THE ALBERTA LAND SURVEYORS ACT

CHAPTER 169

An Act respecting Land Surveyors

1. This Act may be cited as "The Alberta Land Surveyors Act". [R.S.A. 1942, c. 287, s. 1]

Interpretation

2. In this Act,
   (a) "Association" means the Alberta Land Surveyors Association;
   (b) "Board" means the Board of Examiners appointed by the General Faculty Council of the University for the purposes of examining candidates for admission to study or to practice as land surveyors under this Act;
   (c) "Council" means the Council of Management of the Association;
   (d) "President" means the President of the Association, or the presiding officer for the time being at a general meeting of the Association;
   (e) "Secretary", "Secretary-Treasurer" or "Registrar" means the Secretary-Treasurer of the Association;
   (f) "University" means the University of Alberta. [R.S.A. 1942, c. 287, s. 2; 1952, c. 44, s. 2]

Registration of Land Surveyors

3. (1) Subject to the provisions of The Oil and Gas Authority to Resources Conservation Act, The Right of Entry Arbitration Act, and to any rules of practice or procedure established thereunder, no person within the Province shall act as a surveyor of any land other than land held in the right of Canada unless he has been duly authorized to practice as a land surveyor pursuant to this Act and is registered under this Act.
   (2) A person contravening subsection (1) is guilty of an offence and liable on summary conviction to a fine of not less than forty nor more than one hundred dollars and in default of payment to imprisonment for a term of not more than three months. [R.S.A. 1942, c. 287, s. 3; 1954, c. 52, s. 2]

Constitution and Powers of the Association

4. All persons who become duly authorized to practice as land surveyors under this Act constitute the Alberta Land Surveyors Association.
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Surveyors’ Association which is hereby constituted a body politic and corporate with perpetual succession and a common seal.

[P.S.A. 1942, c. 287, s. 4]

Powers of Association

5. The Association may
(a) acquire and hold real estate not having at any time an annual value exceeding five thousand dollars, and
(b) alienate, exchange, mortgage, lease or otherwise charge or dispose of the real estate, or any part thereof, as occasion requires.

[P.S.A. 1942, c. 287, s. 5]

By-laws

6. (1) The Association may pass by-laws not inconsistent with this Act for
(a) the government and discipline of its members,
(b) the management of its property,
(c) the maintenance of the Association by levying contributions or otherwise, but no such levy or levies shall in any year exceed the total sum of twenty dollars on each member,
(d) the examination and admission of candidates for the study or practice of the profession, and
(e) such other purposes as are necessary for the working of the Association.

(2) All by-laws shall be prepared by the Council and before becoming effective shall be ratified by the Association at its annual general meeting or at a special general meeting called for the purpose.

[P.S.A. 1942, c. 287, s. 6]

Council of the Association

7. (1) There shall be a Council of Management of the Association which shall consist of the President and Vice-President and six other members, all of whom shall be elected and hold office as hereinafter provided.

(2) The President, or in his absence the Vice-President, or in the absence of both, the senior elected member of the Council, shall act as chairman at all meetings of the Council.

(3) At the first meeting of the Council following the election of the President and Council for the ensuing year, the Council shall appoint such other officers as are thought to be necessary for the carrying out of this Act, and such other officers shall hold office during the pleasure of the Council.

(4) Meetings of the Council shall be held by order of the President or at the request of three members of the Council, and due notice of the meetings shall be given by the Secretary to each member thereof by mailing the notice to the registered address of each member at least fourteen days previous to the time of the meeting.

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(5) The members of the Association shall annually elect from among their number a President, Vice-President, Secretary-Treasurer, two auditors and three members of the Council.

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

(7) In the case of the resignation, death or dismissal of the President, Vice-President or an elected member of the Council the other members of the Council have power to fill the vacancy by appointment for the unexpired portion of the term of office. [R.S.A. 1942, c. 287, s. 7; 1954, c. 52, s. 5]

8. The Council shall
(a) maintain the discipline of the members of the Association,
(b) prevent or remedy misunderstandings between members of the Association, and hear and decide all complaints and accusations against members in relation to their professional conduct,
(c) prepare the by-laws of the Association, and
(d) draw up for submission to the annual general meeting of the Association an annual report on the operations of the Association, which shall be in the form of the minutes of all meetings of the Council during the preceding year. [R.S.A. 1942, c. 287, s. 8]

Elections

9. (1) The President, Vice-President, Secretary-Treasurer, auditors, and three members of the Council may be elected at the annual general meeting in each year if the election is unanimous.

(2) If any of the officers mentioned in subsection (1) are not elected unanimously at the annual general meeting, a ballot for the election of an officer not so elected may be demanded at the meeting by a member of the Association entitled to vote at the election.

(3) Where a ballot is demanded under subsection (2) at an annual general election
(a) the President or in his absence the Vice-President shall appoint two scrutineers to count the ballots,
(b) the Secretary-Treasurer shall, at that annual meeting, receive nominations of candidates for each office in respect of which a ballot has been demanded, and
(c) the election shall take place in the manner herein-
All elections under this Act shall be by ballot if demanded and shall be conducted in the manner provided by this Act and by the by-laws of the Association.

[R.S.A. 1942, c. 287, s. 8]

Not more than one week after an annual general meeting at which a ballot has been demanded, the Secretary-Treasurer as Registrar of the Association shall send by post to each member of the Association at his last known address:

(a) a voting paper in Form A in the Schedule,
(b) a list of the names of all candidates nominated at the general meeting, indicating on the list the position or office for which each is respectively nominated, and
(c) a list of the retiring members.

Voting for officers and members of the Council shall be limited to the persons who have been nominated.

[R.S.A. 1942, c. 287, s. 10]

The votes at an election by ballot for officers and members of the Council shall be:

(a) given by closed voting papers in Form A in the Schedule or to the like effect, and
(b) 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 fifteenth day of February and the fifteenth day of March in each year in which an election by ballot is held.

Any voting papers received by the Secretary-Treasurer by post during the time specified in clause (b) of subsection (1) shall be deemed to be properly delivered to him for the purposes of the election.

[R.S.A. 1942, c. 287, s. 11]

Upon the first Thursday after the fifteenth day of March the voting papers shall be opened by the Secretary-Treasurer in the presence of the appointed scrutineers who shall examine and count the votes and keep a record thereof in a proper book provided by the Council.

A person who is entitled to vote at the election is entitled to be present at the opening of the voting papers.

The persons who have the highest number of votes for election to the positions or offices for which they were respectively nominated shall be declared elected.

[R.S.A. 1942, c. 287, s. 12]

Where the casting of an equal number of votes in favour of two or more persons leaves the election of one or more officers or members of the Council undecided
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(a) the scrutineers shall forthwith
   (i) write on separate pieces of paper of similar size and appearance the names of the persons who have received the equal number of votes, and
   (ii) place such papers in a ballot box,
(b) 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 of officers or members of the Council to be elected, and
(c) the person or persons whose name or names are upon the papers so drawn shall be the elected officer or officers or the elected member or members of the Council, as the case may be.

(2) Upon the completion of the counting of the votes and of the scrutiny the Secretary-Treasurer shall
   (a) forthwith declare the result of the election,
   (b) as soon as convenient report to the President the result of the election in writing signed by himself and the scrutineers, and
   (c) notify the elected members of their election.

[R.S.A. 1942, c. 287, s. 13]

14. If at an election for members of the Council a member places upon the voting paper more names than the number of members required, only the names first entered thereon up to but not exceeding the required number of members shall be counted.  [R.S.A. 1942, c. 287, s. 14]

15. (1) The persons qualified to vote at an election shall be such members of the Association as have paid all fees due from them to the Association under the provisions of this Act, and of any by-law of the Association.
   (2) No person is eligible for election to an office or to the Council, qualified to fill a vacancy thereon, or qualified to be appointed by the Council to an 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.A. 1942, c. 287, s. 15]

16. (1) Where there is doubt or dispute as to
   (a) the person who has been elected to an office, or who has been elected as a member of the Council, or
   (b) the legality of the election of any such officer or member of the Council,
the other duly elected officers and members may hold an inquiry and decide who, if any, is the legally elected officer or member of the Council, and such other duly elected officers and members are hereby constituted a committee for that purpose.
(2) The person or persons, if any, whom the committee decides have or have been elected shall be the officer or officers, or member or members legally elected, and if the election is found by the committee to have been illegal the committee may order a new election.  

[R.S.A. 1942, c. 287, s. 16]

Meetings

17. (1) At a Council meeting except when questions of discipline are to be decided three constitute a quorum, and all matters shall be decided by a majority of the votes of the active members of the Council present at that meeting, but the chairman shall vote only when the votes are evenly divided.

(2) Questions of discipline shall be decided only if a majority of the whole Council vote in favour of the decision.  

[R.S.A. 1942, c. 287, s. 17]

Annual general meeting

18. (1) The annual general meeting of the Association shall be held on the Tuesday following the third Monday in January in each year, in the City of Edmonton or such other place as shall be determined at the previous annual general meeting.

(2) Due notice of the meeting shall be given by the Secretary-Treasurer to each member of the Association by mailing a circular letter enclosed in a prepaid envelope addressed to the registered address of the member at least thirty days before the meeting.  

[R.S.A. 1942, c. 287, s. 18]

Examinations

19. (1) The examinations of candidates for admission to study and also of candidates for admission to practise as Alberta land surveyors shall be under the control of the University, the Board for this purpose being appointed by the General Faculty Council of the University on the joint nomination of

(a) the President of the University, or some person appointed by him for that purpose, and

(b) the examining committee of the Association as hereinafter constituted.

(2) The examining committee of the Association shall consist of the Secretary and three other members of the Association, who shall be appointed by the Council and hold office during the pleasure of the Council.

(3) The Secretary of the Association shall be the Secretary of the examining committee.

(4) The examining committee shall

(a) consult with the President of the University or a person appointed by him for that purpose,
(b) select persons who would be suitable members of the Board, and
(c) submit to the General Faculty Council of the University for appointment to the Board the names of such persons as they select.

(5) Two members of the examining committee constitute a quorum and the committee shall meet at the call of the Registrar of the University.

(6) A member of the Association who is in good standing may be appointed a member of the examining committee or the Board.

[R.S.A. 1942, c. 287, s. 19]

20. Examinations of candidates for admission to study or practise as Alberta land surveyors shall be held at such times as the General Faculty Council of the University may determine.

[R.S.A. 1942, c. 287, s. 20; 1958, c. 64, s. 2]

21. The Board shall meet at the office of the University and at the call of the Registrar of the University.

[R.S.A. 1942, c. 287, s. 21]

**Articled Pupils**

22. No person shall be admitted as an articled pupil with an Alberta land surveyor unless he has previously passed an examination to the satisfaction of the Board in such subjects as the Board may from time to time prescribe.

[R.S.A. 1942, c. 287, s. 22; 1949, c. 9, s. 1]

23. Every applicant or candidate for admission as an articled pupil or otherwise shall, before being examined for any purpose under this Act by the General Faculty Council of the University, pay to the Registrar of the University the fees chargeable by the General Faculty Council of the University for the examination and certificate.

[R.S.A. 1942, c. 287, s. 23; 1934, c. 52, s. 4]

24. (1) Before becoming an articled pupil each applicant for examination shall

(a) give one month's notice to the Registrar of the University of his intention to present himself for examination, and

(b) pay to the Registrar of the University the fee required in that behalf.

(2) Upon the candidate passing the necessary examination for an articled pupil the Registrar of the University shall notify the Secretary of the fact.
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(3) The candidate
(a) may thereupon become articled to an Alberta land surveyor under articles in Form B in the Schedule, and
(b) shall, within two months after the execution of the articles, transmit the articles or one of the duplicate originals thereof if the articles are in duplicate to the Secretary together with the required fee.

(4) If the articles are not forwarded to the Secretary within the time prescribed in subsection (3) the pupil's time of service under articles shall count from the time when the articles are received by the Secretary instead of from the date of the articles. [R.S.A. 1942, c. 287, s. 25]

Qualification for Admission to Practise

25. Every Dominion land surveyor, without further service and without being subjected to an examination, other than with respect to
(a) any Act relating to the staking out and surveying of coal and mineral claims within the Province,
(b) The Land Titles Act as far as it refers to plans,
(c) any Acts respecting ditches or drainage in the Province, and
(d) such portions of The Surveys and Expropriation Act and of other provincial Acts as may be required by the Board,
may become registered as an Alberta land surveyor and is entitled upon payment of the annual fee provided in this Act to practice as such. [R.S.A. 1942, c. 287, s. 26]

26. Except as otherwise provided in section 25 and 28 to 30, no person shall practise as a land surveyor in and of the Province of Alberta until he has
(a) attained the age of twenty-one years,
(b) passed an examination to the satisfaction of the Board in such subjects as the Board may prescribe,
(c) previously served regularly and faithfully
(i) for three successive years of which at least twelve months have been in actual practice in the field, and
(ii) under an instrument in writing in Form B in the Schedule,
as articled pupil to an Alberta land surveyor duly admitted and practising as such,
(d) received from the land surveyor a certificate in Form C in the Schedule of his having so served during the said period, and

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(e) deposited with the Secretary his own affidavit in Form D in the Schedule.
[R.S.A. 1942, c. 287, s. 26; 1949, c. 9, s. 2; 1954, c. 52, s. 5]

27. (1) A person serving as an articled pupil under section 26 may, with the permission of the surveyor to whom he is articled, attend the University or any Canadian school, college or university for the purpose of taking a course of study that, in the opinion of the Board, provides suitable tuition in any subjects required for the final examination for admission to practise as a land surveyor.

(2) In such case the term of articles shall not exceed four years of which not less than three years shall be passed in the actual service of a practising Alberta land surveyor.
[R.S.A. 1942, c. 287, s. 27; 1949, c. 9, s. 3]

28. (1) Every person who . . .

(a) is duly qualified by certificate, diploma or commission to survey lands in any Province in Canada,
(b) has served a term under articles to a surveyor similar to the term prescribed by section 26,
(c) produces evidence satisfactory to the Board of having passed an examination in such subjects other than those mentioned in subsection (2) as may be prescribed from time to time under the provisions of clause (b) of section 26, and
(d) has paid the necessary fee,

is entitled to be registered as an Alberta land surveyor without further service and without being subjected to any examination other than that provided for in subsections (2) and (3).

(2) Every person who qualifies under subsection (1) shall be required to pass an examination to the satisfaction of the Board on

(a) the system of survey of Dominion lands as described in the Canada Lands Surveys Act and manual of instruction for the survey of Dominion lands,
(b) any Act relating to the staking out and surveying of coal and mineral claims within the Province,
(c) The Land Titles Act as far as it refers to plans,
(d) any Acts respecting ditches or drainage in the Province, and
(e) such portions of The Surveys and Expropriation Act and of other provincial Acts or regulations as may be required by the Board.

(3) If the service performed or subjects of examinations taken elsewhere are in the opinion of the Board not sufficiently similar to those required by section 28 the Board may in its discretion
(a) require a candidate for admission as an Alberta land surveyor under the provisions of this section to complete such further term of service or practice in surveying, and

(b) examine him in such of the subjects prescribed under the provisions of section 26, as to the Board appears necessary.

[R.S.A. 1942, c. 287, s. 28; 1949, c. 9, s. 4]

29. Any person who shows, to the satisfaction of the Board,

(a) that he has received a commission or licence specially authorizing him as a surveyor of public or Crown lands in any part of Her Majesty's realms and territories other than the Provinces of Canada, and

(b) that he has had either as a surveyor or as a pupil to a surveyor at least two years' practice, of which at least six months has been in the field, is entitled to be registered as an Alberta land surveyor upon paying the necessary fee, passing an examination in the subjects prescribed under section 26, and producing a certificate from an Alberta land surveyor in Form C in the Schedule, together with his own affidavit in Form D in the Schedule to the effect that he has in addition to the service aforesaid served under articles for one year with such surveyor including at least six months' actual practice with him in the field. [R.S.A. 1942, c. 287, s. 29; 1949, c. 9, s. 5]

30. (1) Every person who

(a) has followed a regular course of study in all the branches of education required by this Act for admission as an Alberta land surveyor for at least three years in any college or university where a complete course of theoretical and practical instruction in surveying is organized,

(b) has received from the college or university a diploma or certificate, and

(c) has been engaged in survey field work, is exempt from serving a term of three years under articles to a surveyor as required by section 26 and is entitled to be registered as an Alberta land surveyor upon passing a final examination in such subjects as the Board requires and paying the necessary fee.

(2) The Board has the sole power to decide

(a) whether the course of instruction in the college or university meets the requirements of this section, and

(b) whether the candidate has had adequate experience in the actual practice of land surveying.

[R.S.A. 1942, c. 287, s. 30; 1952, c. 44, s. 3]
31. Where a surveyor dies or leaves the Province or is suspended or dismissed or ceases to practice, the articled pupil of that surveyor may complete his term of articles under an instrument in writing as aforesaid with another registered surveyor in actual practice.

[R.S.A. 1942, c. 287, s. 31]

32. A surveyor may by an instrument in writing transfer an articled pupil with that pupil’s consent to another registered surveyor in actual practice with whom that pupil may serve the remainder of the term of his articles.

[R.S.A. 1942, c. 287, s. 32]

33. A person desiring to be examined by the Board as to his qualifications to be admitted as a land surveyor shall (a) give notice in writing to the Secretary of the Association at least one month before the time when he proposes to submit himself for examination, (b) pay to the Secretary the required fee, and (c) file with the Secretary the certificate or other evidence of service as hereinbefore required.

[R.S.A. 1942, c. 287, s. 33]

34. The Secretary shall forthwith notify the Registrar of the University of the candidate’s intention to present himself for examination, and (a) make a report to the Registrar of the University showing whether the candidate has complied with the requirements as to payment of fees, service and otherwise so as to entitle him to become a registered member of the Association upon his successfully passing the required examination.

[R.S.A. 1942, c. 287, s. 34]

35. Upon the Board reporting to the General Faculty of the University that a candidate is qualified to practise, the Registrar of the University shall issue a certificate in writing to the candidate certifying that the candidate (a) has duly passed his examination, and (b) is eligible for registration as an Alberta land surveyor, and shall issue a copy thereof to the Secretary.

[R.S.A. 1942, c. 287, s. 35; 1962, c. 44, s. 4]

36. (1) Before being registered as an Alberta land surveyor, an applicant who has obtained a certificate described in section 35 shall, jointly and severally with two sureties, and to the satisfaction of the Council or of the Secretary thereof, enter into a bond

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(a) in the sum of one thousand dollars,
(b) payable to the Crown in the right of the Province, and
(c) of which it is a condition that the applicant will duly and faithfully perform the duties of his office.

(2) The bond shall be forwarded to the Secretary and shall be deposited by him with the Provincial Secretary when the applicant has been registered as hereinafter provided.

(3) The bond enures to the benefit of any party sustaining damage by breach of the condition thereof.

[R.S.A. 1942, c. 287, s. 36]

37. (1) Before registration, each applicant who has been granted a certificate shall

(a) produce evidence satisfactory to the Registrar
   (i) of the applicant's reputation and good moral character, and
   (ii) that his name has not been removed for cause from the register of any Land Surveyors' Association in Canada or elsewhere, and
(b) take and subscribe before a judge of the Supreme Court of Alberta or a district court, the oath of allegiance and the official oath prescribed by The Oaths of Office Act.

(2) The oath of allegiance and the official oath shall be forwarded to the Secretary and shall be deposited by him with the Provincial Secretary when the applicant has been registered as hereinafter provided.

[R.S.A. 1942, c. 287, s. 37; 1952, c. 44, s. 5]

Suspension for Misconduct

38. (1) The Council may in its discretion suspend or dismiss from the Association any land surveyor whom it finds guilty of gross negligence or corruption in the execution of the duties of his office.

(2) The Council shall not

(a) take action to suspend or dismiss a land surveyor until a complaint made under oath has been filed with the Secretary-Treasurer and a copy thereof forwarded to the person accused, or
(b) suspend or dismiss a land surveyor
   (i) without having previously summoned him to appear in order to be heard in his defence, or
   (ii) without having heard the evidence offered in support of the complaint and on behalf of the surveyor inculpated.

(3) All evidence shall be taken under oath, which may be administered by the chairman of the Council or the person acting as such in his absence or by the Secretary.

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and all evidence shall be taken down by a competent stenographer and as in the case of evidence taken in the Supreme Court of Alberta.

(4) Within fourteen days after an order or resolution of dismissal or suspension or within such further time as the Supreme Court of Alberta or a judge thereof may order, a surveyor who is dismissed or suspended by the order or resolution may

(a) appeal to a judge of the Supreme Court of Alberta against the order or resolution by giving seven days' notice to the Council, and

(b) require the evidence taken before the Council to be filed in the office of the Clerk of the Supreme Court for the judicial district in which the appellant resides,

and the judge may on the appeal make such order or direction as to the appeal and as to costs as the justice of the case requires.

(5) Unless the suspension or dismissal is set aside or the judge or Council otherwise orders, a surveyor so suspended or dismissed shall not practise as a surveyor until after the appeal has been disposed of except where the time for which he was suspended has in the meantime expired.

(6) The Council may in its discretion suspend or dismiss a member from the Association and cause his name to be removed from the register if such member has been convicted of a crime involving imprisonment for two years or more.

(7) If the Council thinks fit it may direct the Registrar to restore to the register, either without fee or on payment of such fee not exceeding the arrears of fees due to the Association by such person as the Council may fix, a name or entry removed therefrom and the Registrar shall restore the name accordingly.

[38] Tariff of Fees

39. The following fees shall be paid to the Secretary-Treasurer for the use of the Association:

(a) the sum of two dollars on application for registration under this Act by each person duly authorized to practise as a land surveyor under this Act;

(b) an annual membership fee of ten dollars;

(c) the sum of twenty dollars by each articled pupil on transmitting to the Secretary his indentures or articles;

(d) the sum of two dollars by each candidate for final examination to be sent with the notice of his desire to be examined;

(e) the sum of fifty dollars by each applicant for registration, and for any subsequent registration after the first, the sum of five dollars.
(f) the sum of two dollars by each articled pupil with each transfer of articles as a fee for registering same;

(g) the sum of two dollars for each certificate of the Registrar of the Association.

[R.S.A. 1942, c. 287, s. 39]

Registration

40. (1) The Secretary-Treasurer of the Association shall be the Registrar of the Association.

(2) The Registrar of the Association shall:

(a) make and keep a correct register of all persons entitled to be registered under this Act,

(b) make the necessary alterations in the addresses of persons registered, and

(c) keep the register in accordance with the by-laws of the Association and the orders and regulations of the Council.

[R.S.A. 1942, c. 287, s. 40; 1954, c. 52, s. 6]

Fees

41. (1) No person shall be registered for any year unless he has previously paid to the Registrar the fee or fees required by this Act and complied in all respects with the by-laws of the Association.

(2) A person who has allowed his registration to lapse by default in payment of fees may at any time cause his name to be entered on the current register upon application to the Registrar and upon payment to him of the fees due for the then current year together with the fee of five dollars for subsequent registration.

(3) No name shall be entered in the register unless:

(a) it is that of a person authorized by this Act to be registered, and

(b) the Registrar is satisfied by proper evidence that the person claiming to be entitled to be registered is so entitled.

(4) An appeal from the decision of the Registrar shall be decided by the Council and an entry that is proved to the satisfaction of the Council to have been fraudulently or incorrectly made shall be removed from or amended in the register by order of the Council.

(5) The Association may by by-law provide that a surveyor who has been in the actual practice of his profession for a period of thirty-five years or more and who has during the entire period been a duly qualified surveyor, may be excused from payment of the annual membership fee to the Association.

[R.S.A. 1942, c. 287, s. 41]

Im posing.

42. (1) No person unless registered as above provided is entitled to take or use the name or title of Alberta 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.
(2) A person not being registered under this Act who takes or uses the name or title of Alberta land surveyor either alone or in combination with any other word or words or takes or uses any name, title or description implying that he is registered under this Act, is guilty of an offence and liable on summary conviction to a fine not exceeding fifty dollars for the first offence and not exceeding one hundred dollars for each subsequent offence.  

[R.S.A. 1942, c. 287, s. 42]

43. (1) The Registrar, under the direction of the Council, shall in each year cause to be printed, published and kept for inspection at his office, free of charge, a correct register, in Form E in the Schedule or to the like effect, of the names, in alphabetical order of the surnames, together with the addresses of all persons appearing on the general register on the first day in February in each year.

(2) The correct register shall be called the “Surveyors' Register” and a copy thereof for the time being, purporting to be so printed and published as aforesaid, is prima facie evidence in all courts and before all justices of the peace and others that the persons therein specified are registered according to the provisions of this Act.

(3) If the name of a person does not appear in the copy of the Surveyors' Register referred to in subsection (2) a certified copy under the hand of the Registrar of the entry of the name of that person in the register is evidence that such person is registered under this Act.  

[R.S.A. 1942, c. 287, s. 43]

44. (1) A copy of the Surveyors' Register forthwith upon being printed shall be sent to the Registrar of each land titles office in the Province.

(2) No plan of land in the Province other than Dominion lands shall, if the survey of such land was made subsequent to the first day of January, 1911, be accepted by a Registrar of Land Titles unless it is properly executed by a surveyor whose name appears on the current Surveyors' Register.  

[R.S.A. 1942, c. 287, s. 44]

Fraudulent Registration

(46) If the Registrar

(a) wilfully makes or causes or allows to be made any falsification in any matters relating to the register, or

(b) wilfully omits to make an entry therein that should be made,

he is guilty of an offence and liable on summary conviction to a fine of not less than twenty nor more than fifty dollars and in default of payment to imprisonment for a term of six months unless the fine is sooner paid.  

[R.S.A. 1942, c. 287, s. 46]
46. (1) A person who wilfully procures or attempts to procure registration under this Act by making or producing or causing to be produced or made a false or fraudulent representation or declaration either verbally or in writing that he is entitled to registration is guilty of an offence and liable on summary conviction to a fine of not less than twenty nor more than fifty dollars and in default of payment to imprisonment for a term of six months unless the fine is sooner paid.

(2) The Council may remove the name of the offender from the register. [R.S.A. 1942, c. 287, s. 46]

47. (1) Subject to the other provisions of this Act, notices and documents required by or for the purposes of this Act to be sent:

(a) may be sent by registered letter, and

(b) shall be deemed to have been received at the time when the letter containing the same would be delivered in the ordinary course of mail, and in proving the sending it is sufficient to prove that the letter containing the notice or document was prepared and properly addressed and mailed.

(2) Notices and documents required by or for purposes of this Act may be in writing or in print or partly in writing and partly in print, and

(a) when sent to the Council or other authority shall be deemed to be properly addressed if addressed

(i) to the Council or authority, or

(ii) to some officer of the Council or authority at the principal place of business of the Council or authority,

and

(b) when sent to a person registered under this Act shall be deemed to be properly addressed if addressed to him according to his address registered in the register of the Association. [R.S.A. 1942, c. 287, s. 47]

48. (1) All fees payable to the Association under this Act, or under a by-law that is passed by the Association under the powers hereby granted to it, shall belong to the Association for the purposes of this Act, and may be recovered as ordinary debts due to the Association.

(2) All moneys arising from fees payable on registration, or from the annual fees, or from the sale of copies of the register or otherwise shall be paid to the Registrar and be applied in accordance with such regulations as may be made by the Council for defraying the expenses of registration and other expenses incurred in the administration of this Act.
(3) The Council may in the name of the Alberta Land Surveyors' Association invest any sum not expended as above in such securities as are approved of by the Government of Canada or of the Province.

(4) An income derived from any such invested sums shall be added to and considered as part of the ordinary income of the Association.

(5) The Association may also use surplus funds or invested capital for
(a) the rental or purchase of land or premises,
(b) the building of premises to serve as offices, lecture rooms or libraries, or
(c) any other public purpose connected with land surveying.

[R.S.A. 1942, c. 287, ss. 46 & 48]

General Provisions

49. (1) The Registrar shall enter in books to be kept for that purpose a true account of all sums of money received and paid by him under this Act.

(2) The account shall be audited by the auditors and submitted to the Council and Association at such time or times as the Council or Association may require.

[R.S.A. 1942, c. 287, s. 49]

50. All surveys made in this Province by an Alberta land surveyor shall be made in accordance with the Canada Lands Surveys Act or such provincial Acts as affect the same.

[R.S.A. 1942, c. 287, s. 50]

51. An Alberta land surveyor who knowingly and wilfully
(a) acts as a professional agent of a person not duly qualified to practise as a land surveyor,
(b) uses or suffers his name to be used in any such agency,
(c) does an act or thing or affords any means
(i) tending to enable an unqualified person to practise in any respect as an Alberta land surveyor, or
(ii) that is calculated to, or does, or may lead the public or a person to believe that such unqualified person is authorized to practise as a land surveyor,

(d) falsely certifies as to the service under articles of a pupil when such service has not been actually and bona fide performed in the manner intended and required by this Act,

is liable under section 38 to a charge of misconduct in the execution of the duties of his office and to discipline in
addition to any other liability that he might incur by reason of any such misconduct. [R.S.A. 1942, c. 287, s. 51]

Scope of Act

52. Nothing in this Act applies to restoration surveys or re-surveys of land in the Province made by Dominion land surveyors under the authority of a department of the Government of Canada. [R.S.A. 1942, c. 287, s. 52]

SCHEDULE

FORM A
(Sections 10 and 11)

FORM OF VOTING PAPER

Alberta Land Surveyors' Association
Election of Council of Management

I, ........................................................................................................ of the ....................................................... Alberta land surveyor, do hereby declare:

1. That the signature hereto is my proper handwriting.

2. That I vote for the following persons as the Council of Management of the Association for the ensuing year:

<table>
<thead>
<tr>
<th>NAME</th>
<th>RESIDENCE</th>
<th>POSITION</th>
<th>Name of those you wish to vote for</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nominated</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>A.B.</td>
<td></td>
<td>For President</td>
<td></td>
</tr>
<tr>
<td>C.D.</td>
<td></td>
<td>For President</td>
<td></td>
</tr>
<tr>
<td>E.G.</td>
<td></td>
<td>For Vice-President</td>
<td></td>
</tr>
<tr>
<td>G.H.</td>
<td></td>
<td>For Vice-President</td>
<td></td>
</tr>
<tr>
<td>I.K.</td>
<td></td>
<td>For Sec'y-Treasurer</td>
<td></td>
</tr>
<tr>
<td>L.M.</td>
<td></td>
<td>For Sec'y-Treasurer</td>
<td></td>
</tr>
<tr>
<td>10 others</td>
<td></td>
<td>For Members of Council</td>
<td></td>
</tr>
</tbody>
</table>

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3. That I have signed no other voting paper at this election.

4. That this voting paper was marked and signed by me on the day of the date hereof.

Witness my hand this day of , A.D., 19 .

[R.S.A. 1942, c. 287, Schedule, Form A]

FORM B

(Sections 24(3) and 26)

ARTICLES OF PUPIL TO LAND SURVEYOR

These articles of agreement made the day of , one thousand nine hundred and , between A.B., of Alberta land surveyor, of the one part, and C.D., of , and E.F., son of the said C.D., of the other part, witness:

That the said E.F., of his own free will, and by and with the consent and approbation of the said C.D., doth by these presents place and bind himself pupil to the said A.B., to serve him as such from the day of the date hereof, for and during and until the full end and term of three years from hence ensuing, and fully to be completed and ended.

And the said C.D. doth hereby for himself, his heirs, executors and administrators, covenant with the said A.B., his executors, administrators and assigns, that the said E.F., shall well and faithfully, and diligently, according to the best and utmost of his power, serve the said A.B., as his pupil in the practice or profession of a land surveyor which he, the said A.B., now followeth, and shall abide and continue with him from the day of the date hereof for and during and unto the full end of the said term of three years.

And that he, the said E.F., shall not at any time during such term cancel, obliterate, injure, destroy, waste, embezzle, spend or make away with any of the books, papers, writings, documents, maps, plans, drawings, field notes, moneys, chattels or other property of the said A.B., his executors, administrators or assigns, or any of his employers; and that if in case the said E.F. shall act contrary to this covenant, or if the said A.B., his executors, administrators or assigns shall sustain or suffer any loss or damage by the misbehaviour, neglect or improper conduct of the said E.F., the said C.D., his heirs, executors or administrators, will indemnify the said A.B., his heirs, executors, administrators or assigns, and make good and reimburse him or them the amount of value thereof.
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And further, that the said E.F. shall at all times keep the secrets of the said A.B. in all matters relating to the said business and profession and will at all times during the said term be just, true and faithful to the said A.B., in all matters and things and from time to time pay all moneys which he shall receive of or belonging to or by order of the said A.B., into his hands, and make and give true and fair accounts of all his acts and doings whatsoever in the said business and profession, without fraud or delay, when and so often as he shall thereto be required; and will readily and cheerfully obey and execute his lawful and reasonable commands, and shall not depart or absent himself from the service or employ of the said A.B. at any time during the said term without his consent first had and obtained, and shall from time to time, and at all times during the said term, conduct himself with all due diligence and with honesty and sobriety.

And the said E.F. doth hereby for himself covenant with the said A.B., his executors, administrators and assigns, that he, the said E.F., will truly, honestly and diligently serve the said A.B., at all times for and during the said term as a faithful pupil ought to do in all things whatsoever in the manner above specified.

In consideration whereof and of ................. dollars of lawful money by the said C.D. to the said A.B., paid at or before the sealing and delivery of these presents (the receipt of which is hereby acknowledged), the said A.L., for himself, his heirs, executors and administrators, doth covenant with the said C.D., his heirs, executors and administrators that he, the said A.B., will accept and take the said E.F. as his pupil, and that he, the said A.B., will, by the best ways and means he may or can, and to the utmost of his skill and knowledge, teach and instruct, or cause to be taught and instructed, the said E.F. in the course of study prescribed by the Act, in practical surveying operations, and in the use of instruments, and generally in the part, practice and profession of a land surveyor, which he, the said A.B., now doth and shall at all times during the said term, use and practise, and also will provide the said E.F. with all the necessary and reasonable expenses incurred in transacting or performing the business of the said A.B., and also will at the expiration of the said term use his best means and endeavours, at the request, cost and charge of the said C.D. and E.F., or either of them, to cause to procure him, the said E.F., to be examined before the board of examiners:

Provided the said E.F. shall have well, faithfully and diligently served his said pupillage.

And for the said performance of all and every the covenants and agreements aforesaid according to the true intent and meaning thereof, each of them, the said A.B. and C.D.,
doth bind himself, his heirs, executors, administrators and assigns, in the sum of five hundred dollars firmly by these presents.

In witness whereof, the parties aforesaid have hereunto set their hands and seals the day and year above written.

Signed, sealed and delivered in the presence of ..........

G.H. A.B. (Seal)
J.K. C.D. (Seal)
E.F. (Seal)

[R.S.A. 1942, c. 287, Schedule, Form C; 1954, c. 52, s. 7]

FORM C

(Sections 26 and 29)

DISCHARGE FROM ARTICLES AS PUPIL OF LAND SURVEYOR

This is to certify that .......... has regularly and faithfully served .......... years under the articles of apprenticeship hereunto attached, including .......... months of actual practice in the field. He has shown .......... and is now honourably discharged from the aforesaid articles.

Dated this .......... day of .........., 19 ..........

(Signed)

("Here insert testimony as to the pupil's character for sobriety and probity.")

[R.S.A. 1942, c. 287, Schedule, Form D]

FORM D

(Sections 26 and 29)

PUPIL'S AFFIDAVIT OF SERVICE

I, .........., of .........., in the Province of Alberta, survey student, make oath and say:

(1) That I have regularly and faithfully served .......... years under articles of apprenticeship dated .........., 19 ..........
(2) That I have been engaged with him in actual surveying operations in the field on the following surveys and between the dates set down opposite to them, that is to say:

(a) On the survey of ................................... from the ..... day of ................................., 19...... to the .....................
   day of ................................., 19......

(b) On the survey of ................................... from the ..... day of ................................., 19...... to the .....................
   day of ................................., 19......

(c) On the survey of ................................... from the ..... day of ................................., 19...... to the .....................
   day of ................................., 19......

(d) On the survey of ................................... from the ..... day of ................................., 19...... to the .....................
   day of ................................., 19......

(e) On the survey of ................................... from the ..... day of ................................., 19...... to the .....................
   day of ................................., 19......

So help me God.

Sworn before me at ...................................
   in the ..............................................
   on this ...... day of .................................
   19......

A Commissioner or J.P.

[E.S.A. 1942, c. 287, Schedule, Form E]
ALBERTA LAND SURVEYORS

Copy of list of registered members of the Alberta Land Surveyors' Association who are authorized to practise in the Province of Alberta, on this ........... day of ............, 19 .... under the provisions of The Alberta Land Surveyors' Act.

<table>
<thead>
<tr>
<th>NAME</th>
<th>ADDRESS</th>
<th>DATE OF COMMISSION</th>
</tr>
</thead>
</table>

Certified correct and dated this ........... day of ..........., 19....

Secretary-Treasurer and Registrar of the Association
Office .............., Edmonton.

[R.S.A. 1942, c. 287, Schedule, Form B]

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Edmonton, Alberta, 1957

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