act be left with President Ball, Mr. J. R. March, Freeman Tupper and the Secretary to do whatever is necessary towards presenting the Act to the Legislature.

Seconded by Mr. Dickie. Carried.

The meeting adjourned at 4:30 p.m.

Fundamental Principles and Rules of Surveying

W. F. Roberts, N. B. L. S. Assistant Director of Surveys, Dept. of Lands and Mines, Province of New Brunswick.

Surveying as we consider it could be grouped into two parts — NEW SUBDIVISIONS which are mathematically designed and reproduced on the ground, and RETRACEMENT OF OLD SURVEYS. The science of laying out new subdivisions is contained in several text books, taught at numerous schools of learning, with the system used depending on the economic viewpoint at the time. Retracement surveys on the other hand are left to the surveyor on the spot without the aid of textbooks, instructors or guidance. We in our Province have been resurveying for nearly 200 years without written instructions, Survey Act, legal guidance or even uniformity in thought among ourselves. It is this resurveying problem I should like to talk about now and to place before you my own personal beliefs. I have asked, in the past 12 years several other Land Surveyors to do this, receiving a negative answer on every occasion. So now I will jump before I look and hope through your criticism that something will be gained.

I will first list in their order of priority, as I see them, my own Principles and Rules of surveying and then discuss each principle and rule in turn.

Principles:

- (a) Collect all available information
- (b) Court decisions, line agreements, etc.
- (c) Intention at the time of the original survey or grant

Rules:

- (a) Monuments override all else
- (b) Courses and distances
- (c) Acreage
- (d) Boundaries fixed by Statute
- (e) Boundaries fixed by legal presumption

Collect All Available Information:

Maybe I should have added — “Know and Collect”. This is something that must be done methodically and not merely finding a piece of information, using it and then find it doesn't work. You must be a detective at this time and know what you are looking for, collect each piece then correlate it before you even attempt any conclusion. Now where do we begin, what do we collect and where do we find it. I would suggest that we begin at the original survey or surveys and then the Crown grant which can be found in the Crown Lands Office, then any resales or subdivisions of this original grant can be found in our Record Office to start with, also try city engineers, town planning offices, forest industries, companies, real estate offices, lawyers, surveyors and private individuals. If you investigated each transfer in order as recorded you may have found reference to railroads, highways, telephone, electric power ease-

ments, etc. All these public utilities have many good and interesting plans of our province. Then again reference may be made to court rulings, agreements, etc., which must be fully read and studied. There is no limit to where information can be found, if you methodically start at the beginning and follow each transfer down, taking special note of all exceptions and trying to locate a plan used at the time or with the use of aerial photographs making your own sketch. **DO NOT BEGIN** your survey without collecting all the available information.

Court Decisions:

We are not lawyers nor should we become “barrack room lawyers” and mislead the general public. If it is a point of law send them to a lawyer. On the other hand we must not be ignorant of real estate law and should on every occasion read and study each judgment, trying to understand the principles and the intent. If in your search for information a court decision has been made, by all means get a copy of it from your lawyer; study it thoroughly and apply the judgment to your survey. Remember, because a judgment moved one line, it doesn't necessarily move all other lines in the vicinity. On the other hand the principles laid down are law and they must be applied to similar cases. The most abused and least understood legal definitions are conventional lines, adverse possession, and more or less, and to continue your arguments I should like to read the latest judgment (1951) I have been able to obtain.

Conventional Line:

“The important fact is that the parties should have agreed on a boundary line between their adjoining lands. It is not necessary that there should have been a dispute; it is not necessary that such boundary should be marked by a fence, so long as it is clearly defined by blazing or spotting or by monuments or otherwise; it is not necessary that this conventional line should have been acquiesced in for any special period after the agreement. The essential matters are the making of the agreement and afterwards such an alteration of one party's position as would estop the other from disputing the conventional line. Thus if one erects a building, relying on the conventional line, the other party is estopped to deny it. The erection of a fence or any expenditure of money or labour might also be sufficient.”

Adverse Possession:

In regard to the question of adverse possession — the possession which is necessary to gain title by adverse possession must be such as in the nature of the land would be considered suitable and reasonable.

"Possession must be considered in every case with reference to the peculiar circumstances . . . the character and value of the property the suitable and natural mode of using it, the course of conduct which the proprietor might reasonably be expected to follow with a due regard to his own interests . . . all these things, greatly varying as they must under various conditions, are to be taken into account in determining the sufficiency of possession."

I would also quote from the judgment of Parker J. *Des-Barres v. White* (1842), 3 N.B.R. 595 at p. 632:

If, however, the repeated acts of cutting and taking away trees openly, notoriously, and exclusively committed by one person, with the knowledge of the owner, or under such circumstances as that he cannot be presumed to be ignorant of them, and without interruption on his part, will ripen into actual possession of the soil, one of two things would seem further required, namely, that the land over which the claim extends shall be defined, either by marks and bounds upon the land itself, or by some deed or instrument under colour of which the party has entered; and that to make out a possession of twenty years duration, there must have been sufficient acts of this sort committed before the commencement of that period, and not merely while it was running on. It is also material to shew distinctly that all the acts of cutting relied, or that there be at least the same degree of certainty on this point as would be required to make him answerable in an action of trespass".

More or Less:

P. 280, *Engineering Law*. Para. 1 . . . The words "More or Less" are frequently added to a statement of measurement and in such cases control the statement unless there be such a difference between it and the true facts as would raise a presumption of fraud or gross mistake in the very essence of the contract.

Intention at the time of grant:

At this time you should be making a complete and chronological study of all the information available, plotting this on a base map or at the least on aerial photographs, and which I think very important, trying to understand the intention of all parties concerned at the time of each indenture, not what the arguments might be afterwards. I know you would be ridiculed by trying to prove your boundary in court by intention alone, but conversely, if you study the intention at the time of each indenture you will more readily understand the agreements and will be able to locate your boundaries on the ground far more accurately and have a better chance of finding original evidence or the best solution to an indenture that has no moments. Put yourself in the position of the grantor at the time, then the grantee, then the surveyor and then the person who drew up the indenture. The grantor is in the best position to know what he wishes to transfer; thus, the rule that any grant

shall be construed most strongly against the grantor, except where the grantor is the Crown (the old rule in that the Crown can do no wrong), the next best person is the grantee, who knows what he wishes to receive, then the surveyor who attempts with firsthand knowledge, not disputable at this time, to place this transfer on the ground, and lastly the person who drew up the indenture, may not have seen the grounds or know the locality, but who to the best of his ability attempts to legally describe the intention at the time of the agreement. Also, I should like to include the customs at the time of the indenture — was land valuable, was the surveyor competent, were the deeds properly executed, was one person a land baron, was there enmity, as more suggestions of how intention at the time of the indenture can be determined. Don't jump to conclusions, collect all available information, put it in a chronological order, find the intent and then make your deduction and plan your re-survey.

Monuments override all else:

Monuments may be of two kinds — natural or physical and man made or artificial. Natural monuments are those which man can see and touch, walk over, sit on, wade through, such things as rivers, lakes, natural falls, mountains, rock outcrops, bogs, etc., are examples. Man made monuments are self-explanatory and posts, iron pins, rock piles, pits, etc., are examples. Now why are monuments most important? A boundary of any lot is defined as an imaginary line which marks the confines of that lot and this imaginary line since B.C. has been marked by man on the earth's surface by monuments. In other words all surveyors have left marks of every survey they have made, these marks or monuments as we call them, are living images of the things which the surveyor did on the ground and is least liable to make a mistake about. Thus, to give most effect to those things about which men are least liable to mistake, we must first have the highest regard toward natural boundaries; secondly, to lines actually run and corners actually marked at the time of the grant, and thirdly, if the lines and courses of an adjoining tract are called for, the lines will be extended to them, if they are sufficiently established. Now the question continually arises, when the original monuments are no longer discoverable — can old blazes, renewed monuments, pole fences, etc., be considered as original monuments. I doubt whether we can ever call them original monuments, but they are the next best evidence that can be found providing they were made at a time when the original monuments were presumably in existence and probably well known.

It is by no means uncommon that we find surveyors who think that when monuments are gone, the only thing to be done is to place new monuments where the old ones should have been, and where they would have been, if they had been placed correctly. This is a serious mistake. The

problem is . . . to ascertain by the best lights of which the case admits, where the original lines were. The original lines must govern, and the laws under which they were made must govern, because the land was granted, was divided, and has descended to successive owners under the original lines and surveys; it is a question of proprietary right. The general duty of a surveyor in such a case is plain enough. He is not to assume that a line is lost until after he has thoroughly sifted the evidence and found himself unable to trace it. Even then he should hesitate long before doing anything to disturb the possessions. Occupation, especially if long continued, often affords very satisfactory evidence of the original boundary, when no other method is attainable; and the surveyor should enquire when it originated, how and why the lines were then located as they were, and whether the chain of title has always accompanied the possession, and give all the facts due force as evidence. No rule in real estate law is more inflexible than that monuments control courses and distances.

Courses and Distances:

The next rule in construing a grant is courses and distances. Thus, if an indenture did not refer to monuments or the monuments referred to have been lost, courses and distances will prevail. There is no priority between courses or distances; give preference to one or the other according to circumstances. Thus if a lot can be reconstructed by courses and distances, use both, but if one proves ambiguous, use the one that gives the proper construction. Now a little about course — since the majority of our original surveys were run by magnetic compass, the course must be found on the ground from old fences, lines, etc, or reference to other lots or block lines run by the same surveyor in the same year. Use the tabulation figures on the March of the Compass only to guard against gross error or for a trial line. Distance through a specific measurement is the hardest to obtain accurately. The best we expect in old surveys with the link chain is an error of one in 250 — later by the tape chain, one in 500, now add to this all the habits and field practises of past surveyors, by this I mean overrun maybe run, road allowances, waste land, you realize you have little right to now go the exact distance as shown on the plan without exhausting all other avenues of approach, and errors in distance must be tolerated in past surveys, but there is no reason why we should tolerate it now.

Acreeage:

The last rule in construing a grant is if in an indenture, the description of land intended to be conveyed is couched in such ambiguous terms that it is very doubtful what was intended to be the boundaries of the land, and the language of the description equally admits to two different constructions — the one which would make the quantity of the land conveyed agree with the quantity in the deed, must prevail.

Boundaries fixed by Statutes:

(a) Reserved Roads — the Crown owns the soil rights even against adverse possession, and the public acquires the right in the road whether it is used or not, and there is nothing in the Crown Lands Act which authorizes the Crown to sell the same. In other words, the public cannot release their rights in the road.

(b) Reserves along rivers and streams — since 1884 the statutes called for a one chain reserve along the front of all lots abutting on specified rivers, whether it was shown on the grant or not. Since 1927 this has been increased to 3 chains on all rivers and lakes. On these reserves the Crown owns all soil rights even against adverse possession.

(c) Expropriation — all lands expropriated under the Expropriation Act are established by the plan and description filed in the appropriate registry office.

(d) Under this would also come boundaries established by the Supreme Court of Canada.

Boundaries fixed by legal presumption:

In certain instances boundaries may be fixed by legal presumption. In other words the law presumes that certain rights exist until the contrary is shown. All the presumptions recognized and obtained in the case of boundaries may be rebutted by satisfactory evidence but until such evidence is produced the presumptions necessarily hold. A few examples:

(a) Land abutting upon the seashore is presumed to extend to medium high tide.

(b) Land abutting upon tidal water is presumed to extend to medium high tide.

(c) Land abutting upon non-tidal, non-navigable rivers and streams is presumed to extend to the thread of the stream. The "thread" being defined as the mid point between ordinary high water mark on the two opposite banks.

Land abutting upon non-tidal rivers or streams is presumed to pass title to any island lying between the mainland and the thread of the stream. This presumption however, does not apply to most N. B. rivers because of the practise, on the part of the Crown, of granting islands separately.

(e) Land abutting upon non-tidal navigable rivers or lakes is presumed to extend to the water's edge and no further and leaves the land covered by water ungranted and the property of the Crown

(f) Highway or street — it is presumed that a grant or other conveyance that refers to a highway or street, the way, so open and actually used, is construed to be the boundary intended by the parties, but when the grant or conveyance refers to a plan, the line actually conveyed is held to determine the boundary.

I have attempted in this paper to give my Fundamental Principles of surveying and the rules of surveying. On finishing this paper I had the feeling it was more of a lecture than a paper, my apologies . . .

Does This Mean Something To You?

"Does this mean anything to your profession?" Shakespeare said: "All the world is a stage and all the people in it, players". And I have to agree with him.

The world is a stage and everyone has a part to play and further more, we have quite a bit to say about the part we play. We can choose to be a "heavy" — the villain, if you like. Or we can be the hero — the good guy. Some of us may choose to play bit parts — or character parts. Some of us may play such a insignificant role, that we could almost be regarded as a spectator. LIFE IS NOT A SPECTATOR SPORT. If you will accomplish something in this life, then you will get out on that stage and do something. Even if it is only to make a fool out of yourself.

This is where public relations comes into the picture. What was the role you have picked. There is a certain impression you want to make on the people around you. This is important. What a shock it is to find that someone you admire and like as a friend, think you are something less than admirable. We don't blame ourselves but say "well he's not so bright anyway". I am glad I found out about him. Most of us are not brave enough to admit that somewhere along the line we have slipped badly and made a bad closure on our survey of our own life. Now is the time to make a resurvey and correct our errors and close things up properly.

I can hear many of you saying "So what". Well "Here's What". The opinions that others have of us is ALL IMPORTANT. This same reasoning applies to all organizations, too.

A group of bankers wanted to find out what the public thought of them. So they paid for an expensive survey . . . and, brother, they found out, plenty.

Well, now, banks have gone out of their way to get the public to think differently of them. They have put up new buildings that emphasize an informal, friendly atmosphere. They have taught their managers to exude friendship and to forswear the grim visage. Mind you, they still are seriously in business. And they won't lend their money to a poor risk. But, they've gone a long way toward changing the public's feeling toward them.

This is public relations.

Now, here's something that strikes a little closer home.

Generally speaking, the Survey Profession in Nova Scotia does not enjoy good public relations. And, of course, we are a part of the Surveying Profession. We can't escape.

What does the average member of the public think about the Land Surveyor? You will find that he thinks he is an unscrupulous profiteer. That he makes a small fortune on every house lot he surveys, and that if there is any legal loophole he

can use to cheat the public, he will use it.

Now, of course, we know that this picture or image is a gross exaggeration. Oh yes, there are those which argue all they can in the surveying game. These are in every profession. But, as in most professions you will find that the overwhelming majority of the people who make up the surveying profession are pretty straight shooters.

How to get this across to the public. There's a problem for you. How are you handling it?

Probably there is no single means that could be employed successfully to make the public more conscious of the Land Surveyors good points. I suppose advertising, direct mail, publicity of one kind or another might help the situation.

But for my money, the thing that would do the most would be the active participation of every surveyor and employee in a public relations program.

Many of us when we come into contact with the public are inclined to be abrupt; we are impatient with their obvious inability to understand our job — our function in life. We forget that it may have taken us years to understand what it was all about. All we know is that someone is bothering us with stupid questions.

I say that one intelligent man trying his best to be understanding and friendly can do the Surveying Profession more good than all the advertising in the world. Because the kind of advertising that no money in the world can buy, is word-of-mouth advertising. And the public are seldom neutral; they are saying unkind things about you and your organization, or else they are saying something like this — "Now there's an organization that really cares."

All of us have it within our power to earn merit marks for the surveying profession and the Government Agencies we work for — a conversely, demerit marks.

Now, at this point you might say. "Why should I knock myself out trying to be a good fellow for my organization. How does that help me?"

That's a good question and I'll try to answer it.

I must say that in Nova Scotia there are still some companies that take advantage of an employee's honesty and desire to serve. This is a holdover from the days when Nova Scotian society was a bad imitation of the Old Country way of life.

For the most part, today in Nova Scotia we live in a classless society. The boss may drive a slightly bigger car and live in a slightly bigger house — but to all intents and purposes his life is almost identical with the lives of those who work for him. If there are aristocrats on the Nova Scotian scene, then it is the aristocracy of accomplishment.

As I said earlier, if you will make your mark,

then get out on that stage Shakespeare talked about and do something. The fact that you work for another man, is neither here nor there.

Do something worth while and sooner or later you will be fully rewarded for your efforts. It may take quite a while. And this may be because you are not selling yourself to the people who matter to you. They may not be able to identify your real role in life, because of the fact that you are not projecting yourself across those footlights.

If the Surveying Profession is ever going to enjoy the good feeling of the public, I am pretty sure it is because a lot of people within the profession make it their business to earn friends instead of enemies.

Twenty-five years is a long time in the terms of a man's life and I am afraid that perhaps after the first quarter century a company has a tendency to take its employees for granted — and by the same token, its employees may take the company for granted.

That's not the best situation in the world, but there's hope.

Most survivors are only doing about half as well as they know how. And most people are operating at only about 25 per cent of their rated capacity.

That leaves quite a margin for improvement.

I am seriously suggesting to you, that it is worth while to try to make friends amongst your customers. I am suggesting to you that in spite of the smart-aleck world we live in — where mighty nations throw jibes at each other preparing for the day when they can throw missiles — where human values seem to be stretched to the breaking point — where the huckster is King and where nothing else matters except a dollar bill — I am suggesting that there is still room for personal satisfaction in a job done, not as well as it has to be, but as well as it can be.

And I am saying, that though at times it may appear that your effects are unappreciated and unavailing, nonetheless in the long run, the man who does his best knows an inner peace that is denied to the others. That is real public relations.

And in material terms, too, the man who does his best will profit accordingly. The world is a stage and the players have their choice of rolls. Will it be begger? Rich man? Or thief?

The foregoing is based on a talk that was de-

NOTICE:

**TO ALL MEMBERS OF THE ASSOCIATION
Dues for 1958 are now due**

**SEND MONEY ORDER, addressed to
Secretary-Treasurer, The Association of
Provincial Land Surveyors of Nova Scotia,
P. O. Box 1541, Halifax, N. S.**

livered by the editor of Heating, Plumbing and Air Conditioning AGE, K. E. Gould, at the annual dinner of the English and Mould Company's 25 Year Club, Weston Golf and Country Club, February 14, 1958.

The Land Surveyor In The Fifth and Sixth Century

The following is a condensed translation of a letter written by Cassiodorus who was Latin Secretary to the Ostrogothic king Theodoric. The translation is taken from a work by Dr. Thomas Hodgkin (Variae, III, 52, p. 232 f.)

The professors of this science are honoured with a most earnest attention than falls to the lot of any other philosophers. Arithmetic, Theoretical Geometry, Astronomy, and Music are discoursed upon to listless audiences, sometimes to empty benches. But the land surveyor is like a judge, the deserted fields become his forum, crowded with eager spectators. You would fancy him a madman when you see him walking along the most devious paths. But in truth he is seeking for the traces of lost facts in rough woods and thickets. He walks not as other men walk. His path is the book from which he reads. He shows what he is saying; he proves what he has learned; by his steps he divides the rights of hostile claimants; and, like a mighty river, he takes away the fields of one side to bestow them on the other. Wherefore, acting on our instructions, choose such a land surveyor, whose authority may be sufficient to settle this dispute, that the litigants may henceforth cultivate their lands in peace.

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