1. This Act may be cited as *The Surveys Act*.

   [R.S.A. 1955, c. 327, s. 1]

2. In this Act,

   (a) "agreement of transfer" means the agreement in the Schedule to *The Alberta Natural Resources Act*, being chapter 21 of the Statutes of Alberta, 1980;

   (b) "Department" means the Department of Highways and Transport;

   (c) "Director of Surveys" means the Director of Surveys appointed under section 88;

   (d) "lost monument" means a monument that has entirely disappeared and the position of which cannot be established by evidence;

   (e) "Minister" means the Minister of Highways and Transport;

   (f) "monument" means an iron post, wooden post, mound, pit or trench, or anything else used to mark a boundary corner or line by a qualified surveyor;

   (g) "notification" means the direction issued to the Registrar of Land Titles for the issue of a certificate of title;

   (h) "obliterated monument" means a monument the position of which can be ascertained beyond reasonable doubt either by traces of the original monument or by other evidence, although the monument itself has partly or entirely disappeared;

   (i) "provincial lands" means lands vested in the Crown in right of Alberta;

   (j) "restoration" means the restoring of an obliterated monument;

   (k) "retracement" means the re-establishment of a line of a previous survey;

   (l) "subdivision survey" means a survey the plan of which it is intended to register under *The Land Titles Act*;

   (m) "surveyor" means a person qualified to practise as a surveyor according to the provisions of *The Land Surveyors Act*;
SURVEYS

(n) "undisputed point" means a point of any original survey whose position is undisputed or can be satisfactorily established.

[R.S.A. 1955, c. 327, s. 2; 1965, c. 90, s. 2]

3. This Act applies to surveys of any lands within the Province that are within the legislative competence of the Province.

[R.S.A. 1955, c. 327, s. 3]

4. The Minister shall have the administration, direction and control of the surveys of all lands in the Province that are within the legislative competence of the Province.

[R.S.A. 1955, c. 327, s. 4]

PART I

GOVERNMENT SURVEYS OF PROVINCIAL LANDS

Surveys

5. Provincial lands shall be laid off in quadrilateral townships, each containing thirty-six sections of as nearly one mile square as the convergence of meridians permits, with such road allowances and of such width as the Lieutenant Governor in Council prescribes.

[R.S.A. 1955, c. 327, s. 6]

6. The sections shall be bounded and numbered as shown by the following diagram:

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[R.S.A. 1955, c. 327, s. 6]
### Township Boundaries

7. The lines bounding townships
   (a) on the east and west sides shall be meridians, and
   (b) on the north and south sides shall be chords to parallels of latitude. [R.S.A. 1955, c. 327, s. 7]

### Numbering and Ranging of Townships

8. The townships
   (a) shall be numbered in regular order, northerly from the international boundary, or forty-ninth parallel of latitude, and
   (b) shall lie in ranges numbered westward of the fourth, fifth and sixth initial meridians. [R.S.A. 1955, c. 327, s. 8]

### Width of Townships on Base Line, Meridians

9. Townships shall be given their prescribed width on the base lines hereinafter mentioned, and the meridians between townships shall be drawn across such bases, northward and southward to the depth of two townships therefrom, that is to say, to the correction lines hereinafter mentioned. [R.S.A. 1955, c. 327, s. 9]

### Base Lines

10. The said forty-ninth parallel, or international boundary, shall be the first base line or that for townships numbered one, the second base line shall be between townships four and five, the third between townships eight and nine, the fourth between townships twelve and thirteen, the fifth between townships sixteen and seventeen, and so on northerly, in regular succession. [R.S.A. 1955, c. 327, s. 10]

### Correction Lines

11. The correction lines, or those upon which the jog resulting from the convergence of meridians shall be allowed, shall be those lines running east and west between townships and midway between the bases, which lines are the line between townships two and three, the line between townships six and seven, the line between townships ten and eleven, and so on. [R.S.A. 1955, c. 327, s. 11]

### Division of Sections

12. Each section shall be divided into quarter-sections of one hundred and sixty acres, more or less, subject to the provisions hereinafter contained. [R.S.A. 1955, c. 327, s. 12]

### Correction Lines

13. The north and south error in closing on the correction lines from the north and south shall be allowed in the ranges of quarter-sections adjoining and north or south respectively of the said correction lines, except in the case of the north and south error in those townships between the first and second base lines, which error shall be left in the last quarter-section adjoining the said first base line. [R.S.A. 1955, c. 327, s. 13]

### Deficiency or Surplus

14. In the survey of a township, the east and west deficiency or surplus shall be allowed in the range of quarter-sections. [R.S.A. 1955, c. 327, s. 14]
15. (1) The dimensions and area of irregular quarter-
sections or other parcels of land shall, in all cases, be re-
turned by the surveyor at their actual measurements and
contents.

(2) Notwithstanding subsection (1) where road allow-
ances are not between but through sections, the area reserved
for the road allowances shall not be included in the area
returned for a quarter-section, or other parcel of land.

[R.S.A. 1955, c. 327, s. 15]

16. (1) Except as hereinafter provided, only a single
row of monuments to indicate the corners of townships,
sections or quarter-sections, shall be placed on any survey
line thereof.

(2) The monuments shall, on north and south lines, be
placed in the west limit of the road allowances, and on the
east and west lines, in the south limit of road allowances,
and in all cases shall fix and govern the position of the
boundary corner between the adjoining townships, sections,
or quarter-sections, on the opposite side of the road allow-
ance.

[R.S.A. 1955, c. 327, s. 16]

17. (1) In the case of township, section and quarter-
section corners on correction lines, monuments shall, in all
cases, be placed and marked independently for the townships
on each side.

(2) When a road allowance is laid out along the line, the
monuments shall be placed in the limit of the road lying
alongside the lands that they are intended to define.

[R.S.A. 1955, c. 327, s. 17]

18. (1) The township subdivision surveys of provincial
lands, according to the system above prescribed, may be
performed under contract, either at a rate per township, per
mile, or per acre, to be fixed, from time to time, by the
Lieutenant Governor in Council, or by competitive tender,
as the Lieutenant Governor in Council may, from time to
time, direct.

(2) Notwithstanding subsection (1) where circumstances
render it advisable, the Lieutenant Governor in Council may
order the survey of a township or townships to be otherwise
performed.

[R.S.A. 1955, c. 327, s. 18]
19. To facilitate the description for notification of less than a quarter-section, every section shall be taken to be divided into quarter quarter-sections, each of forty acres, more or less, which shall be styled legal subdivisions, and shall be numbered as shown in the following diagram:

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  W.  
  13  14  15  16  
  12  11  10  9   
  5   6   7   8   
  4   3   2   1   
  S.  
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[R.S.A. 1955, c. 327, s. 19]

20. Notwithstanding anything in this Act, the Minister as may direct,

(a) that lands bordering on any river, watercourse or lake, or on a public road, be surveyed, laid out and divided into lots of any certain frontage or depth, in such manner and with such roads as appear desirable, and the lots shall be known and described as settlement lots,

(b) that lands be surveyed, laid out and divided into town or village lots, with such streets, lanes, public places, and squares as are considered necessary,

(c) that roads, of such width as may be prescribed by the Minister, be surveyed and laid out where roads appear to be required,

(d) that townships in whole or in part may be surveyed according to a special plan to be approved by the Minister in which roads and lots are laid out to conform with the actual topography of the land, or with any prepared scheme of settlement,

(e) that lands in remote parts of the unorganized portions of the Province be surveyed, laid out and divided into lots of such size and shape as may be found advisable,

(f) that lands in mountainous regions where the ordinary mode of survey is impracticable, be laid out into townships, sections, quarter-sections and legal or other authorized subdivisions by fixing the corners of such townships, sections, quarter-sections and legal or other authorized subdivisions by reference to points determined by astronomical observations, or by triangulation or other geodetic process, and

(g) that townships, sections, quarter-sections, legal or other authorized subdivisions, settlement lots, town
or village lots, or other lots or parcels of land, surveyed or laid out under the authority of this section, be described for a notification by numbers according to plans of record, or by metes and bounds, or by both, as seems expedient.

[R.S.A. 1955, c. 327, s. 20]

Official Plans of Provincial Lands

21. (1) Plans of provincial lands surveyed or re-surveyed under this Act,
(a) shall be plotted from the surveyors' field notes under the direction of the Director of Surveys, and
(b) shall show the direction and length of the boundaries, the nature and position of the boundary monuments and the areas of the quarter-sections or other parcels of land laid out.

(2) The confirmation of any such plan by the Director of Surveys shall be held to be a confirmation of the survey or re-survey, as the case may be, and the confirmed plan shall be the official plan, but no survey or re-survey of provincial lands shall be confirmed unless made in conformity with this Act.

(3) No land shall be held to be surveyed, or re-surveyed until the official plan of the survey or re-survey has been confirmed by the Director of Surveys.

(4) Where any plan of provincial lands of record in the Department is found to have been improperly or incorrectly plotted from the field notes of the survey, or any omission or clerical error or other defect is found in the plan, the Director of Surveys may cause a new plan to be plotted from the field notes of the survey or a new plan to be made showing the omission or error or defect corrected, and the new plan shall, after confirmation by the Director of Surveys, become the official plan of the survey and shall be used for all purposes instead of the old plan.

(5) Nothing in this section affects any rights claimed or set up under the old plan prior to the date of the confirmation of the new plan, and all transactions prior to that date shall remain in force as if the new plan did not exist.

[R.S.A. 1955, c. 327, s. 21]

Re-Surveys

22. (1) When through an error in the survey a boundary monument is not at the place where it should have been erected, the Minister may order that the monument be removed and that a new monument be erected at the proper place.

Chap. 358
(2) Notwithstanding subsection (1)
(a) no monument defining the boundary of land for which a certificate of title has issued shall be displaced without the consent in writing of the owner thereof, and
(b) no monument defining the boundary of land that is held as a homestead, or under lease, licence, or agreement for sale shall be displaced without the consent in writing of the holder thereof, unless the error in the position of the monument is at least five chains, in which event the Minister may, without the consent of the holder, authorize the correction of the error.

(3) Any person or persons acquiring through the correction referred to in subsection (2), clause (b) any improvements on the land shall be required to pay,
(a) to the owner of the improvements such an amount as may be fixed by the Minister, or
(b) in case either party is dissatisfied with the findings of the Minister, such an amount as is determined by the award of a single arbitrator if the parties concur in his appointment, or, if not, by the award of three arbitrators, one to be named by each of the parties, and the third by the two so named.

(4) If in the case referred to in subsection (3), clause (b) either party refuses or neglects to name an arbitrator within one month after being notified to do so, an arbitrator may be named on his behalf by the Director of Surveys.

(5) If the two arbitrators so appointed cannot agree upon a third arbitrator, then the Director of Surveys may appoint the third arbitrator.

(6) The award of the single arbitrator or of a majority of the three arbitrators is final.

(7) The proceedings upon the arbitration shall be governed by the laws in force in the Province in that behalf. [R.S.A. 1955, c. 327, s. 22]

23. (1) The Minister may order a re-survey on receipt of a petition,
(a) from owners of land not comprising a subdivided townsite, or
(b) from persons holding lands as homesteads, or under lease, licence, or agreement for sale, alleging that part or the whole of the monuments of the original survey have disappeared and cannot be found.

(2) Before beginning any re-survey, public notice thereof shall be given in two issues of The Alberta Gazette, and in a newspaper circulating in the neighbourhood of the lands to be re-surveyed.
SURVEYS

(3) Any person who claims to know the position of one or more of the survey monuments defining the lands to be re-surveyed, or who claims to be in possession of information whereby the position of the monument or monuments can be established, may, before the commencement of the re-survey, give notice thereof by registered letter addressed to the Minister.

(4) Before re-establishing any monument with respect to which notice has been given, the surveyor shall, by registered letter, request the person who has given the notice, to appear before him at a time and place specified, and to show the position of the monument, or to produce the evidence in his possession with regard thereto.

(5) Notwithstanding anything in this Act, any monument re-established under this section to replace a lost monument shall define the boundary line that the monument is intended to mark, even though the monument of the original survey is subsequently found or its position proved by other evidence. [R.S.A. 1955, c. 327, s. 23]

Lands that are the property of the Crown and within which there are no adverse interests may be re-surveyed when necessary. [R.S.A. 1955, c. 327, s. 24]

25. (1) Any re-survey of lands authorized by the Minister under this Act,

(a) for the purpose of removing a monument wrongly placed through an error in a previous survey and erecting a new monument at the proper place, or

(b) for the purpose of re-establishing the lines of a previous survey,

shall, when confirmed by the Director of Surveys, become, and it is hereby declared to be, the original survey of the lands.

(2) Upon such confirmation the boundaries established by the previous survey cease to have any force or effect, and any confirmed plan or plans plotted from the field notes of the previous survey cease to be the official plan or plans of the lands. [R.S.A. 1955, c. 327, s. 25]

Survey of Authorized Subdivisions

26. (1) When it is necessary for an Alberta land surveyor to establish the division line between two sections, he shall effect this by connecting, by a straight line, the opposite original section corners, if they exist, and if not, by similarly connecting points established in renewal thereof, in accordance with this Act relating to lost corners, giving, in either case, the quarter-sections involved an equal breadth.

(2) In laying out a half-section or a quarter-section, the Alberta land surveyor, shall connect the opposite quarter-
SURVEYS

section corners by straight lines, but when the quarter-
section corner in any of the limits of the section has not
been marked by a monument in the original survey, then
the corner shall be established by giving to each half-section
its proportionate share of the limit according to the official
plan of the township, and the half-sections shall then be laid
out by connecting the corner so established to the opposite
corner.

(3) In laying out other authorized subdivisions, the
Alberta land surveyor shall give to every such subdivision
its proportionate share of the frontage and interior breadth,
according to the official plan of the survey, and connect the
resulting terminal points by a straight line.

(4) The lines or limits so drawn on the ground in the
manner described shall, in the respective cases, be the true
lines or limits of the section, half-section, quarter-section,
legal or authorized subdivision, whether they correspond
or do not correspond with the area expressed in the respec-
tive official plans or certificate of title for the lands.

[R.S.A. 1955, c. 327, s. 26]

Original Boundary Lines

27. All boundary lines of townships, sections or other
authorized subdivisions, and of towns or villages, and all
boundary lines of blocks, all section lines, and limits of lots
or parcels of land surveyed or re-surveyed, as defined by
monuments placed at the corners of any such townships
or sections, or of other authorized subdivisions, towns or
villages, or of any blocks, gores, commons, lots or parcels
of land under the authority of this Act or of the Lieutenant
Governor in Council, shall after confirmation of the survey
or re-survey by the Director of Surveys and subject to the
provisions contained in this Act, be the true boundaries
of the townships, sections, or other authorized subdivisions,
towns or villages, blocks, gores, commons, lots or parcels
of land respectively, whether the same upon admeasure-
ment, are or are not found to contain the exact area or
dimensions mentioned or expressed in any official plan or
in any certificate of title, grant, or other instrument of or
affecting any such township, town, village, section or other
authorized subdivision, block, gore, common, lot or parcel
of land.

[R.S.A. 1955, c. 327, s. 27]

28. Every township, section, or other authorized sub-
division, town, village, block, lot, or parcel of land, shall
consist of the whole width included between the several
monuments placed as aforesaid, at the several corners there-
of, and no more or less, notwithstanding any quantity or
measure expressed in the official plan, certificate of title,
grant or other instrument.

[R.S.A. 1955, c. 327, s. 28]
29. Any certificate of title, grant, or instrument purporting to convey any right or interest in any aliquot part of any section, or other authorized subdivision, block, gore, common, lot, or parcel of land, shall be construed to affect such aliquot part of the quantity it contains on the ground, whether the quantity is more or less than that expressed in the certificate of title, grant, or instrument.

[R.S.A. 1955, c. 327, s. 29]

30. (1) In every town or village surveyed or laid out under this Act, all allowances for roads, streets, lanes, or commons, laid out in the original survey of the town or village shall be public highways and commons.

(2) Boundary lines defined by monuments placed or planted in the original survey or re-survey of the town or village to designate or define any allowance for a road, street, lane, lot or common, shall be the true boundaries of the road, street, lane, lot or common.

(3) All Alberta land surveyors employed to make surveys in the town or village shall follow and pursue the same rules and regulations in respect of the surveys as are, by law, required of them when employed to make surveys in townships, as far as such rules and regulations are applicable.

[R.S.A. 1955, c. 327, s. 30]

Re-establishment of Lost Corners

31. (1) When an Alberta land surveyor is employed to run any dividing line or limit between sections or other authorized subdivisions, and any monument erected in the original survey to define a corner of any section or other authorized subdivision cannot be found, the surveyor shall obtain the best evidence that the nature of the case admits of, respecting the monument.

(2) When the position of the monument cannot be satisfactorily ascertained, then

(a) if the lost monument is one defining a township corner, the surveyor shall report the circumstances of the case to the Director of Surveys, who shall instruct him how to proceed,

(b) if the lost monument is on one of the outlines of a township, or on one of the interior meridian section lines of a township, the surveyor shall

(i) connect by a straight line the nearest section or quarter-section corners found on the outline or the interior meridian section line, and

(ii) divide such straight line into such number of quarter-sections as it contained in the original survey, giving to each a breadth proportional to the breadth shown on the official plan of the township,
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(c) if the lost monument is on the outline of a township and all the monuments between it and the corner of the township, together with the monument defining the corner, are also lost, the surveyor shall re-establish the township corner as provided in clause (a) before re-establishing the outlines of the township,

(d) if the lost corner is that of a quarter-section on a section line running east and west in the interior of a township, the surveyor shall connect, by a straight line, the opposite section corners on the meridian boundaries of the section and give to each quarter-section a breadth proportional to the breadth shown on the official plan of the township, and

(e) if a corner on either of the meridian boundaries of the section is also lost, the surveyor shall re-establish the corner before re-establishing the east and west line.

(3) Whenever a surveyor places a monument, as aforesaid, to re-establish a lost corner, he shall duly take into account any allowance for a road or roads, and the corner, or division or limit so established, shall be the true corner, or division or limit of the township, section, or quarter-section.

(4) Notwithstanding anything in this section, re-surveys of provincial lands may be made on the order of the Minister, in such manner, not inconsistent with the other provisions of this Act, as he may direct. [R.S.A. 1955, c. 327, s. 31]

32. The Minister shall, as soon as possible after the confirmation thereof, cause to be transmitted to the Registrar of every land registration district, to be lodged or filed with the Registrar, a copy

(a) of the official plan of the survey or re-survey of each township, settlement, town or village, site, lot, plot, or other survey or re-survey made under the authority of this Act, and

(b) of each plan of provincial lands amended or corrected under the authority of this Act in such land registration district. [R.S.A. 1955, c. 327, s. 32]
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PART 2

ALL SURVEYS OTHER THAN THOSE MADE UNDER PART 1

Subdivision Surveys

33. Whenever a surveyor is employed to make a subdivision survey, the surveyor
(a) shall first re-establish and carefully survey such part of the original outlines of any section, quarter-section, settlement lot or other surveyed parcel of land as is necessary to establish properly the boundaries of the land to be subdivided, and
(b) shall then establish the block corners on the outlines of the land to be subdivided, or if it is intended that there are to be no block corners on the outlines he shall establish those block corners adjacent thereto, and shall subsequently determine the interior block corners of his survey in reference to the block corners first established. [U.S.A. 1955, c. 327, s. 33]

34. Every surveyor shall mark all corners and angles of blocks with iron posts having the number or letter designating the block marked thereon with a cold chisel, and straight lines connecting the said corners and angles in the manner shown on the plan shall constitute the boundaries of the blocks. [R.S.A. 1955, c. 327, s. 34]

35. (1) Block corners so established shall also be referenced by planting iron posts or bars at convenient points in the vicinity of as many block corners as may, in the opinion of the Director of Surveys, be necessary to facilitate the future re-establishment of the block boundaries in the event that the posts at the block corners become lost or destroyed.
(2) Such reference posts or bars shall be of a different type from those required to be placed at block corners, and shall govern the position of a lost block corner or corners.
(3) Full particulars of the iron posts or bars and of their locations shall be recorded in the field notes and shall be shown on the plan. [R.S.A. 1955, c. 327, s. 35]

36. Every surveyor shall mark, in all blocks that have curvilinear boundaries, the points of beginning and end of each curve having a constant radius and shall mark all corners of each lot on the curvilinear boundary with iron posts and where the rear of such lot is bounded by a straight line or lines an iron post shall be planted at each change of direction. [R.S.A. 1955, c. 327, s. 36]

37. The iron posts planted in accordance with sections 35 and 36 shall, upon the registration of the plan of survey, Chap. 358 5346
38. Each and every lot on a block boundary shall have a frontage measurement proportionate to the total distance between the corners of the block, in the same ratio as the frontage measurement of each lot shown on the registered plan bears to the total distance between the corners of the block shown on the plan. [R.S.A. 1955, c. 327, s. 38]

39. Every surveyor employed to survey a side or rear boundary of any lot or parcel of land, not being a block boundary, as shown on a plan of subdivision survey registered after the first day of February, 1931, shall proceed in such a manner as to give to each lot and lane in the block that contains the said lot dimensions proportionate to those of the lot or lane respectively, as shown on the registered plan. [R.S.A. 1955, c. 327, s. 39]

40. All surveys completed on the ground before the twenty-eighth day of March, 1931, certified as correct and registered, shall be deemed for the purposes of this Act to have been made under this Act. [R.S.A. 1955, c. 327, s. 40]

41. When a surveyor is employed
(a) to re-establish the position of any line surveyed under the Canada Lands Surveys Act or under Part 1 of this Act, or
(b) to survey dividing lines between any subdivisions, authorized by either of the said Acts, smaller than those originally laid out,
he shall proceed according to the provisions of Part 1 of this Act. [R.S.A. 1955, c. 327, s. 41]

42. (1) When a surveyor is employed to make a survey in any subdivision of which a plan has been registered after the sixteenth day of February, 1912, and is unable to find the original iron post planted at the corner of any block, or lot on a curvilinear block boundary, of which he is required to re-establish the boundaries, he shall
(a) obtain the best evidence possible of the original position of the post, and
(b) if satisfied in regard to the evidence, re-establish the boundaries accordingly by planting a new iron post in place of the lost post.

(2) When in the opinion of the surveyor the evidence so obtained is inconclusive or untrustworthy,
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(a) if the post is for a block corner at the intersection of two of the external boundaries of the original subdivision, or at the intersection of the inner limits of the streets adjoining the external boundaries, the surveyor shall

(i) join by a straight line the two nearest undisputed points that are block corners on each of the boundaries, or limits,
(ii) produce the two straight lines thus determined to an intersection, and
(iii) plant an iron post in re-establishment of the lost corner at the intersection,

or

(b) if the post is

(i) for a block corner on one of the external boundaries of the subdivision, or
(ii) for a block corner adjacent thereto in cases where no block corners were established on the external boundary, as the same is shown on the registered plan thereof,

the surveyor shall connect by a straight line the nearest undisputed points that are block corners on, or adjacent to, the boundary and that are on opposite sides of the lost corner, and plant an iron post in re-establishment of the lost corner on the said line in such a position that the distances between it and the two undisputed points shall be in the same ratio to each other as the corresponding distances shown on the registered plan, or

(c) in all other cases of lost block corners, the surveyor shall join by straight lines the two nearest undisputed points that are block corners and that are on opposite sides of the lost corner on each of the street lines that intersect at the said corner, and plant an iron post in re-establishment of the lost corner at the intersection of the two straight lines, or

(d) if the post is for a lot corner on a curvilinear block boundary, the surveyor shall

(i) re-establish the said boundary as between the two nearest undisputed points thereon that are on opposite sides of the lost corner and that are shown on the registered plan to be block corners, lot corners or points of curve, and
(ii) re-establish the lost corner on the boundary so re-established in such a way as to make the distances between the said corner and the two undisputed points in the same ratio to each other as the corresponding distances shown on the registered plan. [R.S.A. 1955, c. 327, s. 42]
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43. When a surveyor is employed to make a survey in a subdivision of which a plan has been registered before the sixteenth day of February, 1912, and is unable to find the original post planted at the corner of any block or lot of which he is required to re-establish the boundaries, or if its original position cannot be satisfactorily established by evidence,

(a) if the post is for a block corner the surveyor shall proceed in the manner prescribed in section 42, or

(b) if the post is for a lot corner, the surveyor shall

(i) join by a straight line the two nearest undisputed points, if any, on the block boundary on which the corner occurs on opposite sides of the lost corner, and

(ii) subdivide the distance found by admeasurement on the ground between the points, in such a way as to give each lot or lane a frontage measurement in the same ratio to the distance as the frontage measurement shown on the registered plan of the lot or lane bears to the distance as shown on the plan,

but if there is no undisputed point on the block boundary on either or both sides of the lost corner, the surveyor shall first re-establish the block corner or corners and then proceed in the manner above set forth. [U.S.A. 1955, c. 327, s. 43]

44. Notwithstanding anything to the contrary in this Act, in all cases where the provisions in respect of the re-establishment of lost monuments are found inapplicable, the surveyor shall proceed in such manner as to carry out the evident intention of the original survey as shown on the registered plan of the same. [R.S.A. 1955, c. 327, s. 44]

45. In subdivision surveys, plans of which were registered before the sixteenth day of February, 1912, any original monument or post marking a corner of a block, lot, street, lane, park or other point of survey, the original position of which can be in any way satisfactorily established, shall determine the true and unalterable position of the corner, whether, upon admeasurement on the ground, it is shown to agree with the measurements marked on the plan or not. [R.S.A. 1955, c. 327, s. 45]

46. (1) A surveyor, having first planted suitable permanent reference marks to establish the position of the original monument, may remove a monument in a registered plan of subdivision survey when it is intended to excavate or build to the boundary lines of the lot of which the post is a corner.
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(2) The surveyor shall in regard to the removal file evidence forthwith in the land titles office where the plan is of record, and the evidence shall clearly show the position of the reference marks and of the location of the original monument in regard thereto. [R.S.A. 1955, c. 327, s. 46]

Railway Surveys

47. When a surveyor is employed to make a survey of the lands required by any railroad company for right of way, station grounds, or other railroad purposes, the surveyor shall proceed as follows:

(a) he shall make all measurements, both angular and linear, on the centre line of the railway and shall make all measurements to connect the right of way to the corners of sections, quarter-sections, settlement lots, or other surveyed parcels of land in reference thereto;

(b) he shall establish the location and boundaries of the right of way by planting iron posts, driven into the ground to within two inches of the top, each post being permanently marked with the initial letters of the words composing the name of the company, and the posts shall be planted at right angle offsets from the centre line on the limit of the right of way or station grounds they are intended to define, and on the southerly and westerly side of the centre line wherever possible, except as otherwise provided for in clauses (f) and (h), and at every angle therein at the beginning and end of every curve therein having a constant radius, and also at the intersection of the said limit with the southern or western boundary of each road allowance, or, where there is no road allowance, of each section, settlement lot, or other surveyed parcel of land;

(c) notwithstanding clause (b) he shall plant an iron post at the intersection of the limit of the right of way with one boundary of each quarter-section, and in no case shall the limits of a right of way be surveyed as spiral curves;

(d) he shall proceed in respect of station grounds in the manner provided in clauses (b) and (c) and in addition he shall plant a similar iron post at every angle in the limits of the grounds;

(e) where the centre line intersects the southerly or westerly boundary of a road allowance, or, where there is no road allowance, of a section, settlement lot or other surveyed parcel of land, he shall first re-establish the true position of the two nearest monu-
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ments on the boundary, being on opposite sides of the centre line, and shall connect the same by a straight line and the intersection of the straight line so established and the centre line shall be the point of intersection shown in his field notes and plan of the survey;

(f) when it is not possible to define and post the southerly or westerly limit of the right of way or station grounds, he shall define and post the northerly and easterly limit thereof and in the manner before described in this section;

(g) when the lands required by the railway company as aforesaid are parts of a block or blocks as shown on a registered plan of subdivision, he shall plant an iron post at each intersection of the limits of the right of way or station grounds with the boundaries of the block or blocks, and the position of the posts shall be connected by admeasurement with the survey of the centre line of the right of way and with the nearest corner of the block in which they occur;

(h) when it is not possible to plant iron posts, in the positions herein set forth, to mark the limit either of the right of way or station grounds, he shall plant an iron post by a right angle offset from the centre line, and shall have clearly marked thereon the distance of the right angle offset from the centre line to the iron post so planted.

[R.S.A. 1955, c. 327, s. 47; 1970, c. 106, s. 2]

48. (1) The unposted limit of any right of way or station grounds shall in all cases be determined on the ground from the posted line and in accordance with the measurements shown on the registered plan of the right of way.

(2) The limits of the right of way or station grounds as defined in this Act, shall, when a plan of the survey has been accepted and registered in the proper land titles office, fix the true and unalterable limits of the right of way or station grounds, whether or not upon admeasurement on the ground the iron posts marking the posted limit are found to be in the same relative position to one another, or to the boundaries of the quarter-section, settlement lot, or other surveyed parcel of land as the same are shown on the plan.

[R.S.A. 1955, c. 327, s. 48; 1970, c. 106, s. 3]


49. (1) When a surveyor is employed to make a survey of lands required for right of way for pipe lines or transmission lines he shall plant an iron post on the southern or western limit of the right of way.
(a) at every angle therein and at the beginning and end of every curve therein having a constant radius, and
(b) at the intersection of the said limit with the southern or western boundary of each road allowance, or, where there is no road allowance, of each section, settlement lot, or surveyed parcel of land.

(2) Each such iron post shall have permanently marked thereon the initial letters of the words composing the name of the company or person for whom the survey is made, and in no case shall the limits of a right of way be surveyed as spiral curves. [R.S.A. 1955, c. 327, s. 49]

50. When a surveyor is employed to make a survey of lands required for right of way for irrigation ditches or works, he shall
(a) make and post such surveys along the southerly or westerly limits thereof, to which he shall refer all measurements of the survey, and
(b) in every other respect except as hereinafter provided, proceed in accordance with this Act in regard to surveys of lands required by railroad companies for right of way, station grounds, or other railroad purposes. [R.S.A. 1955, c. 327, s. 50]

Re-Establishment of Lost Posts on Right of Way Surveys

51. When a surveyor is employed to re-establish the limit of a right of way and one of the iron posts marking the limit of the right of way is lost and its original position cannot be satisfactorily established,
(a) if the post originally marked the intersection of the reference line or posted limit of the right of way with the boundary of a road allowance, section, quarter-section, settlement lot, or other surveyed parcel of land, the surveyor shall
   (i) re-establish the reference line or posted limit between the two nearest undisputed points on the reference line or posted limit that are on opposite sides of the lost post, in accordance with the measurements shown on the registered plan of the right of way or station grounds, and
   (ii) plant an iron post in re-establishment of the lost post at the intersection of the reference line or posted limit so re-established and the said boundary,
   and
(b) in all other cases the surveyor shall
   (i) re-establish the reference line or posted limit of the right of way or station grounds between the two nearest undisputed points on the same and on opposite sides of the lost iron post,
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in accordance with the measurements shown on
the registered plan of the right of way or sta-
tion grounds, and

(ii) as nearly as it is possible to do so plant an
iron post in re-establishment of the lost iron post on the reference line or posted limit so re-
established in such manner that it is in the same
relative position, in regard to the two undis-
puted points, as it is shown to have occupied on
the plan. [R.S.A. 1955, c. 327, s. 51]

Road Surveys

52. (1) When a surveyor is employed to make a survey
of lands for right of way for any road, he shall mark the
same on the ground by planting iron posts on one limit of
the proposed road,

(a) at the intersection of the right of way with the
southern or western limit of each road allowance,
or, where there is no road allowance, of each section,
settlement lot or surveyed parcel of land, and in the
case of a section, settlement lot or lots or other
surveyed parcel or parcels of land the surveyor shall
make and post a sufficient number of ties with the
boundaries of the same in order that the area and
location of the road may be accurately determined
with relation thereto, and

(b) at each change of direction of the proposed road and
at intermediate points between changes in direction
as near as is possible to twenty chains apart, and in
no case farther than thirty chains apart,

and all measurements shall be made in reference to the
posted limit of the proposed road.

(2) The posts planted in accordance with this section
shall be numbered consecutively from the point of beginning
to the end of the survey, and each post shall have its number
together with the letter “R” permanently marked thereon,
and shall be driven to within four inches of the top.

(3) Each point marked by an iron post as provided in this
section shall be further marked by digging four pits, each
two feet square and twelve inches deep, and shall be so
placed that two straight lines drawn through the iron post
at right angles to one another shall each pass through the
centres of two of the pits, and the inside edge of each pit
shall lie on the side of a square whose sides are six feet long
and whose centre is the iron post.

(4) Notwithstanding subsection (3), the Director of
Surveys may authorize the use of such other type of supple-
mentary mark as he considers suitable.

[R.S.A. 1955, c. 327, s. 52; 1965, c. 90, s. 3;
1970, c. 106, s. 4]
Establishment of posts along unsurveyed section line

53. In the case of a surveyed road along an unsurveyed section line or along the quarter-section line, posts shall be established on the road allowances as above described, and two intermediate posts shall be established on one limit of the roadway, which shall be approximately equidistant from each other and from the posts on the road allowances, but in no case shall they be planted at a greater distance apart than thirty chains. [R.S.A. 1955, c. 327, s. 53]

Re-location of limits of surveyed road

54. When a surveyor is employed to make a survey that is adjoined by a surveyed road or that is for the purpose of relocating on the ground the limits of a surveyed road, and the surveyor is unable to find the original monument at any change in direction of the same, he shall obtain the best evidence possible of the original position of the monument, and, if satisfied in regard to the evidence, he shall establish the limits of the surveyed road by planting an iron post marked with the number of the original monument and digging four pits as described in section 52. [R.S.A. 1955, c. 327, s. 54]

Procedure in case of a lost monument

55. (1) Where a monument is lost and no evidence can be obtained as to the original position of the monument, the surveyor

(a) shall locate on the ground two adjacent undisputed monuments on each side of the lost monument, and

(b) shall assume the straight lines between these undisputed monuments to have the bearings given them on the plan of survey thereof.

(2) From the bearings referred to in subsection (1) the surveyor shall locate on the ground the intersection of the courses of the original surveyed road on each side of the lost monument, and shall give to each the bearing shown on the plan of survey, and the intersection of the two courses so located shall be the true corner, whether or not the chainage obtained of the same agrees with the chainage on the plan of survey. [R.S.A. 1955, c. 327, s. 55]

Procedure in case of two or more lost monuments

56. Where two or more consecutive monuments are lost, the surveyor

(a) shall locate on the ground the two adjacent undisputed monuments preceding in notation the lost monument marked with the smallest number,

(b) shall assume the straight line thus established to have the bearing given to it on the plan of survey thereof, and

(c) shall re-establish the lost monuments in order by giving to each course the bearing and chainage shown on the plan of survey, and in each case shall
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plant an iron post marked with the number of the original monument and dig pits as hereinbefore provided until there remains only one lost monument to be re-established, when the surveyor shall proceed as under the provisions of section 55.

[R.S.A. 1955, c. 327, s. 56]

Traverse Surveys

57. (1) Where traverse surveys are required to determine the boundaries of a parcel of land fronting on a lake, river, stream or other flooded area, or to determine the boundaries of a reservoir or any flooded area, the surveyor shall plant iron posts

(a) at the beginning and end of the traverse, such points being fixed on lines that have been determined astronomically or upon previously surveyed lines, the information of which is on record,

(b) at the intersection of the traverse line with the posted boundaries of each road allowance, or where there is no road allowance of each section, settlement lot, or other surveyed parcel of land, and

(c) at such other points as may be deemed necessary.

(2) All measurements shall be made with reference to the iron post so established.

(3) The iron posts shall be driven into the ground to within four inches of the top. [R.S.A. 1955, c. 327, s. 57]

58. In determining boundaries under this section

(a) offsets shall be made every one hundred feet and at less intervals if the nature of the case demands,

(b) all traverse lines and offsets shall be actually measured and complete angular measurement taken, and

(c) complete ties shall be taken connecting the bank and traverse with any other survey of a permanent nature that may be affected.

[R.S.A. 1955, c. 327, s. 58]

59. All plans of surveys under sections 57 and 58, shall clearly show all the angular and linear measurements defining them, the position and lengths of all offsets, and also whether the bank, centre of stream, high water line or other line forms the boundary, and such other information as may be of service in order that a clear and accurate interpretation of the survey can be arrived at.

[R.S.A. 1955, c. 327, s. 59]

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Inspection of Surveys

60. (1) The Director of Surveys may, on the application of a Registrar of Land Titles or the council of the Alberta Land Surveyors’ Association, or for any other reason that he deems sufficient, make an inspection of any survey required to be made in accordance with this Act, or order such inspection to be made by such surveyor as he may appoint.

(2) The Director of Surveys, or any surveyor so appointed by him, has all the rights and powers conferred upon a surveyor under this Act.

(3) Any person interfering or obstructing the Director of Surveys, or other surveyor making an inspection under this section, shall be deemed guilty of an offence against section 94, subsection (2).

(4) The costs of the inspection shall be governed by regulation made by the Lieutenant Governor in Council.

[R.S.A. 1955, c. 327, s. 60]

61. (1) The Director of Surveys, or surveyor appointed by him under section 60,

(a) shall inspect any survey concerning which a complaint has been made, and

(b) shall consider any evidence that may have been presented to the surveyor who made the survey.

(2) Any surveyor employed by the Director of Surveys to make an inspection shall make a report to him in regard thereto and such returns of the same as the Director of Surveys may require.

(3) The Director of Surveys may take such steps as he considers advisable under the circumstances, and shall make a report of his findings, or the findings of the surveyor employed by him, to the Registrar or the council, as the case may be.

(4) The Director of Surveys may, with the approval of the Minister, reject any plan of surveys that on inspection are proven to have been made in an incorrect manner, and may compel the surveyor making the plan of survey to correct it forthwith.

[R.S.A. 1955, c. 327, s. 61]

Re-surveys within Subdivided Townsites

62. (1) The council of any city, town, village, county or municipal district may, on the application of one-half of the persons registered or assessed as owners of the lands to be affected thereby, or without an application, pass a resolution that it is desirable to re-survey and place durable monuments at the corners of any blocks, lots or other surveyed parcels of land within the limits of the city, town, village, county or municipal district.

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(2) Upon receipt of such resolution, the Lieutenant Governor in Council

(a) may direct a re-survey to be made of the blocks, lots or other surveyed parcels of land,

(b) may direct durable monuments to be placed to mark the corners thereof, and

(c) may appoint a surveyor to have charge of the re-survey under the control and direction of the Minister.

(3) Before beginning any such re-survey, public notice thereof shall be given in two issues of *The Alberta Gazette*, and once in each week for two consecutive weeks in a newspaper circulating in the vicinity of the lands to be affected thereby.

(4) Any person possessing knowledge of the position of one or more of the monuments of the original survey, or information whereby the position of the monument or monuments can be established, may give notice thereof by registered letter to the Director of Surveys before the commencement of the re-survey.

(5) Before re-establishing any monument with respect to which any notice has been given, the surveyor appointed to make the survey shall, by registered letter, request the person who has given the notice to appear before him at a time and place specified and to show the position of the monument or to produce the evidence in his possession with regard thereto. [R.S.A. 1955, c. 327, s. 62]

(6) shall make the re-survey in accordance with this Act,

(b) shall place iron posts or other durable monuments approved by the Minister, to mark the same, and

(c) shall submit plans in triplicate and such other returns respecting the re-survey as the Minister may require. [R.S.A. 1955, c. 327, s. 63]

64. (1) Upon receipt of the plans in triplicate and other returns, the Minister

(a) shall cause a notice thereof to be inserted in two issues of *The Alberta Gazette*, and once each week for a period of four consecutive weeks in some newspaper circulating in the vicinity of the lands resurveyed, and

(b) shall specify in the notice a day, not less than ten days from the date of the last publication of the notice, on which the returns will be considered, and the parties affected thereby heard.
(2) Upon the hearing the Minister may either confirm the survey or direct such amendments or corrections to be made as seem just, and shall confirm the survey so amended or corrected.

(3) The monuments so established shall thereafter mark the permanent boundary lines of the lands re-surveyed to all intents and purposes whatsoever.

(4) The order of the Minister confirming the survey is final and conclusive upon all parties, and shall not be questioned in any court whatsoever, whether the old monuments marking the original survey, or any of them, are subsequently found, or their position proved by other evidence or not. [R.S.A. 1955, c. 327, s. 64]

65. The Minister shall, as soon as possible after the confirmation thereof, cause one copy of the official plan of the re-survey to be lodged or filed with the Registrar of the registration district within which the re-survey lies. [R.S.A. 1955, c. 327, s. 65]

66. All expenses in connection with any re-survey, or the placing of monuments under sections 62, 63, 64 and 65, shall be paid by the treasurer of the municipality upon whose resolution the re-survey was made, on the certificates of the Minister, which may be issued at his discretion from time to time during the progress of the survey. [R.S.A. 1955, c. 327, s. 66]

67. (1) When an application for any re-survey has been made as hereinbefore provided, the council of the city, town, village, county or municipal district shall procure an estimate of the amount requisite to make the re-survey and place any monument under sections 62 to 66, and such amount shall be added to and form part of the taxes of the lands affected for municipal purposes in proportion to the assessed value of the lands as shown by the last revised assessment roll.

(2) The amount of the expenses may be recovered by any of the modes available for the recovery of taxes.

(3) Notwithstanding subsections (1) and (2) the council may, without a previous estimate, levy on lands affected, in the proportions aforesaid, the amount of the expenses wherein they have been incurred and ascertained, and the certificates of the Minister certifying the amount of the expenses as aforesaid are conclusive evidence of the amount thereof. [R.S.A. 1955, c. 327, s. 67]

68. (1) Where a re-survey is made in consequence of a resolution passed by council of its own motion, the council may pay out of the general funds of the municipality either the whole of the expenses or such part thereof as it deems proper.

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(2) Where the council pays only a part of the expenses out of general funds, the council may order that the remainder of the expenses be levied on the owners in the proportion and manner provided in section 67.

[R.S.A. 1955, c. 327, s. 68]

Surveyor's Certificate

69. (1) All surveys made under this Act shall be made in person by the surveyor certifying to the correctness thereof, and a certificate in Form A in the Schedule attached to any plan of a survey shall not be signed by the surveyor unless

(a) the survey represented by the plan has been actually carried out by the surveyor so certifying, under his personal supervision and direction during the whole time that the survey was in progress,

(b) the survey has been fully posted and completed on the ground,

(c) the system of survey employed has been in all respects in accordance with this Act, and

(d) the surveyor has been personally present on the ground and present at all material times during the progress of the whole survey.

(2) An Alberta land surveyor who contravenes this section in making a survey, whether he has signed a certificate in Form A or not, is liable under The Land Surveyors Act to a charge of conduct unbecoming an Alberta land surveyor and is subject to the provisions of that Act pertaining to discipline, and is liable to the penalties provided by those provisions.

[R.S.A. 1955, c. 327, s. 69; 1960, c. 103, s. 2]

PART 3

GENERAL PROVISIONS

70. For the purposes of this Act any survey of lands made under the Dominion Lands Surveys Act, before the seventh day of July, 1931, shall be deemed to have been made under this Act.

[R.S.A. 1955, c. 327, s. 70]

71. Nothing contained in this Act shall be deemed in any way to apply to surveys of land continued to be vested in and administered by the Government of Canada as National Parks under the agreement of transfer.

[R.S.A. 1955, c. 327, s. 71]

72. (1) The measure of length used in surveys made under this Act shall be the Canadian measure of length defined by the Weights and Measures Act (Canada).
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(2) Every Alberta land surveyor
(a) shall possess a subsidiary standard of a type approved by the Director of Surveys, on obtaining which, and thereafter as may be required by regulation, he shall compare it with and verify it by a tested subsidiary standard to be obtained and kept by the Director of Surveys, and
(b) shall verify all tapes or chains used by him by the subsidiary standard in his possession.

(3) The subsidiary standard in the possession of the surveyor shall be used only for testing purposes.
[R.S.A. 1955, c. 327, s. 72]

73. An Alberta land surveyor and his duly authorized assistants, when engaged in the performance of their duties as such, may pass over, measure along and ascertain the bearings of any line or boundary whatsoever, and for such purposes may pass over, or through, the lands and buildings of any person whomsoever, but shall do no actual damage to the property of such person. [R.S.A. 1955, c. 327, s. 73]

74. Every Alberta land surveyor, acting in that capacity,
(a) may examine witnesses on oath with respect to all matters relating to the survey of lands, and
(b) may administer an oath to every person whom he examines in relation to such matters.
[R.S.A. 1955, c. 327, s. 74]

75. (1) When any Alberta land surveyor
(a) is in doubt as to the true corner, boundary, or limit of any parcel or tract of land whatsoever that he is employed to survey, and
(b) has reason to believe that any person is possessed of important information touching the corner, boundary, or limit, or of any writing, plan, or document tending to establish the true position of the corner, boundary, or limit, and if that person
(i) does not willingly appear before and suffer himself to be examined by the surveyor, or
(ii) does not willingly produce to him the writing, plan, or document upon demand therefor,
the surveyor may apply to any justice of the peace for an ordinary subpoena ad testificandum, or a subpoena duces tecum, as the case requires, accompanying the application by an affidavit or solemn declaration as to the facts on which the application is founded.

(2) The justice of the peace may issue a subpoena accordingly, commanding the person to appear before the surveyor at a time and place mentioned in the subpoena, and, if the case requires it, to bring with him any writing, plan, or document mentioned or referred to therein.
[R.S.A. 1955, c. 327, s. 75]
76. A subpoena issued as in Section 75 shall be served on the person named therein by delivering a copy thereof to him and exhibiting to him the original and if the person required in the subpoena to appear, his reasonable expenses having been paid or tendered to him, refuses or neglects (a) to appear before the surveyor at the time and place appointed in the subpoena, or to produce the writing, plan, or document, if any, referred to or (b) to give such evidence and information as he possesses touching the corner, boundary, or limit in question, a warrant by a justice of the peace for the arrest of that person may be issued, and he is guilty of an offence and liable on summary conviction to a fine not exceeding one hundred dollars, or to imprisonment for a term of ninety days, or to both fine and imprisonment.

77. (1) All evidence taken by a surveyor, as aforesaid, shall be reduced to writing and shall be read over to the person giving the evidence, and shall be signed by him, or if he cannot write, shall be acknowledged by him as correct before two witnesses, who shall sign it, as shall also the surveyor. The evidence shall be filed and kept and any document or plan prepared by or sworn to by any surveyor, or surveyor's plan prepared to survey or to produce, either in evidence in court, may be filed and kept subject to being produced thereafter, after in evidence in court.

78. (1) Every surveyor shall keep exact and regular field notes of all surveys made by him. The field notes shall show (a) the date on which the survey was made, (b) the original measurements taken on each line of the survey, (c) the lineal measurements taken on each line, (d) the astronomic bearing or angular measurement of each line with some other line of the survey, (e) the nature, markings and location of each post, (f) the nature of, and marking on, all original monuments found by him upon the ground, or where the monuments are not found; the information or evidence as to original boundaries taken as a basis for the survey, together with angular and lineal measurements, to all existing topographical features of the land surveyed. If he cannot write, shall be acknowledged by him as correct before two witnesses, who shall sign it, as shall also the surveyor.

(2) The evidence shall be filed and kept and any document or plan prepared by or sworn to by any surveyor may be filed and kept subject to being produced thereafter, after in evidence in court.
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concerned, for which copies he may charge at the rate of two dollars for each hour or fraction of an hour required to make the same.

(4) The surveyor shall furnish to the Minister, when required to do so, a copy of the field notes properly certified. [R.S.A. 1955, c. 327, s. 78]

Marking of corners with iron posts

79. (1) If, in the execution of a survey, a surveyor establishes any corner of a section, quarter-section or legal subdivision that was not previously marked by any monument, or

(a) re-establishes the position of any corner of a section, quarter-section or legal subdivision that has previously been marked by a survey post, with or without pits or a mound or trench, and at which such survey post can no longer be found,

the surveyor shall mark with an iron post every corner so established or re-established by him and shall prepare a copy of the plan of survey so made by him and certify that the same is a true copy of the plan of which it purports to be a copy or, if no plan of the survey is otherwise required to be prepared, he shall prepare a plan showing the location of any corner or corners so established or re-established and details of the evidence or method by which such establishment or re-establishment was effected, together with the date of the survey, and shall certify that such survey and plan have been made in accordance with this Act.

(2) Every certified plan or copy of a plan required to be prepared under subsection (1) shall, within sixty days after the completion of the survey, be transmitted by the surveyor to the Director of Surveys.

(3) Upon approval of the plan or copy thereof by the Director of Surveys, the same shall be forwarded by him to the Registrar of Land Titles for the land registration district in which the land to which it relates is situate, and upon receipt thereof the Registrar shall cause it to be filed in his office. [R.S.A. 1955, c. 327, s. 79]

80. (1) All surveys shall be referred to the local astronomical meridian.

(2) No person shall make use of the magnetic compass in making surveys. [R.S.A. 1955, c. 327, s. 80]

81. Except as herein otherwise specifically provided, every surveyor shall at all corners or angles of any survey erect iron posts

(a) which shall be driven into the ground to within four inches of the top, where the nature of the ground permits, and
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(b) which shall be driven flush with the ground in all cases where they are liable to injury by traffic, or any other cause that would render them liable to destruction. [R.S.A. 1955, c. 327, s. 81]

82. (1) Where a corner of a surveyed parcel of land falls within a marsh, lake, river, stream, or other place where it is impossible to plant a post, that corner shall be referenced by planting an iron post on one of the boundaries of the surveyed parcel which intersects at the corner, and the distance to the corner shall be marked on the post together with such other information as to establish clearly such corner beyond dispute.

(2) Where the true corner would be marked by pits, such iron post shall be marked additionally by the construction of a witness trench.

(3) Where the corner falls within a marsh and the water does not exceed two feet in depth, the surveyor shall, in addition to the iron post mentioned in subsection (1), plant a wooden post not less than three inches in diameter with squared top, and of such a length that it can be firmly driven into the ground, and be exposed above the water a sufficient distance to clearly show the marking on it.

(4) The markings on the post shall be of such nature as to indicate clearly the corner of the parcel it is intended to mark. [R.S.A. 1955, c. 327, s. 82]

83. The iron posts or bars referred to in this Act and that are intended to be used by surveyors in making surveys, shall be obtained from the Department at a price fixed from time to time by the Minister. [R.S.A. 1955, c. 327, s. 83]

84. No person shall act as a surveyor of any lands to which this Act applies unless he has become qualified to do so under The Land Surveyors Act. [R.S.A. 1955, c. 327, s. 84]

85. (1) Every chain-bearer employed in the survey of land shall, before he begins his chaining or measuring, take an oath or affirmation

(a) that he will discharge his duty with exactness, according to the best of his judgment and ability, and

(b) that he will render a true account of his chaining or measuring to the surveyor by whom he is employed.

(2) Any Alberta land surveyor may administer the oath or take the affirmation. [R.S.A. 1955, c. 327, s. 85]
86. The Lieutenant Governor in Council

(a) may make such orders as are deemed necessary to carry out the provisions of this Act, according to their true intent, or to meet any cases that arise and for which no provision is made in this Act, and may further make and declare any regulations that are considered necessary to give this section full effect,

(b) may prescribe, upon making any such regulation, a penalty by way of fine, and imprisonment in default of payment of the fine, for any contravention of the regulation, but the amount of the fine shall not be more than two hundred dollars exclusive of costs, and the term of the imprisonment shall be not more than three months,

(c) may provide that any statement or return required to be made by any regulation is to be verified by oath, and

(d) may establish a tariff of fees to be charged by the Minister for all copies of maps, township plans, field notes and other records.

87. Every order or regulation made by the Lieutenant Governor in Council by virtue of this Act shall be laid upon the table of the Legislative Assembly at its first session after the date of publication thereof and, unless and until the same is disallowed by resolution of the Legislative Assembly, shall continue to remain in full force and effect.

88. (1) In accordance with The Public Service Act there may be appointed a qualified surveyor as Director of Surveys who shall administer this Act and the regulations and orders made hereunder, under the direction and supervision of the Minister.

(2) The Director of Surveys shall

(a) make or cause to be made or have direction over the execution of surveys required by the Minister or by any Act, and

(b) prepare or cause to be prepared and issued the maps and plans required by all Departments of the Government.

89. (1) Copies of any records, documents, plans, books or papers, belonging to or deposited in the Director of Survey's office, and attested under the signature of the Minister, or of the Director of Surveys, or of any chief clerk or officer authorized to attest the same, shall be received as
...essential to that arising from the Act, and that full...evidence, and of the contents thereof. [R.S.A. 1955, c. 327, ss. 88 and 89]

90. All affidavits, oaths, solemn declarations or affirmations required to be taken or made under this Act, except as otherwise provided in this Act, may be taken before any justice of the peace, or any commissioner for taking affidavits, or any notary public, or any Alberta land surveyor, or any person specially authorized to take the same by this Act or by the Minister. [R.S.A. 1955, c. 327, s. 90]

91. The Minister may require any statement in relation to any land to which any Act relating to provincial lands applies, to be verified by oath, affirmation, declaration or affidavit. [R.S.A. 1955, c. 327, s. 91]

92. The Minister, with the approval of the Lieutenant Governor in Council,

(a) may, whenever he deems it necessary to do so, vary any of the forms in the Schedule to this Act, or to any Act amending it, or

(b) may from time to time, with the like approval, cause to be adopted such other forms as he considers applicable to or necessary in or for the purposes of any special case or class of cases. [R.S.A. 1955, c. 327, s. 92]

93. (1) In this section “survey control” means the establishment and maintenance of a series of interrelated survey monuments to which existing and subsequent surveys performed in accordance with this Act may be related.

(a) enter into an agreement with a municipality for the purpose of providing survey control under the direction of the Director of Surveys within all or part of that municipality and specify the manner in which the costs are to be distributed between the Province and the municipality, and

(b) instruct the Director of Surveys to provide survey control in any area of the Province where he deems it necessary for the orderly development of existing and subsequent surveys performed in accordance with this Act, and
SURVEYS

(c) instruct the Director of Surveys to prepare such maps, plans and records as may be required to facilitate the development of survey control, and
(d) upon confirmation by the Director of Surveys of such maps, plans and records, by order, declare the area to be a survey control area and from time to time alter the boundaries of it.

(3) The survey control within a survey control area may be considered as evidence of the position of a lost monument or an obliterated monument.

(4) The Lieutenant Governor in Council may prescribe, by regulation, the manner in which surveyors shall relate surveys performed by them in accordance with this Act to the survey control.

[1965, c. 90, s. 6]

94. (1) Every person who, not being an Alberta land surveyor, knowingly and wilfully has in his possession and custody, not for any lawful purpose in connection with a survey of lands in Alberta, any monument, or any post or monument intended, or apparently intended to be used for the purposes of any survey, or to mark any limit, boundary or angle, is guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding six months, or to a fine not exceeding one hundred dollars, or to both fine and imprisonment, in the discretion of the court.

(2) Every person who, in any part of the Province, interrupts, molests, or hinders any land surveyor, while in the discharge of his duty as a surveyor, is guilty of an offence and liable on summary conviction to a fine not exceeding fifty dollars or to imprisonment for a term not exceeding two months, or to both fine and imprisonment.

(3) No person shall, within the Province, act as a surveyor unless

(a) he has been duly authorized to practise as a land surveyor according to The Land Surveyors Act, and

(b) he has become registered under The Land Surveyors Act,

and any person so doing is guilty of an offence and liable on summary conviction to a fine of not less than forty dollars or more than one hundred dollars.

(4) Every person who contravenes any regulation made pursuant to section 86 is guilty of an offence and liable on summary conviction to a fine not exceeding two hundred dollars, or to such lesser fine as may be prescribed in the regulations in respect of any contravention thereof, and in default of payment of the fine, to imprisonment for a term not exceeding three months or such lesser terms as may be provided in the regulations in respect of such contravention.

[R.S.A. 1955, c. 327, s. 93]
SURVEYS

95. Nothing in this Act shall be held to prevent Alberta
land surveyors,

(a) from displacing in their operations any monuments
or other boundary marks when necessary, after
which they shall carefully replace them as they
were before, or

(b) from removing in their operations a monument and
erecting a new one when making a re-survey under
the authority of this Act.

[R.S.A. 1955, c. 327, s. 94]

SCHEDULE

FORM A

(Section 69)

I, (name of surveyor), of the (place of residence) Alberta,
land surveyor, make oath and say:

That the survey represented by this plan has been made by
me in accordance with the provisions of The Surveys Act;

That this survey was performed between the dates of

.............................................and............................................. A.D. 19..........

and that this plan is true and correct, and is prepared in
accordance with the provisions of The Land Titles Act.

Sworn before me at the

............................................. of .............................................

in the Province of Alberta, .............................................
this.............day of............. Alberta Land Surveyor

A.D. 19.............

.............................................

[R.S.A. 1955, c. 327, Schedule, Form A]
SURVEYS
FORM B
(Section 78)

I,.................................................., Alberta land surveyor, do solemnly declare that the survey represented by the foregoing field notes has been made by me in accordance with the provisions of The Surveys Act, and that the said field notes are true and correct to the best of my knowledge and belief.

Declared before me at...........

........................ this ...........

day of..........................19......

..................................

[R.S.A. 1955, c. 327, Schedule, Form B]