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## CHAP. 20.

## An Act respecting Land Surveyors and the Survey of Lands.

[6th April, 1886.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

*Original Boundary Lines.*

1. All boundary lines of townships, ranges, sections, or legal subdivisions of sections, blocks, gores, lots and commons, surveyed and run; and all mounds, posts or monuments, marked, erected, placed or planted at the angles of any townships, ranges, sections, or other legal subdivisions, blocks, gores, lots, commons, or other parcels of land, under the authority of the Government, heretofore or hereafter, shall be the true and unalterable boundaries of such townships, ranges, sections, or other legal subdivisions, blocks, gores, lots, commons, or other parcels of land respectively, whether the same upon admeasurement be or be not found to contain the exact area or dimensions mentioned or expressed in any patent, grant, or other instrument, in respect of any such township, range, section, or other legal subdivision, block, gore, lot, common or parcel of land.

Boundaries placed under the authority of the Government to be deemed the true ones, &c.

2. Every township, section, or other legal subdivision, block, gore, common, lot, or parcel of land, shall consist of the whole width included between the several mounds, posts, monuments, or boundaries respectively so erected, marked, placed, or planted by the authority aforesaid, at the several angles thereof, and no more or less, any quantity or measure expressed in the original grant or patent thereof notwithstanding.

Townships, &c., to comprise all the space included within their boundaries.

3. Every patent, grant or instrument purporting to be for any aliquot part of any section or other legal subdivision, block, gore, common, lot, or parcel of land, shall be construed to be a grant of such aliquot part of the quantity the same may contain on the ground, whether such quantity be more or less than that expressed in such patent, grant, or instrument.

As to aliquot parts of townships.

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*How to renew lost corners and obliterated lines.*

Cases where the original post or monument cannot be found, provided for.

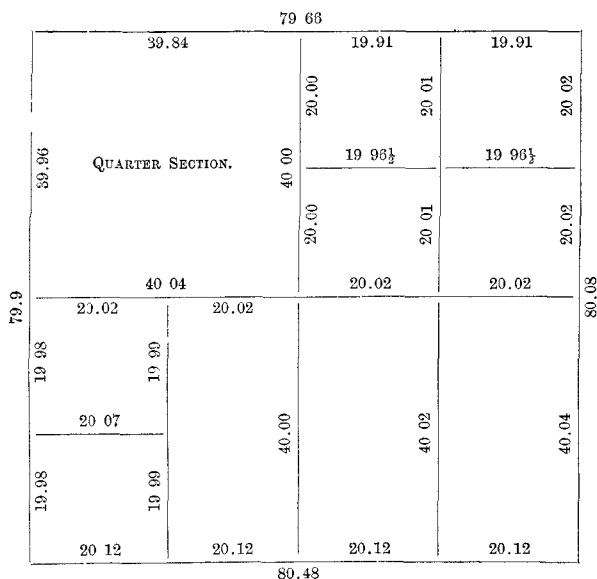
4. In all cases when any land surveyor is employed to run any dividing line or limits between lots, sections, or other legal subdivisions, and the original corner, mound, post, or monument from which such line should commence cannot be found, he shall obtain the best evidence that the nature of the case admits of respecting such side line, post, or limit; but if the same cannot be satisfactorily ascertained, then the surveyor shall measure the true distance between the nearest undisputed mounds, posts, limits, or monuments, and divide such distance into such number of lots, sections or other legal subdivisions (as the case may be) as the same contained in the original survey, giving to each a breadth proportionate to that intended in such original survey, as shown on the plan and field-notes thereof of record in the office of the Chief Commissioner of Lands and Works; and if any portion of the township, range or section line (as the case may be) on which such corner, mound, post, or monument was or should have been planted in the original survey, should be obliterated and lost, then the surveyor shall run a line, similar to that shown on the original plan and field-notes, between the two nearest points or places where such line can be clearly and satisfactorily ascertained, and shall plant all such intermediate posts or monuments as he may be required to plant in the line so ascertained, giving the exact width to any allowance for a road or roads set out in such original survey; and the corner or division, or limits, so found, shall be the true corner or division, or limits, of such lot, section, or other legal subdivision.

*How legal subdivisions are to be surveyed and laid out.*

Laying out subdivisions, when land surveyed in sections one mile square.

5. In all cases when a land surveyor is employed to lay out a given half-section or quarter-section, where the land has been surveyed into sections of one mile square, with quarter-section posts placed upon the section lines every forty chains, he shall effect the same by connecting the opposite original quarter-section corners (should the same be existing, or if the same be not existing, by connecting the several points in lieu thereof found in accordance with the preceding section) by straight lines; and in laying out other and minor legal subdivisions in any quarter-sections, he shall give such legal subdivision its proportionate share of the frontage and intermediate breadth of such quarter-section, and connect the points so found by a straight line, and the lines or limits so drawn as above on the ground shall in the respective cases be the true lines or limits of such half-section or quarter-section, or other legal subdivision, whether the same shall or shall not correspond with the area expressed in the respective patents for such lands.

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*How to draw division lines between fractional-sections, quarter-sections, lots, or gores.*

6. The dividing lines or limits between fractional-sections, quarter-sections, lots or gores, where no corresponding posts have been placed on the opposite sides, shall be drawn from the original corners (or the posts representing such corners, as defined on the ground, in accordance with the provisions of this Act), in the line intended as the front of such section, quarter-section, lot or gore, at such an angle to said line as was intended in the original survey, as shown on the official plan and field-notes thereof.

Drawing division lines between fractional sections, &c.

7. The division lines between lots and sections, in ranges and blocks, shall be straight lines joining the posts in front with the corresponding posts on the opposite side of the range or block, when the official plan or field-notes show that the said opposite posts were intended to be on the same straight line.

Division lines to correspond with lines on opposite side of block, &c.

8. If any person knowingly and wilfully pulls down, defaces, alters or removes any mound, post, or monument, erected, planted or placed in any original survey under the authority of the Government, such person shall be deemed guilty of a felony; and if any person knowingly and wilfully defaces, alters or removes any other mound or landmark, post or monument, placed by any authorized surveyor to mark any limit, boundary or angle of any township, section or other legal subdivision, range, lot, or parcel of land in the Province of British Columbia, such person or persons shall, upon conviction thereof before any competent Court, be punished by a fine or imprisonment, or both, at the discretion of such Court, such fine not to exceed one hundred

Punishments of persons removing or destroying land marks.

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dollars (\$100), and such imprisonment not to be for a longer period than three months, without any prejudice to any civil remedy which any party may have against such offender or offenders for damages occasioned by reason of such offence: Provided that nothing in this Act shall extend to prevent duly authorized land surveyors, in their operations, from taking up posts or other boundary marks, when necessary, after which they shall carefully replace them as they were before.

*Evidence before Surveyors.*

Surveyors may administer oaths for certain purposes.

9. For better ascertaining the original corner or limits of any township, section, or other legal subdivision, lot, or tract of land, every Provincial land surveyor acting in that capacity, may administer an oath or oaths to each and every person whom he may examine concerning any corner, mound, post, monument or other boundary, or any original landmark, line, limit or angle, of any township, section or other legal subdivision, lot, or tract of land which such Provincial land surveyor is employed to survey.

The course to be adopted by surveyors to ascertain boundary line when doubtful, &c.

10. When any Provincial land surveyor is in doubt as to the true corner, boundary or limit of any township, section, lot, or tract of land which he is employed to survey, and has reason to believe that any person is possessed of any important information touching such corner, boundary or limit, or of writing, plan or document, tending to establish the true position of such corner, boundary or limit, then if such person does not willingly appear before and be examined by such land surveyor, or does not willingly produce to him such writing, plan or document, such Provincial land surveyor may apply to any Justice of the Peace for an ordinary subpoena as witness, or a subpoena duces tecum, as the case may require, accompanying such application by an affidavit or solemn declaration to be made before such Justice of the Peace of the facts on which the application is founded; and such Justice may issue a subpoena accordingly, commanding such person to appear before the Provincial land surveyor at a time and place to be mentioned in the subpoena, and (if the case require it) to bring with him any writing, plan, or document, mentioned or referred to therein.

May subpoena witnesses.

How to be served.

(1.) Such subpoena shall be served on the person named therein by delivering a copy thereof to him, or by leaving the same for him with some grown person of his family at his residence, exhibiting to him or such grown person the original;

Consequence of disobeying.

(2.) If the person commanded to appear by such subpoena after being paid his reasonable expenses, or having the same tendered to him, refuses or neglects to appear before the surveyor at the place and time appointed in the subpoena, or to produce the writing, plan or document (if any) therein mentioned or referred to, or to give such evidence and information as he

may possess touching the boundary or limit in question, a warrant by the Justice for the arrest of such person may be issued, and he may be punished accordingly by fine not exceeding one hundred dollars, or imprisonment not exceeding ninety days, or both, in the discretion of such Justice.

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Witness liable to fine or imprisonment.

11. All evidence taken by any Provincial land surveyor as aforesaid, shall be reduced to writing, and shall be read over to the person giving the same, and be signed by such person; or if he cannot write, he shall acknowledge the same as correct before two witnesses, who shall sign the same, as also the Provincial land surveyor, and such evidence shall, and any document or plan prepared and sworn to as correct before a Justice of the Peace by any Provincial land surveyor with reference to any survey by him performed, be annexed to the field-notes of such survey, and be deposited in the office of the Chief Commissioner of Lands and Works or Surveyor-General.

Evidence taken by surveyor to be reduced to writing and signed.

*Protection to Surveyors.*

12. Any Provincial land surveyor when engaged in the performance of his duties as such, may pass over, measure along, and ascertain the bearings of any township, range, or section line, or other Government line, and for such purposes may pass over the lands of any person whatsoever, doing no actual damage to the property of such person.

When land surveyors may pass over private lands.

13. If any person or persons, in any part of this Province, interrupts, molests or hinders any land surveyor, while in the discharge of his duty as a surveyor, such person or persons shall, upon conviction thereof before any Court of competent jurisdiction, shall be punished either by fine or imprisonment, or both, in the discretion of such Court, such imprisonment being for a period not exceeding one month, and such fine not exceeding twenty dollars, without prejudice to any civil remedy which such surveyor or any other party may have against such offender or offenders in damages by reason of such offence.

Penalty for obstructing land surveyors in the execution of surveys.