

1927

c 201 Land Surveyors Act

Ontario

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4. *SURVEYORS AND LAND SURVEYING.*

CHAPTER 201.

The Land Surveyors Act.

INTERPRETATION.

1. In this Act,

Interpretation.

(a) "Minister" shall mean the Minister of Lands and Forests; "Minister."

(b) "Surveyor" shall mean Ontario land surveyor. "Ontario land surveyor."
R.S.O. 1914, c. 165, s. 2.

REGISTRATION OF LAND SURVEYORS.

2.—(1) No person shall act as a surveyor of land in Ontario unless duly authorized to practise as a land surveyor according to the provisions of this Act, or so authorized before the passing thereof according to the laws then in force, and unless registered under the provisions of this Act. Who may act as land surveyor.

(2) Any person who contravenes this section shall incur a penalty of \$40. R.S.O. 1914, c. 165, s. 3. Penalty.

ASSOCIATION OF ONTARIO LAND SURVEYORS.

3.—(1) The Association of Ontario Land Surveyors hereinafter called "the Association" is hereby continued; and all persons who are now members of the Association shall continue to be members thereof subject to the by-laws of the Association and the provisions of this Act. Association continued.

(2) All persons duly authorized to practise as land surveyors shall, upon becoming duly registered as hereinafter provided, become members of the Association. R.S.O. 1914, c. 165, s. 4. New members.

4. The Association may purchase, take and possess for the purposes of the Association, but for no other purpose, and after acquiring the same may sell, mortgage, lease or dispose of any real estate. R.S.O. 1914, c. 165, s. 5. Powers as to real estate.

Fines and fees.

5. All fines and fees payable under this Act, or under any by-law of the Association, shall belong to the Association. R.S.O. 1914, c. 165, s. 6.

By-laws.

6.—(1) The Association may pass by-laws for—

- (a) the government, discipline and honour of its members;
- (b) the management of its property;
- (c) the examination and admission of candidates for the study or practice of the profession; and
- (d) all such other purposes as may be necessary for carrying out the objects of the Association.

Ratification.

(2) All by-laws shall be passed by the Council hereinafter provided for, and shall be ratified by the Association at the next annual general meeting, or at a special general meeting called for the purpose. R.S.O. 1914, c. 165, s. 7.

Council of Management.

7.—(1) There shall be a Council of Management of the Association, hereinafter called "the Council," consisting of the Minister, the president and the vice-president of the Association, and six other elective members to be elected and hold office as hereinafter provided.

Chairman and officers.

(2) The Council shall elect annually one of its members as its chairman, and shall appoint from among the members of the Association such other officers as may be deemed necessary for carrying out the objects of this Act, who shall hold office during the pleasure of the Council. R.S.O. 1914, c. 165, s. 8.

Annual general meeting.

8.—(1) The annual general meeting of the Association shall be held in the City of Toronto on the third Tuesday of February in each year at such place as the Council may appoint.

Notice.

(2) Notice of such meeting shall be given by the secretary-treasurer to each member of the Association by letter posted to his registered address at least ten days before such meeting. R.S.O. 1914, c. 165, s. 9.

President and officers of Association.

9.—(1) The members of the Association shall elect annually from among their number a president, vice-president, secretary-treasurer, two auditors and two members of the Council, and the secretary-treasurer shall also act as secretary of the board of examiners.

Election at annual meeting.

(2) The president, vice-president, secretary-treasurer, auditors and two members of the Council may be elected at the annual general meeting in each year, if their election is unanimous.

(3) If the election of any of such officers or members is not unanimous and a ballot is demanded by any member of the Association entitled to vote at such election the president, or in his absence the vice-president, or in the absence of both the secretary-treasurer, shall appoint two scrutineers to count the ballots, and the secretary-treasurer shall at such meeting receive nominations of candidates in respect of whom a ballot has been demanded, and the election shall take place in the manner hereinafter provided. Election by ballot if demanded.

(4) All elections which are not unanimous shall be by ballot, and shall be conducted in the manner provided by the by-laws of the Association. R.S.O. 1914, c. 165, s. 10. When required and how conducted.

10. Within one week after the meeting at which a ballot was demanded the secretary-treasurer shall send by post to each member of the Association, when his address is known, a voting paper (Form 1) with a list of the names of all candidates nominated, and also a list of the retiring members, and every vote cast for a person not so nominated shall be void. R.S.O. 1914, c. 165, s. 11. Voting papers.

11. The votes shall be given by closed voting papers (Form 1) which shall be delivered to the secretary-treasurer at his office, between the hours of ten o'clock in the forenoon and four o'clock in the afternoon, on any day between the second Tuesday of March and the first Tuesday of April in the year in which the election is held, and any voting papers received by the secretary-treasurer by post during that time shall be deemed to be delivered to him for the purposes of the election. R.S.O. 1914, c. 165, s. 12. When to be delivered.

12.—(1) The voting papers shall, upon the first Thursday after the first Tuesday of April, be opened by the secretary-treasurer in the presence of the scrutineers, who shall examine and count the votes and keep a record thereof in a book to be provided by the Council. Counting the votes.

(2) Any person entitled to vote at the election may be present at the counting of the votes. Who may be present.

(3) The qualified persons who have the highest number of votes shall be declared elected. R.S.O. 1914, c. 165, s. 13. Who to be elected.

13.—(1) In case of equality of votes between two or more persons which leaves the election of one or more officers or members of the Council undecided, the scrutineers shall forthwith put into a ballot box a number of papers with the names of the candidates respectively having such equality of votes written thereon, one for each candidate, and the secretary-treasurer shall draw from the ballot box, in the presence of the scrutineers, one or more of the papers sufficient to make up the required number, and the person or persons whose Case of equality of votes.

name or names are upon the papers so drawn shall be the officer or officers or the members of the Council, as the case may be.

Declaration
of result.

(2) Upon the completion of the counting of the votes the secretary-treasurer shall forthwith declare the result of the election and shall, as soon as conveniently may be, report the same in writing signed by himself and by the scrutineers to the president. R.S.O. 1914, c. 165, s. 14.

Where vot-
ing paper
has too
many
names.

14. In the event of an elector placing more than the required number of names upon the voting paper for members of the Council the first names only, not exceeding the required number shall be counted. R.S.O. 1914, c. 165, s. 15.

Qualifica-
tion of
voters.

15.—(1) The persons qualified to vote shall be such persons as are members of the Association and have paid all fees due from them to the Association.

Of officers.

(2) No person shall be eligible for election to any office or to the Council, or qualified to fill any vacancy thereon, or to appointment by the Council to any office, unless his fees have been paid and he is duly qualified under the provisions of this Act and the by-laws of the Association. R.S.O. 1914, c. 165, s. 16.

Term of
office of
members of
council.

16.—(1) Except in the case of an appointment to fill the vacancy caused by the resignation, death or dismissal of a member of the Council all elected members of the Council shall hold office for three years and until their successors shall have been elected.

Vacancies.

(2) In case of the resignation, death or dismissal of the president, vice-president, or any elective member of the Council the other members of the Council shall have power to fill any vacancy so caused, and the person so appointed shall hold office for the unexpired portion of the term. R.S.O. 1914, c. 165, s. 17.

Disputed
elections.

17. In case of doubt or dispute as to who has been elected or as to the legality of the election, the duly elected officers and members shall be a committee to enquire and decide the doubt or dispute, and the persons whom they decide to have been elected shall be deemed to have been duly elected, and if the election is found to have been illegal the committee shall order a new election. R.S.O. 1914, c. 165, s. 18.

BOARD OF EXAMINERS.

Board of
Examiners.

18.—(1) There shall be a board of examiners, hereinafter called "the board," for the examination of candidates for admission to study, and also for such other examinations as the Council may prescribe for candidates for admission to practise as surveyors.

(2) The board shall consist of the chairman of the Council, the secretary-treasurer, four other members of the Association to be appointed by the Council and two to be appointed by the Lieutenant-Governor in Council. Of whom Board to consist.

(3) The six members to be so appointed shall hold office for three years. Term of office.

(4) In case of the resignation, death or inability to act of any member of the board, the Lieutenant-Governor in Council, if such member was appointed by him, and the council, if such member was appointed by it, shall appoint a member of the Association to be a member of the board of examiners for the unexpired portion of the term. To supply vacancies.

(5) The chairman of the Council shall be the chairman of the board, and three members of the board shall form a quorum. Chairman. Quorum.

(6) The Council may also appoint competent persons to assist the board in any of the subjects of examination, and may fix the expenses and fees to be paid to any of the examiners, subject to the restrictions hereinafter contained in respect of payments to members of the board. Examiners.

(7) Each member of the board shall take and subscribe the following oath:— Oath of examiner.

I, of having been appointed a member of the Board of Examiners under *The Land Surveyors Act*, do sincerely promise and swear that I will faithfully discharge the duties of such office without favour, affection or partiality. So help me God.

A.B.

Sworn before me at
this day of 19 .

R.S.O. 1914, c. 165, s. 19.

19. The board shall meet at the office of the Minister on the first Monday of February in every year, and may adjourn such meeting from time to time. R.S.O. 1914, c. 165, s. 20. Meetings, when and where to be held.

20. The Council shall, for each day's attendance, pay out of the funds of the Association to each member of the board who attends any examinations such sum, not less than \$6 nor more than \$8, as the Council may by by-law determine, and his travelling expenses. R.S.O. 1914, c. 165, s. 21. Payment of examiners.

21.—(1) No person shall be admitted as an apprentice to a surveyor unless he has previously passed an examination to the satisfaction of the board in penmanship, orthography, English grammar, arithmetic, algebra (including square-root, logarithms and quadratic equations), Euclid (first four books and deductions), plane trigonometry mensuration, practical geometry (including the use of ruling-pen and the construction of plane and comparative scales), Canadian and general Admission to apprenticeship.

geography and Canadian history, and has obtained a certificate of his examination and of his proficiency from the board.

(2) The board may accept in lieu of examination, a certificate of junior matriculation or other certificate or credentials that in its opinion show the candidate to be of sufficient educational standing. 1925, c. 51, s. 2.

Examina-
tion and
certificate
fees.

22. Every applicant shall, before being so examined, pay to the secretary-treasurer of the Association the prescribed fees for the examination and certificate. R.S.O. 1914, c. 165, s. 23.

Notice to be
given by
applicants.

23. Every applicant for examination previous to apprenticeship shall give one month's notice to the secretary-treasurer of his intention to present himself for examination, and shall pay to the secretary-treasurer the prescribed fee for receiving and entering such notice. R.S.O. 1914, c. 165, s. 24.

QUALIFICATION FOR ADMISSION TO PRACTISE.

Qualifica-
tion for
admission
to practise.

24. Every candidate for admission to practise as an Ontario land surveyor shall have passed an intermediate examination in the subjects of geometry, plane trigonometry, spherical trigonometry, algebra and mensuration as prescribed by the board and such examination shall be passed by the candidate at least one year prior to presenting himself for final examination. 1924, c. 44, s. 2, *part*.

Final
examination.

25. Except as hereinafter provided no person shall be admitted to practise as a surveyor until he has attained the age of twenty-one years and has passed the examination mentioned in section 24 and has also passed a final examination in the following subjects—practical astronomy, laying out of curves, theory and practice of levelling, descriptions by metes and bounds, use and adjustment of surveying and levelling instruments, *The Surveys Act, The Mining Act, The Registry Act, The Land Titles Act and The Municipal Act* (in so far as the last three mentioned Acts relate to roads, surveys and plans), rules of evidence and drawing of affidavits, taking of field notes and preparing plans, town planning, geology and mineralogy, *The Ditches and Watercourses Act and The Municipal Drainage Act*. 1924, c. 44, s. 2, *part*.

Rev. Stat.
cc. 202, 45,
155, 158,
233.

Rev. Stat.
cc. 316,
241.

Attendance
of appren-
tices at
university
or college.

26. Any student attending the University of Toronto as a student in the Faculty of Applied Science and Engineering, or any school, college or university in Canada, the course of study in which is, in the opinion of the board, similar to that in such faculty, and who has passed his first year examinations at such university or college, may be apprenticed to a practising Ontario land surveyor for a period of three years with the privilege of continuing his studies at such university

or college for the regular periods of such college studies during such term of three years, but so that the minimum term of four months in each year must be spent with a practising Ontario land surveyor. 1917, c. 36, s. 3.

27. A person who has attained the age of twenty-one years and has practised as a land surveyor in any of His Majesty's Dominions other than Ontario, and satisfied the board that the qualifications for practising required in such Dominion were similar to those required in Ontario, and produces to the board his diploma or certificate, shall not be required to serve as an apprentice, or shall only be required to serve during such period, not exceeding three years, as the board may deem requisite, after which he shall, on complying with the other requirements of this Act, have the right to undergo the final examination or such parts thereof as the board may deem necessary, and, if found qualified, shall be admitted to practise, if the same privileges are granted in such Dominion to qualified land surveyors of Ontario. R.S.O. 1914, c. 165, s. 27.

Admission
of persons
qualified in
other
British
dominions.

Proviso.

28.—(1) The privilege of a shortened term of apprenticeship shall also be accorded to any graduate of the Royal Military College at Kingston, and to any graduate in Civil Engineering or in Mining Engineering of the University of Toronto, or McGill College at Montreal, or of Queen's University at Kingston, and such person shall not be required to pass the preliminary examination for admission to apprenticeship, but shall only be bound to serve under articles with a practising surveyor, duly filed as required by section 31, during twelve successive months of actual practice, after which, on complying with all other requirements, he may undergo the examination for admission to practise. R.S.O. 1914, c. 165, s. 28 (1); 1917, c. 36, s. 4.

Graduates
of certain
institutions.

(2) Such person at any time during his apprenticeship may, with the permission of the board, attend the University of Toronto as a student in the Faculty of Applied Science and Engineering, or any school, college, or university, the course of study in which is, in the opinion of the board, sufficiently similar to that in such Faculty, for the purpose of taking any course of study which includes any subject required for the examination for admission to practise, but the total period of such apprenticeship, and of such course of study shall not exceed the period of two years from the date of the articles of apprenticeship as above mentioned, and not less than twelve months of the period of two years shall be passed in the actual service of a practising surveyor. R.S.O. 1914, c. 165, s. 28 (2).

Attendance
at certain
schools dur-
ing appren-
ticeship.

29. If a surveyor dies or leaves Ontario, or is suspended or dismissed, or ceases to practise, his apprentice may complete his term of apprenticeship, under an instrument in

Provision
in case
of death,
etc., of
employer.

writing, with any registered surveyor in actual practice. R.S.O. 1914, c. 165, s. 29.

Instruments of apprenticeship may be transferred.

30. A surveyor may, with the consent of the apprentice, by an instrument in writing, transfer him to another registered surveyor in actual practice with whom he may serve the remainder of the term of his apprenticeship. R.S.O. 1914, c. 165, s. 30.

Instruments binding to service to be filed, etc.

31.—(1) No instrument under which an applicant for admission to practise claims to have served shall avail to authorize his admission, unless it was transmitted to the secretary-treasurer within two months next after the date thereof, unless the Council for special reasons otherwise permits, nor unless the prescribed fee was paid at the time of transmitting the instrument.

Acknowledgment and filing.

(2) The secretary-treasurer shall acknowledge by post the receipt of all such instruments transmitted to him and shall keep the same filed in his office. R.S.O. 1914, c. 165, s. 31.

ADMISSION OF CANDIDATES.

Notice by candidates for admission.

32. Every person desiring to be examined by the board to be admitted to practise shall give notice thereof in writing to the secretary-treasurer at least one month before the meeting of the board. R.S.O. 1914, c. 165, s. 32.

Certificates of good conduct, etc.

33. Every person applying for admission to practise shall produce to the board satisfactory certificates as to character for probity and sobriety, and before a certificate is granted shall perform such practical operations in the presence of the board, and shall answer such questions on oath, which oath any member of the board may administer, with regard to the actual practice of such applicant in the field, and with regard to his surveying instruments, as the board may require. R.S.O. 1914, c. 165, s. 33.

Certificate of qualification.

34.—(1) If the board is satisfied as to the qualifications of the candidate, and his compliance with all the preliminary requirements of this Act, it shall grant him a certificate (Form 2), and such certificate shall, on the applicant complying with the other requirements of this Act, entitle him to practise as a surveyor.

Registration.

(2) The certificate shall be registered in the office of the Provincial Secretary. R.S.O. 1914, c. 165, s. 34.

Application for certificate of qualification.

(3) A candidate who has so satisfied the board shall, within three months of receiving official notification thereof, apply to the board for such certificate, and on receiving the same shall forthwith apply to the secretary-treasurer to be registered as a member of the Association. 1917, c. 36, s. 5.

35.—(1) Before receiving his certificate the applicant shall enter into a joint and several bond to His Majesty, with two sufficient sureties to the satisfaction of the board, or the chairman or secretary thereof, in the sum of \$1,000, conditioned for the due and faithful performance of the duties of his office. Candidates to give security.

(2) The bond shall be deposited in the office of the Treasurer of Ontario and shall enure to the benefit of any person sustaining damage by breach of the condition thereof. Deposit of security. R.S.O. 1914, c. 165, s. 35.

36.—(1) The applicant, after having been granted a certificate, shall also take and subscribe the oath of allegiance, and the following oath before the board, or a member thereof specially deputed by the board for that purpose:— Oaths of allegiance and office.

"I, A.B., do solemnly swear that I will faithfully discharge the duties of an Ontario Land Surveyor, according to law, without favour, affection or partiality. So help me God."

(2) The oaths of allegiance and of office shall be deposited in the office of the Provincial Secretary. Filing. R.S.O. 1914, c. 165, s. 36.

SUSPENSION FOR MISCONDUCT.

37.—(1) The Council may suspend or dismiss from the Association any surveyor whom it finds guilty of gross negligence or of corruption in the execution of the duties of his office; but the Council shall not take action until a complaint made under oath has been filed with the secretary-treasurer, and a copy thereof forwarded to the person accused, nor shall the Council suspend or dismiss such surveyor without having previously summoned him to appear in order to be heard in his defence, nor without having heard the evidence offered in support of the complaint and on behalf of the surveyor. Dismissal or suspension of members.

(2) The evidence shall be taken under oath to be administered by the chairman of the Council, or by the person acting as such in his absence, or by the secretary, and shall be taken down by a stenographer as in the case of evidence taken in the Supreme Court. Evidence.

(3) A surveyor so dismissed or suspended may, within fourteen days after service upon him of a copy of the order or resolution of dismissal or suspension, appeal therefrom to a divisional court by giving seven days' notice to the secretary-treasurer, and may require the evidence taken to be filed in the Central Office of the Supreme Court, and the costs of such appeal shall be in the discretion of the Court. Appeal from order of dismissal or suspension.

(4) The Supreme Court or a judge thereof may extend the time for appealing for a further period not exceeding four- Extension of time for appealing. teen days.

Setting down
appeal for
hearing.

(5) The appeal shall be set down to be heard at a sittings of the Court to be held within one month after the time, or the extended time, for appealing has expired.

Consequences
of dismissal.

(6) Unless the order or resolution is set aside, or the Court or the Council otherwise orders, a surveyor so dismissed or suspended shall not have the right to practise as a surveyor until after the appeal has been disposed of except where the time for which he was so suspended has expired.

On conviction
of crime.

(7) The Council may suspend or dismiss from the Association any member who has been convicted of any crime, and cause his name to be removed from the register.

Restoration
of name to
register.

(8) The Council may direct the registrar to restore to the register the name of any person or any entry erased therefrom, either without fee or on payment of such fee, not exceeding the arrears of fees due to the Association as the council may fix. R.S.O. 1914, c. 165, s. 37.

ATTENDANCE OF WITNESSES.

Power to
summon
witnesses.

38. On any enquiry concerning an election or the dismissal, suspension or restoration of any member a summons under the hand of the president, or of the vice-president, or of any two members of the Council, for the attendance of a witness before the Council, shall have all the force of a subpoena; and any witness not attending in obedience thereto shall be liable to attachment in the Supreme Court. R.S.O. 1914, c. 165, s. 38.

FEEES.

Tariff of
fees.

39.—(1) The following fees shall be paid to the secretary-treasurer:—

(a) By every person authorized to practise under the provisions of this Act on applying for registration, \$1;

(b) By each member of the Association an annual membership fee of \$7;

(c) By each apprentice on transmitting to the secretary-treasurer the articles of apprenticeship, \$10;

(d) By each candidate for examination, with his notice thereof, \$1;

Examination
fee.

(e) By each candidate for preliminary examination on presenting himself for examination, \$15, for the intermediate examination on presenting himself for such examination, \$20, and for each candidate for the final examination on presenting himself for such examination, \$40;

Fees of
students.

(f) By each candidate for the final examination on presenting himself for such examination \$10, and on obtaining a certificate to practise \$10;

(g) For registering each transfer of articles, \$5;

(h) By each applicant obtaining a certificate to practise, for official notice in the *Ontario Gazette*, \$1.

R.S.O. 1914, c. 165, s. 39; 1914, c. 26, s. 1; 1917, c. 36, s. 6 (c), (d); 1920, c. 49, s. 2; 1924, c. 44, s. 3.

(2) Where the annual fees of any member remain unpaid for more than six years and the Council is unable to grant total exemption for such period on the ground of extenuating circumstances, such member shall be suspended from membership of the Association until such fees are paid in full or in such part as the Council may deem just. 1917, c. 36, s. 6 (e). Suspension
for non-
payment
of fees.

40. Every surveyor summoned to attend any civil or criminal court, for the purpose of giving evidence in his professional capacity, or in consequence of any professional service rendered by him, shall be entitled to \$5 for each day he so attends, in addition to his travelling expenses, to be taxed and paid in the manner by law provided with regard to the payment of witnesses attending such court. R.S.O. 1914, c. 165, s. 40. Witness
fees of
surveyors.

REGISTRATION OF PERSONS ENTITLED.

41.—(1) The secretary-treasurer shall make and keep a correct register, of all persons entitled to be registered under this Act, and shall enter opposite the name of any registered person who has died a statement of that fact, and shall make necessary alterations in the addresses of persons registered, and subject to this Act shall keep the register in accordance with the by-laws of the Association and the orders and regulations of the Council. How
register to
be kept.

(2) No person who neglects or omits to be so registered shall be entitled to any of the rights or privileges conferred by registration so long as such neglect or omission continues. Effect of
omitting to
register.

(3) A registered surveyor desiring to give up practice may have his name removed from the register upon giving written notice to the secretary-treasurer of such desire, and paying all fees due from him to the Association, and thereafter he shall not be liable to the Association for any annual or other fees, and may, upon like notice of his intention to resume practice and paying the annual fee for the year in which such notice is given, be again registered. Retirement
from
practice.

Resumption.

(4) No name shall be entered in the register except of persons authorized by this Act to be registered, nor unless the secretary-treasurer is satisfied by proper evidence that the person claiming to be entitled to be registered is so entitled, and any appeal from his decision shall be decided by the Council, and any entry which is proved to the satisfaction of the Council to have been fraudulently or incorrectly made shall be erased from or amended in the register by order of the Council. Rectification
of entries.

Exemption
from fees
after long
period of
membership.

(5) The Association may by by-law provide that any surveyor who has been in the actual practice of his profession for a period of thirty-five years or more, and has during the entire period been a duly qualified surveyor, may be exempted from payment of the annual membership fee. R.S.O. 1914, c. 165, s. 41.

Omission to
register
through
absence, etc.

42. Any person who was duly authorized to practise as a surveyor of land in Ontario on the 14th day of April, 1892, who, through absence, illness or inadvertence, has omitted to become a member of the Association, may be admitted by the Council to enrolment as a surveyor upon payment of the arrears of fees or such part thereof as the Council may direct. R.S.O. 1914, c. 165, s. 42.

Restriction
of right to
use title.

43.—(1) Unless registered no person shall be entitled to take or use the name or title of "Ontario Land Surveyor," either alone or in combination with any other word or words, or any name, title or description implying that he is registered under this Act.

Penalty.

(2) Any person who contravenes this section shall incur a penalty not exceeding \$20 for the first offence, and not exceeding \$50 for each subsequent offence. R.S.O. 1914, c. 165, s. 43.

Register of
practising
surveyors.

44.—(1) The secretary-treasurer shall in every year cause to be printed, published and kept for inspection at his office, free of charge, a register, in which shall be printed the names in alphabetical order, according to the surnames, with the respective residences, of all person appearing on the general register on the 1st day of January in such year.

Evidence of
registration.

(2) A copy of such register, purporting to be so printed and published, shall be evidence in all Courts and before all justices of the peace and others that the persons therein mentioned are registered according to the provisions of this Act.

Certified
copy of
entry.

(3) In the case of any person whose name does not appear in such copy a certified copy under the hand of the secretary-treasurer of the entry of the name of such person in the register shall be like evidence that such person is registered under the provisions of this Act. R.S.O. 1914, c. 165, s. 44.

FRAUDULENT REGISTRATION.

Penalty for
making
improper
entries.

45. If the secretary-treasurer wilfully makes or causes or allows to be made any falsification in any matter relating to the register he shall incur a penalty of not less than \$20 and not more than \$50. R.S.O. 1914, c. 165, s. 45.

Penalty for
procuring
entry by
fraud.

46. Any person who wilfully procures or attempts to procure registration under this Act by making or producing or causing to be made or produced any false or fraudulent representation or declaration, either verbally or in writing, shall

incur a penalty of not less than \$20 and not more than \$50, and the Council may remove the name of the offender from the register. R.S.O. 1914, c. 165, s. 46.

RECOVERY OF FEES AND PENALTIES.

47.—(1) All fees payable under this Act may be recovered as ordinary debts due the Association and all penalties imposed by or under the authority of this Act shall be recoverable under *The Summary Convictions Act*. Recovery of fees and penalties.
Rev. Stat. c. 121.

(2) All penalties recovered under this Act shall immediately upon the recovery thereof be paid over by the convicting justice to the secretary-treasurer. Application of penalties.

(3) Any person may be prosecutor or complainant under this Act, and the Council may allot such portion of the penalty as it deems expedient to the prosecutor. R.S.O. 1914, c. 165, s. 47. Who may be complainant.

NOTICES AND DOCUMENTS.

48.—(1) Except as herein otherwise provided all notices and documents required by or for the purposes of this Act to be sent by mail, if sent by registered post, shall be deemed to have been received at the time when the same would be delivered in the ordinary course of mail. Service of notices.

(2) Such notices and documents, when sent to a person registered under this Act, shall be deemed to be properly addressed if addressed to him according to his address in the register of the Association. R.S.O. 1914, c. 165, s. 48. What to be deemed proper address.

HOW FUNDS TO BE APPLIED.

49.—(1) All money arising from fees payable on registration or from the annual fees, or from the sale of copies of the register or otherwise shall be applied for defraying the expenses of the Association in accordance with such regulations as may be made by the Council. Application of funds.

(2) The Council may invest, in the name of the Association, any money not so expended in such securities as trustees may properly invest in, and the income derived therefrom shall form part of the ordinary income of the Association. R.S.O. 1914, c. 165, s. 49. Investment.

50. The secretary-treasurer shall enter in books to be kept for that purpose a true account of all moneys by him received and paid, and such books shall be audited and submitted to the Council and to the Association when and so often as they may require. R.S.O. 1914, c. 165, s. 50. Accounts of Association.

FORM 1.

VOTING PAPER.

(Section 10.)

Association of Ontario Land Surveyors.

Election 19 .

I, _____ of _____
in _____

a member of the Association of Ontario Land surveyors, do hereby declare that

(1) The signature hereto is in my proper handwriting.

(2) I vote for A. B., of _____, as (president, vice-president, secretary-treasurer, auditor or auditors, as the case may be).

(3) I vote for the following persons as members of the council of the Association:—A. B., of _____ and C. D., of _____

(4) I have signed no other voting paper at this election.

(5) This voting paper was signed on the day of the date thereof.

Witness my hand this _____ day of _____, 19 .

R.S.O. 1914, c. 165, Form 1.

FORM 2.

(Section 34.)

CERTIFICATE OF ADMISSION.

This is to certify that A. B. of _____ has duly passed his examination before the board of examiners, and has been found qualified to fill the office and perform the duties of an Ontario Land Surveyor, he having complied with all the requirements of the law in that behalf. Wherefore the said A. B. is admitted to the said office and is by law authorized to practise as an Ontario Land Surveyor.

In witness whereof we have signed this certificate at the City of Toronto the _____ day of _____, 19 .

C. D., Chairman.
E. F., Secretary.

R.S.O. 1914, c. 165, Form 2.