Saskatchewan Land Surveyors' Association

Newsletter

President's Message to the Membership

By D. J. Clarke, SLS, P. Surv., President

Believe it or not, I am writing this message on Christmas day in Victoria, BC!

The deadline for submissions to the newsletter is this coming Friday so this has to be the worst case of procrastination I have ever propagated.

Due to a family commitment, Linda and I were unable to travel to Nova Scotia in October for the ANSLS AGM. However, we were well represented at the event by past-president Barry Clark and his wife Kathy.

I urge everyone to take a look at the proposed changes to the Subdivision Act and Regulations that Carl posted on our web site. We are fortunate that we have been asked for input on these changes and now is the time to be heard on any that might affect the way in which we conduct our business and serve our clients.

Carl and I recently participated in two teleconference meetings with the other western land survey associations and the Association of Canada Land Surveyors. The purpose of those meetings was to combine the Western Canadian Board of Examiners with the Association of Canada Land Surveyors' Board of Examiners. We are currently considering options for how a combined Board would be administered and funded as well as the matter of participation on the Board by the academic community. I am optimistic that a new Board will be formed in 2005.

Council is becoming increasingly concerned about the Geomatics Technology program at SIAST in Moose Jaw. As of this date it is the only geomatics technology program in Western Canada that has yet to apply to the WCBE for accreditation of some of its courses. It also appears that enrolment is

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Spot the Phrase Contest - "The hotel manager came out of the office after an hour, and asked them to disperse." (See page 167 for Contest Details)

Council Highlights

By: A. Carl Shiels, M. Sc., P. Eng., Executive Director

The ***Saskatchewan Land Surveyors' Association Newsletter*** is published by the Saskatchewan Land Surveyors' Association for circulation to its members.

Deadlines for articles will be the last Friday in December, March, June and September.

The opinions of the contributing writers may not be consistent with those of the Council of the Saskatchewan Land Surveyors' Association. Articles may be reprinted with appropriate credit given to the authors, unless it is under copyright.

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2004/2005 Council

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	Murray G. Radoux
	C. Wade Pennell
	R. Dale Rosnes
Public Member	Walter M. Streelasky
Executive Director	A. Carl Shiels
Newsletter Editor	Doug A. Bouck

2004/2005 - Meeting #4 DEC. 2, 2004

The president called the meeting to order at 7:03 p. m. Past-President Clark reported on his attendance at the ANSLS AGM on October 13 to 16, highlights of which were:

- All professional land survey associations in Canada were represented - a first in many years.
- Implementation of Mandatory Continuing Education in N. S. has resulted in almost twice as many discipline cases.
- John Ross was elected president.
- A motion was passed in support of disciplinary action being taken against retired members who are in violation of legislation or by-laws.
- An attempt is being made to amend their Act to allow the association to recover the cost of holding discipline hearings where the member is found guilty.
- Much time was spent on a new Strategic Plan.
- There has been a problem with the government amending legislation and regulations without first soliciting input from land surveyors.

Highlights From the President's Forum included:

- ANLS have appointed a public member to their Council.
- Manitoba expects to lose five members in 2005 but is still hoping to hire a part-time Executive Director.

Privacy Policy

In the absence of any comments from the membership, Council directed that the Privacy Policy be published in the public area of the SLSA web site.

Sale of Iron Posts

Administration of the pilot project for the sale of iron posts is going very smoothly with 2,815 posts having been purchased, by four survey firms, through the association so far. This generated a net revenue of $1,266 ($0.50 per post less 10% administration).

SIAST

Council expressed concern about the apparent decline in the number of students being enrolled in the Geomatics Engineering Technology program at Palliser Campus. Loss of the Geomatics program at SIAST would mean that all students interested in pursuing a career in surveying would have to go out of province to receive training. Meetings are being planned with the Dean of Technology at Palliser to investigate ways of bolstering up the program and to encourage SIAST to apply to the WCBE for accreditation of some of their courses. SIAST is the only geomatics technology program in Western Canada that has not applied for course accreditation from the WCBE. By contrast, Red River College in Manitoba has six accredited courses.

Identification of Suitable Charity

Council continues to search for a suitable charity to fund. They learned that there are 4,569 registered charities in Saskatchewan. The proposed new children's hospital in Saskatoon was considered to be a possibility if it should come into fruition.

Meet the Government Reception

G. D. Craig and the executive director reported on their attendance at the "Meet the Government" Reception sponsored by the Sask. Chamber of Commerce. Brief discussions had been held with former Minister of Learning, Glen Hagel regarding the Geomatics program at SIAST and with Hon. Deb Higgins, Minister of Labour, regarding the association's concerns over buried oil, gas and utility lines which are not adequately located on easement plans. Ms. Higgins had expressed considerable interest in the problem and would be expecting further input from the Association.

ACLS Proposal for a National Board of Examiners

The president reported on a telephone conference call to discuss the potential merger of Western Canadian and the ACLS boards of examiners. The meeting was primarily to discuss and clarify some of the financial and administrative options for such a Board. The ACLS administrative staff agreed to prepare additional material for discussion at a second meeting scheduled for December 8. Any agreement regarding such a merger would ultimately need to be ratified by the membership of each of the associations involved.

Public Concern - Cost of Monument Restoration

Council learned that a member of the public had called the Association office expressing concern about having the pay for restoration of a number of survey monuments some distance from her property, in order to have her property boundary located. The caller had agreed to work with the local surveyor to prepare letters to various provincial government ministers and departments, expressing concern about the inequity of such a requirement and the absence of any participation or support from the province or the local R M. Council hopes to take advantage of this opportunity to initiate a dialogue with ISC and the government regarding the need for a fund to help cover the cost of monument restorations similar to that available in Manitoba.

Executive Director's Holiday Leave

Council approved holiday leave for the executive director from February 10 to March 8, 2005. D.A. Bouck has agreed to handle the day-to-day business of the association during his absence.

Recruitment and Screening of Candidates for Public Member

Council was reminded that Public Member W. J. Streelasky was nearing the end of his second three-year appointment and that his appointment cannot be extended. Council agreed to follow the same process for recruitment of a new public member including single-issue advertisements in the Regina Leader Post and Saskatoon Star Phoenix, short-listing and interviews by the Executive Committee, and submission of a final short-list of three prospective candidates for the Minister's consideration. ISC would be approached for funding of the advertising since the requirement for the public member was imposed on the association by the provincial government.

Attendance at the ANBLS AGM

Since the ANBLS and CBCLS AGM's are scheduled for the same week in January 2005, it was

Continued on page 170

Councillor's Corner

By Barry Jordens, SLS, P. Surv., Councillor

One cold January morning we proceeded to do a survey. Along with our regular equipment we took a snowmobile and a motorized jack hammer. As we travelled to the job site, I was wondering how much trouble we were going to have locating evidence with all this snow laying around.

When we arrived at the site, the first corner we had to locate was down a road that was blocked with snow. We unloaded the snowmobile and threw a scoop shovel, a crowbar, some lath, and a metal detector in the sleigh and away we went.

Arriving at the corner I could see about a quarter of the marker sticking out of the snow. "Right on!" I said and we dug a big hole around the marker that we could stand in and start punching a hole through the frozen ground, with the crowbar, behind the marker.

After digging out a sizeable hole, I checked for a buzz with the metal detector, but all I got was the steel marker. After carefully checking all around the marker I concluded that the only way I was going to find an iron post was to pull out the marker. Back we went to the truck to get the jackhammer (which feels like it weighs more than I do), a logging chain and the jackall.

After about an hour of struggling we finally got the marker out and discovered the iron post was right against it.

Looking back through the years, there have been a fair number of times when I have found the iron post placed on the wrong side of, right beside, or nowhere near the marker. How does this happen? Is it sometimes the farmer that moves it? Is it the survey crew that didn't place the marker in the right position? Or is it a marker that was placed at a certain distance or direction from the iron post due to an obstruction such as a rock, but not recorded as such on the Plan of Survey? Whatever the reason, placing a marker in the wrong position can create a lot of hard work, and I suspect we have all had a similar experience.

- -

I have a little marker story that happened a long time ago - back in the days of the dip needle.

I was surveying a road and we were retracing an existing plan of survey that showed an iron post and marker planted. The marker was gone, so we got up a line and pinpointed the position of the iron post in question.

While I was crawling around with the dip needle searching for the corner, there was a farmer harrowing his field next to us. I guess curiosity overcame him because he stopped the tractor and came over to ask us what we were doing. I explained to him that there was an iron post and marker that used to be here and wondered if he had ever seen anything like that. He said he hadn't and after watching for a while he got on his tractor and drove away. While he was pulling away I noticed what looked like a piece of faded orange tee rail welded to the drawbar of his harrows! T

ensight info

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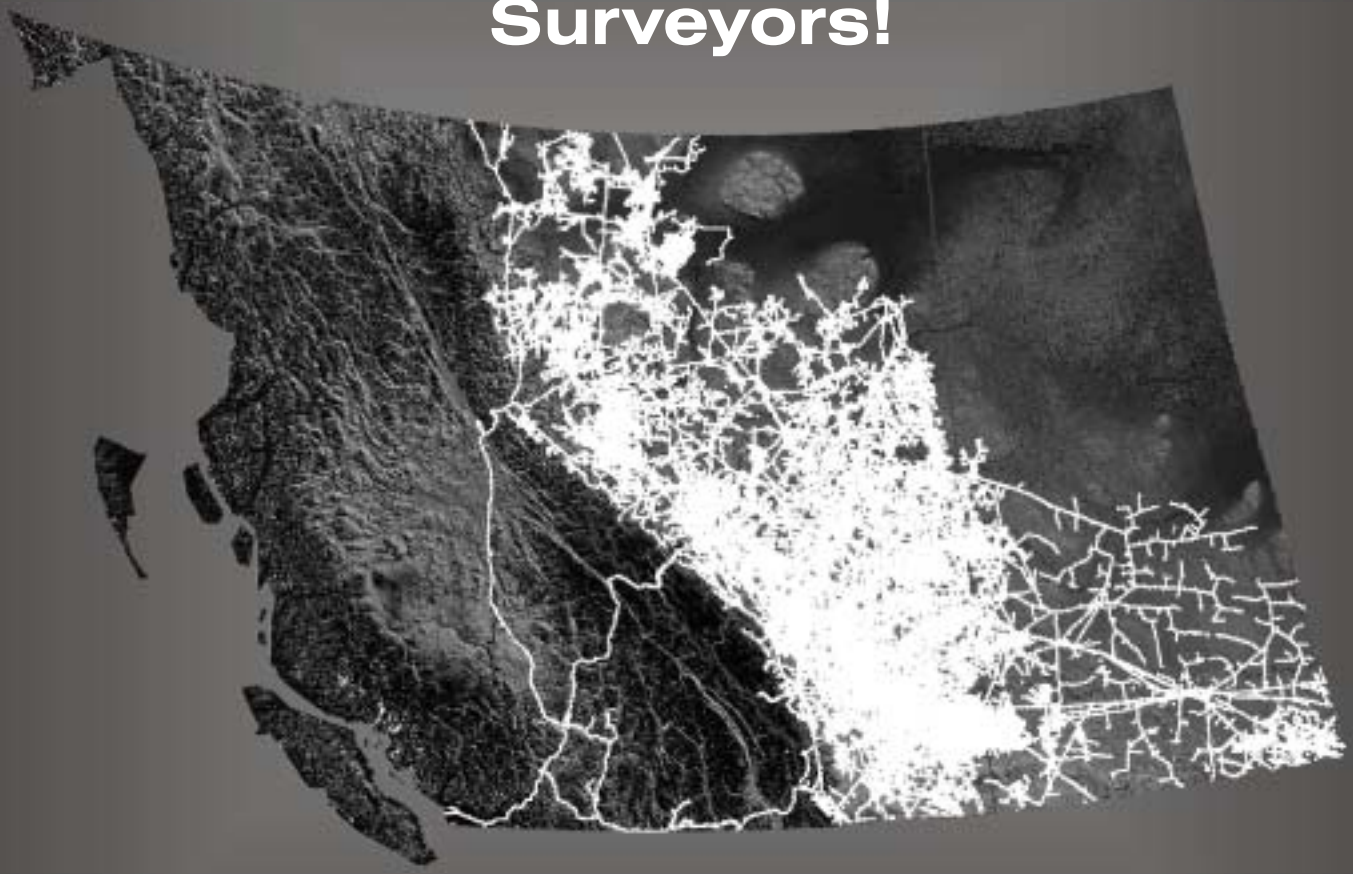

Thank you to **all** Saskatchewan Land Surveyors for helping complete the pipeline picture through your generous contribution over the years!

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Biography

By John H. Webb SLS (LM), ALS, MLS, CLS

Franklin Joseph Robinson (1870 – 1917)
D.L.S; S.L.S; O.L.S; C.E. - SLS Commission #1

As the holder of the first Saskatchewan Land Surveyor's Commission in 1905, Mr. F. J. Robinson, (known as Jadel Robinson) was also a man who accomplished many things during his short life span.

Growing up in St. Thomas, Ontario, he was the youngest of seven born into a well-known Ontario family. His father was an independent Member of Parliament for West Elgin, his sister Harriot was a teacher for 40 years in St. Thomas, and brother William was a railway conductor and nicknamed "Stickene Bill". Brother Charlie was a Veterinary Surgeon and Dean of the Veterinary College in Washington, D.C. U.S.A. along with another brother Jesse, also a Veterinary Surgeon in Washington, D.C. His sister Sarah was married to a James Fletcher and I have no background on them.

An article, covering his demise, in the Toronto Saturday Night newspaper in 1917 stated:

> *"He was one of the ten most popular men in the West."*

It goes on to state:

> *"He happened along out there at the psychological moment, just as the country was opening up to a realization that the prophecy about the 20th century belonging to Canada might possibly be true, and he fitted in. Educated as a civil Engineer and a surveyor, a thorough judge of live stock, of poultry and of land, he was a practical man on the spot. AND he was such a whole-souled chap, such a good storyteller, that men, rough western outdoor men, fairly loved him."*

It was natural that F. J. Robinson would accomplish many missions in the North West Territory and in Saskatchewan.

While going to University he evidently was a high spirited and boisterous student even though he never drank or smoked.

"His animal spirits were sufficient to carry him through anything that was going. A broad shouldered powerful fellow of 180 pounds, in hard condition with enormous muscles, he was the natural choice for centre scrimmage for the school in 1893."

He evidently sang in the school glee club with such gentlemen as W. L. Mackenzie-King and other well-known scholars.

His brother William known as "Big Stickene Bill" Robinson, helped build the White Horse Railway. Because William was well known in the West he appears as a character in one of "Rex Beach's" western novels.

Graduating from the School of Practical Science in 1895 he worked for the "Federal Department of Railways and Canals" on the Yukon Railway reconnaissance surveys. Later he was assigned to the position of assistant Engineer on construction on the Trent Canal in Ontario. At this time he obtained his Commission as an Ontario Land Surveyor in 1898 and his Dominion Land Surveyors Commission in 1900.

In 1904 he accepted a position with the North West Territory Government as the District Engineer and Surveyor at Macleod (now in Alberta) and in 1905 was promoted to Director of Surveys out of Re-

gina. When the Province of Saskatchewan was formed in September 1905 he was appointed Deputy Minister of Public Works for the new Province. This position he held until 1912 when he was appointed Chairman of the Board of Highway Commissioners for the Province of Saskatchewan.

ter him came from Mr. H. S. Carpenter S.L.S. on July 14, 1949. Evidently the Association of Professional Engineers asked our Association to submit a name to the Saskatchewan Provincial Department of Natural Resources for the naming of a suitable feature in Northern Saskatchewan. Thus

It was during this time as Deputy Minister that he and other surveyors draughted the Saskatchewan Surveys Act. Under his direction, work was commenced and carried on to near completion on the Legislative Buildings in Regina. It is of interest to note that he signed his own Commission (#1) on May 9th 1910, and also signed by E. H. Phillips (#4) and A. J. McPherson (#15). The first 17 Commissions were signed on the 9th or 10th of May 1910.

There is a lake in Northeast Saskatchewan named for Mr. Robinson. The request to name a lake after him came from Mr. H. S. Carpenter S.L.S. on July 14, 1949. Evidently the Association of Professional Engineers asked our Association to submit a name to the Saskatchewan Provincial Department of Natural Resources for the naming of a suitable feature in Northern Saskatchewan. Thus the lake "F. J. Robinson" was adopted on September 6th, 1956. The lake is east of Lac La Ronge Lake, north of Deschambault Lake and located on map sheet 63 M/12 with geographic coordinates of Latitude 55 degrees, 31 minutes and Longitude 103 degrees, 43 minutes.

He married Lena Scott of Qu'Appelle and they had three children. His brother-in-law was Mr. B.D. Hogarth, a solicitor in Regina.

Mr. Robinson died in Toronto on May 26th, 1917 at the age of 46. T

RELOCATING THE LOST CORNER OF FOUR TOWNSHIPS AND OTHER LOST CORNERS

BY: G. S. INNIS, COLUMBUS, OHIO

Reprinted from the "Ohio Surveying News" - Winter 2004 (as seen in "Treasure State Surveyor" - October 2004)

I have learned from others, as well as my own experiences, to regard the following rules as axioms as seldom, if ever, to be departed from in making a survey for the purpose of finding old lines or corners:

1. A resurvey, made after the monuments of the original survey have disappeared, is for the purpose of determining where these monuments were, and not where they should be.

2. Never depart from, or move old stones or other monuments, especially where they have been accepted as correct by all parties in interest.

3. Stones, iron stakes, or other objects, not called for in deeds or descriptions, are not monuments and are of no value in a survey, unless found to be correct.

4. Stones, posts, stakes or other objects set at the time a survey was made, must control, however erroneous.

5. Never undertake to correct an error, made in an original survey, but follow the survey if it can be done. The original survey must govern.

6. Surplus or shortage in a block must be divided pro rata, between the lots or parcels of land, when the monuments or original stakes are gone.

7. A long established fence (more than twenty-one years) is better evidence of location, where possession has been constant, with the present owner and those under whom he claims than any recent survey made, after the monuments have disappeared.

8. There is great virtue in a pick and shovel intelligently applied in finding lost corners, where stakes have been driven, or stones planted and removed.

9. Never be controlled, by the opinion of landowners, unless they can show monuments or other evidence of the true corner. A compass and chain intelligently and skilfully used, with the assistance of a pick and shovel, will generally give good results.

10. Never go to the field to make a survey or repeat an old one without complete notes of the land to be surveyed, and a plat of it with bearings and distances on the several lines. This plat should include the surrounding lands, unless there are undisputed monuments at each corner of the land to be surveyed.

11. It is very important for a surveyor to have a critical knowledge of all kinds of timber growing in the country where he has work to do. Any one having experience of clearing up several farms, making his own rails, building his own fences and seeing them rot down, etc., could hardly fail of acquiring this useful knowledge.

    An assistant was riding in the same wagon as me, and passing a hard maple or sugar tree which was very pretty, he pointed to it, saying: "There is the nicest oak tree I ever saw." After getting to our work he was handling the transit and was good at that. He ran out to a corner where a red oak tree was called for in the notes, yet he went farther away and commenced digging around a white oak tree for his corner. Being corrected, he concluded he would learn the different kinds of timber. Passing a large tall beech tree, he struck it a lick, and asked: "What kind of an oak do you call that?" Well, that was the way to learn.

12. Then a surveyor, unless he wants to be a laughing stock, must well understand English Grammar, from the first rudiments to its completion, so he may be able to use good language and especially spell correctly in making up his reports. In nearly every case the surveyor must write reports for boards of commissioners in partition and similar cases. It should be well done, clear, and beyond question plain.

F

MEASURE TWICE, CUT ONCE

by Fred Hutchinson, BA, NSLS CLS

Reprinted from "The Nova Scotia Surveyor" - Fall 2004 No. 172

How often have you heard this saying? How often have you not done it? If experience is the best teacher, then chances are that anyone who has ever stretched a tape measure knows what I am talking about. What I would like to address is how relevant this often quoted cliché "measure twice, cut once" applies to construction surveying.

Survey principles, dealing with boundaries and construction projects, have not changed for thousands of years. The tools, however, have changed and "boy" have they changed. It was not long ago that a house was positioned by pacing from the old rock wall to square the structure with the boundary or roadway. If it looked good, then out came the toolbox. Electronic measurements, computer interfacing, global positioning and digital transfer are but a few of the new tools. Today we are faced with large homes being built on small urban properties having minimum side-yards and street setbacks. The new home, in some developments, is even built with the foundation wall right on the boundary line with an easement over the neighbour's property for roof overhang and maintenance access.

The accurate placement of structures, no matter what the type, is critical. No one wants to "tear up" any part of a construction project because it was laid out incorrectly or that wrong measurements were provided. The surveyor must ensure that the drawings being used are mathematically correct. A square is only a square when all sides are equal. The same applies to the square when it is physically marked on the ground with the words "dig here".

Time must also be provided for a review of all drawings and the evidence or control that will be used during the survey. There is the expectation, in some situations, that the surveyor should be pounding wooden stakes into the ground or providing an alignment within minutes of arriving on the project site. This may be the case with an ongoing familiar project but not so if the job is new. The projects that generally need the greatest attention to detail and accuracy are the ones that are already behind schedule or over budget. The surveyor, who is stooped over a tripod with one eye closed and field book in hand, does not need the assistance of the excavator operator scratching at his heels or the construction foreman stating that the surveyor is holding up work. Yes, time is money but mistakes also carry a price tag.

Care is the key word for any surveying activity. A single measurement, without being verified by a second or third observation can be a costly procedural error. Surveying is involved in every construction project, road layout, property line location and real estate transaction. The results of survey activities last for hundreds of years and are relied upon by the client and general public to be correct and error free.

The next time you stroll along the sidewalk, mow your lawn or fly across the county, look down at the trail that the surveyor has left. "Measure twice, cut once" is a good motto for any industry.

Fred Hutchinson is the Executive Director for the Association of Nova Scotia Land Surveyors. He has been a professional land surveyor for 33 years with experience in both the private and public service sector.

Continued from page 140 - "Relocating the Lost Corner ..."

13. There is no principle of more importance to the surveyor or civil engineer than strict integrity. He, being frequently called upon to decide disputed points between others, must not be influenced in his work by any other consideration than exact justice between the parties. Any other course is professional suicide.

Did you ever notice that the more things change the more they stay the same? This article was taken from the Eighteenth Annual Report of the Ohio Society of Surveyors and Civil Engineers being the Transactions of the Society at its Eighteenth Annual Meeting held in Columbus, Ohio, ***January 18, 19 and 20, 1898****. Yes, that's right, this article was written over one hundred years ago.* T

Looking Back - "The Flying Trip"

By W. W. Stockton, SLS, P. Surv., CLS

I was reading Jack Webb's book 'Along the 55th in 55' and it brought back to memory some of my own Northern work. While I didn't do a great amount of work in the north, each project seemed to have an interesting twist. On the following survey we were in and out of the north so fast we dubbed it 'The Flying Trip'.

Wayne Stockton, Fond Du Lac, 1976

In 1976 we were hired by SaskTel to survey the site for a small equipment building at Fond Du Lac. Party chief Chris Milgaard, chain man Garry Johnson and I left Regina on the morning of July 12 via Norcan Air and landed in Stony Rapids at 1:30 p.m. SaskTel representative Lorne Beer was flying by charter float plan from La Ronge and was to arrive at the same time. When Lorne's plane was a half hour late we began to be concerned. The radio operator couldn't raise them on the radio so he called La Ronge. They said the plane had left on time and should already be in Stony Rapids. Another twenty minutes went by and still no contact. We were really beginning to worry. Finally the radio crackled and the pilot's voice came in. For some reason he had been about 100 km off course and didn't get his bearings until he picked up the radio beacon at Uranium City.

When Lorne's plane arrived we loaded on our equipment and took off for Fond Du Lac. When we arrived at the pier the entire population of the village descended on us. Arrivals like this seemed to be a major source of entertainment.

We had a bit of trouble finding iron posts to commence the survey. As it turned out, aside from the Hudson Bay store and the Catholic Church, none of the other buildings in the village had been built according to the surveyed boundaries. This solved a mystery for Lorne. When he picked the site from the air photos he couldn't figure out why the photos wouldn't match up with the legal survey plan.

We finished the survey at 8 p.m. and loaded our equipment on the float plane. Once again the entire village rushed down to the pier. Kids were

Continued on page 144

Chris Milgaard and Garry Johnson on the Fond Du Lac pier

About the Aircraft

For aviation buffs, the aircraft in the background is a de Havilland DHC-2 "Beaver." For hundreds of photos of the Beaver, see:

www.dhc-2.com

According to Michael O'Tarrell, the author of the web site, there were 1,692 Beavers built and it is his hope to get photos of every one! For photos and history of this particular Beaver (CF-GCU), go to :

www.dhc-2.com/id190.htm

Apparently it is still active, in its 54th year, flying out of Nimpo Lake, BC.

jostling around and one boy fell in the drink with all his clothes on. A couple of local girls asked the pilot if they could hitch a ride to Uranium City. We were loaded right down so he told them we didn't have room. The lake was dead calm that night so the pilot asked one of the locals if he would take his motor boat out and create some waves so we could get some air under the pontoons. With a choppy surface the takeoff went smoothly and we landed in Uranium City at 10 p.m.

Chris Milgaard and Lorne Beer with local onlookers

When we got to the hotel, we decided that we would have a shower, change clothes and meet down in the bar for a beer. When we entered the bar the first people we saw were the two girls from Fond Du Lac. They had actually beaten us there. I guess hitching airplane rides is a common practice in the north.

After a late supper and a good night's sleep, we boarded Norcan Air the following morning and were back in Regina that afternoon. T

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THALES NAVIGATION

PDC Corner

by Greg Hebb, Associate Member (ALSA)
Reprinted from "ALS News" - September, 2004

One particular line I've been noticing in job ads over the past year is "dedication to lifelong learning." I believe this is continually demonstrated in the field of land surveying. As technology advances, we are continually working at keeping up with these changes and learning how to optimize the new technologies at our fingertips.

In the interest of lifelong learning, the Professional Development Committee reviews the seminars offered in previous years and these reviews assist in deciding what to offer in the calendar year ahead. Seminars which are centred around calculations or new advancements in methods seem to have a high demand. One thing we can't overlook in surveying though is the soft skills we need to display daily when interacting with clients and the public.

The Manual of Standard Practice states:

> *"An Alberta Land Surveyor shall serve society, his clientele and his profession with the ultimate objective of contributing to the knowledge of land, to the better management of land and to the preservation of peaceful and lawful enjoyment of land."*

We cannot overlook how we are perceived in the public eye. Whether we are working on a right-of-way survey or a real property report, we are dealing with the public. How we choose to be perceived, as a professional, affects not only the company doing the work and their client, it affects how the public perceives the profession of land surveying.

There have been many articles published and e-mails sent out about property damage and irate landowners. How would you as a landowner feel if someone were to pull up to the front of your door, walk out of the truck with some electronic device and start digging a hole in your lawn? A few minutes taken prior to beginning the job could make a huge difference in a landowner's day; as well this could save people in your office hours on the phone trying to sort the problem out later.

The science of surveying has come a long way over the past few decades. Just like everything else today, it's become a matter of how fast can we do things. Clients have become accustomed to faster and faster turnaround times for drawings and plans. It seems as though the big push is turnaround and cutting the time down everywhere. What we can't overlook though is the public and how they see the Association.

As things move along, what we will require more of are the soft skills that go along with the profession. Everyone who is out there representing their company and the Association is responsible for how the profession is perceived in the public eye. While soft skills may not be as exciting or as stimulating as the math skills we use every day, they're every bit as important and something we must continue to work at every day.

The PDC is putting on a seminar titled "Service Best" which is aimed at helping to develop or polish the soft skills that are required for the profession of land surveying. While the seminar focuses on the perception of the client, it takes time as well to talk about how a company functions as a team. Many people are of the belief that only one person in the company deals with a client. Service Best takes the time to point out that everyone who produces or hands off a product is dealing with a client, either internally or externally.

The soft skills can be some of the most important things we choose to polish as we deal with clients and the public on a daily basis. These skills also determine how well we function as a team in serving the external clients.

On a closing note regarding seminars, please take the time to fill out the evaluation sheets that are handed out. These are used as a means of updating and improving seminars from year to year. Your input is greatly appreciated. T

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The Surveyor's New Clothes

By Dennis J. Mouland, PLS

Reprinted from "The Kansas Surveyor" - June 2004
(As seen in "Side Shots" {Journal of Prof. Land Surveyors of Colorado}, November 2004)

Some ancient tales and fables seem to address life's issues quite thoroughly. Aesop recognized complex social habits and then transformed them into stories easy to understand. One particular story that addresses the foolishness of human nature was written by Hans Christian Andersen. Andersen wrote about an emperor who paid a large sum of money to two rogues to weave him the finest clothes in the land. The rogues planned to steal money and all the fine materials they ordered, and produce nothing for the emperor. But it was to be done under the following ruse: the rogues announced that if one were stupid or unfit for one's office, one could not see the new clothes!

As the story goes, the emperor's ministers and assistants all reported the clothes to be magnificent, each fearing that he was the only one unworthy of seeing them. In fear of admitting that one was stupid, they all played along. Finally, the new clothes were delivered to the emperor and he, also, played the game of ego by claiming he could see the clothes. To admit otherwise would be disastrous, so everyone was pulled into the lie to protect their egos. In a grand finale, the emperor marched through the streets stark naked but willing to carry on the game, believing that everyone else could see the clothes. In the end, a small child lacking ego exclaimed, "But the emperor is naked!" I have often reflected on this classic story of human nature: people get wrapped up in a cause or stand by a claim that is solely based on a ruse, yet others jump on the same bandwagon for fear of seeming different. I wonder if such a ruse could be foisted upon my beloved profession of surveying? Might there be complex problems or issues that we have relegated to others for solutions only to find them not solved at all? And worse yet, might the profession be exclaiming the non-solutions to be magnificent and beautiful, when in fact they are not?

Surveyors' Ruses

Is the testing process for our profession working well? I don't think so. The fact that people pass or do not pass a particular test has really nothing to do with whether it is serving its purpose. The National Council of Examiners for Engineering and Surveying, or NCEES, is in the midst of a "re-evaluation" of the national testing process. While I strongly applaud this effort, I am still nervous. For it is NCEES that has, in my opinion, already given us a national test that evaluates knowledge of trivia, ability to perform tasks only a small percentage of the profession would encounter, or demands that one answer questions with the wrong answer.

I think the NCEES is on a not-so-subtle mission to make the test impossible to pass unless testers have a four-year degree. This arrogant effort to circumvent state laws and requirements is not acceptable. And it has resulted in a test that asks many questions totally unrelated to surveying. Frankly, test space is wasted by asking surveyors to answer questions on computer programming languages (C++ for example), while so many relevant skills go unaddressed. The state-specific exams are not much better.

I have collected dozens of examples of questions from across the country that either do not ask the right question or reward the wrong answer. Yet we are always told that while it is not a perfect system, the tests are doing the job. I strongly disagree.

A state board member recently said to an audience that it was almost impossible to come up with enough good questions to fill a two-hour exam. Are you kidding me? Please, put your clothes back on!

A second issue that I fear has become a pat solution to a bigger problem is that of the four-year degree requirement. Many wanted to see surveying taken more seriously as a profession, and many of us also wanted to upgrade the skills of those entering the profession. Our solution was to hand the entire process of helping prepare the future of this profession over to academia. And we walked off, dusting our hands and thinking that somehow we solved our credibility and preparation issues. I too fell for this argument, but it is a ruse!

Do not misunderstand; I fully support formal education. Rather, the real danger is the belief that this effort alone has solved the problem. In an effort to get away from the old clothes of "apprenticeship", we accepted the ruse that a formal education could somehow replace it. It cannot and never will. What's more, ABET (Accreditation Board for Engineering and Technology) requirements so lustfully sought after by most schools are not surveying program friendly. Don't forget that the "E" in ABET stands for Engineering! Further, academia has replaced important surveying subjects with non-tangent subjects that "look magnificent", such as more calculus than is needed by a rocket scientist. While a heavy math background gets some in academia excited, the fact is that some very important legal skills and studies are reduced or eliminated.

There is a dangerous shift in our universities to downplay the boundary side of surveying and replace it with math. There has appeared a purportedly erudite attitude that boundary survey is just a nice little sideline, rather than the heart of the profession. Put your clothes back on!

Some educational institutions actually believe their systems' degrees all but eliminate the need for apprenticeship. While other institutions have not gone this far, all have failed to recognize the absolute necessity of lengthy on-the-job training that will last at least as along as the formal education and probably longer. The most common complaints I hear nationwide from surveying managers stem from the results of these false educational claims: the next generation is not prepared.

Further, the requirement of the degree without recognition of another avenue to licensure was a huge mistake. Not only did this arrogantly relegate the concept of apprenticeship to the back room, it also left hundreds of highly qualified people from being considered for licensure. That has not only left us with a shortage of applicants in some parts of the country, but it has also left us with a vacuum of practical knowledge, training and skills in an otherwise well-educated staff. Increasingly, I have been hearing some people crying out that something is wrong, that the profession is naked.

At the 2003 California/Nevada Conference, ACSM's Curt Sumner, LS, used the term "kidnapped" when referring to our profession's future. He is right. And only the real professionals can rescue our future with an honest and open debate. It is time for a reality check on the clothing of the surveying professions for the future. And you may want to bring a robe to that discussion; I too am feeling a draft. But how magnificent we think we look! T

Executive Director's Comment

I found this article to be particularly interesting as many of the questions and criticisms expressed by the author are shared by Professional Land Surveyors in Saskatchewan and elsewhere.

Laying Down the Lines:

A History of Surveying In Alberta

By Judy Larmour

Historian Judy Larmour is putting the finishing touches on her latest book, *Laying Down the Lines: A History of Surveying in Alberta*. This Alberta Land Surveyors' Association commissioned publication includes legendary surveyors and explorers David Thompson and Peter Fidler right up to today's modern Alberta Land Surveyors.

This book tells the story of land surveyors and their incredible challenges and hardships as well as their often amusing stories. Read about the tragic death of Henry Selby and the surveyors' connection to Edmonton's infamous Cecil Hotel.

Chapters include Mastering A Dry Land: Land Surveyors and Irrigation (Chapter 4), The Challenge of Surveying Alberta's North (Chapter 6), and Urban Provincial and Professional Affairs in the Glory Days to World War I (Chapter 8).

To pre-order *Laying Down the Lines* by Judy Larmour please contact the Alberta Land Surveyors Association at (780) 429-8805 or order online at www.alsa.ab.ca/book.pdf. There is no payment required now. Books will be $40 each plus shipping and handling when they become available in April 2005.

NOTICE OF THE SURVEY

BY: KNUD E. HERMANSEN, P.L.S., P.E., PH.D., ESQ.

Reprinted From "The Treasure State Surveyor" October 2004

Notice of the survey is simply an announcement sent to the neighbor (adjoiner) or other parties (e.g., utilities) of the pending surveying services. Notice can be accomplished by visiting, calling, or writing. This article will focus on written notice to the neighbor.

Written notice has two advantages over other forms of notice. First, the written form stands as a historical record of the message contents and evidence of its communication. Second, it provides a more reliable method of communicating with the recipient that is not always possible with phone calls or visits since many landowners are at work during the time period when the surveyor will likely call or visit.

Providing notice of pending surveying services has several benefits. Most importantly, ordinary and reasonable courtesy suggests the surveyor notify landowners of possible entry upon their property. Second, notice could prevent the crew from being idle while the party chief is talking to the neighbors explaining the crew's presence in the neighborhood and on the adjoining property. Third, it is not uncommon for the response to a letter to reveal there is a heated dispute between the client and neighbor that the client has failed to mention to the surveyor. (It is far more beneficial to hear a neighbor vent their displeasure with a client over the phone than at the site where there is expensive equipment within reach.) Fourth, notice could cause the neighbor to take advantage of the surveyor's presence to meet their own surveying needs. Fifth, aid from the neighbor in the form of unrecorded documents, historical information, and monument locations are often encouraged with a friendly written notice. Sixth and finally, notice provides a means to educate the neighbor about the surveying services (traverse markings, need to enter property to survey, etc.) Some states require notice to a landowner before a surveyor can enter property without fear of prosecution for trespass. Civil and criminal law will ordinarily hold the surveyor liable for trespass when there is intrusion on property without the permission of the landowner. For example, recent passage of the surveyor's right of entry law in Maine permits surveyors, for the performance of surveying services, to enter upon property without permission of the landowner so long as the surveyor made a good faith effort to notify the landowner.

Consider the following example letter that is meant to be sent to a neighboring landowner.

June 3, 2004

On or after - [date], our firm will be surveying the property of - [client's name], which is located _ [nearby road, stream, physical feature], _ [municipality], - [county]. Tax assessment records indicate that you share a common boundary with - [client's name].

To insure a complete and accurate survey, our firm would appreciate a copy of any unrecorded documents such as plats, old deeds, survey notes, reports, and similar documents that are in your possession and would help re-establish the common boundary you share with - [client's name]. This firm will reimburse you for any reasonable costs. A meeting at a date and time convenient to you can be arranged, if you would like to show us any boundary markers or other objects that may be hidden from view or are not easily identified as a corner or boundary marker.

During the survey, wooden stakes and nails will be used to mark temporary survey points. These should not be confused with the actual corner or line monuments we will eventually use to mark the common boundary you share with - [client's name]. Any survey points and ribbon our firm uses will more than likely not be placed on the boundary or represent a common corner. All corners will eventually be monumented by capped 5/8th inch diameter reinforcing rods inscribed with the name and license number of the surveyor (if not already monumented).

From time to time, employees from our firm may have to enter your property to gather

information and measure from your corners and points on your property. Measuring on your side of the boundary is often necessary to insure that all information, from both sides of the boundary, is considered before marking the common boundary. Please do not hesitate to call this firm if you object to our employees entering your property and using information on your side of the boundary to help re-establish the common boundary you share with - [client's name].

Should you have any questions or information, please call or write using the address listed in the letterhead. Your help is appreciated.

The first part of the sample letter informs the landowner of the pending surveying services and identifies the location of the survey. A detailed location of the survey is important where the neighboring landowner has vast tracts of land (e.g., logging companies) and is unfamiliar with the name of neighboring owners. The next part seeks pertinent documents the landowner may have that will aid the surveyor. This part also extends a willingness to meet and identify corners where the landowner believes monuments reside.

If the landowner provides some help (or believes they have), the landowner will more likely believe the surveyor's opinion is unbiased. The third part of the example letter educates the landowner on the surveyor's markings to prevent confusion between traverse stations or ribbons used to mark evidence and the actual corner or boundary location. The fourth part of the example letter informs the landowner of the surveyor's entry on their property. Tact and good public relations suggest the letter be sent and tacit permission be sought to enter the property. If entry is expressly mentioned as necessary to locate the common boundary using the adjoining landowner's corners, few adjoining landowners would likely object to the surveyor's entry on their property. Common sense suggests the adjoining landowner would want the surveyor to use their corners to re-establish the common boundary.

Some surveyors also include in the notice an offer to survey the neighbor's property for a favorable rate, at the same time. Because your neighbor has requested our surveying services, we are in a position to offer surveying services for your property at a reduced rate. If you call our firm for surveying services in the future, please mention that we have previously surveyed your neighbor's property.

(Warning: Prudence strongly suggests that the fee for neighbor's services not be relatively less than the client's fee or you will have an irate former client demanding equity.)

The name and address of the adjoining landowner can be obtained from the tax records. Many jurisdictions now have tax information on line.

With the advent of computers and easy access to the information, it is relatively fast and easy to prepare a letter within ten minutes. If a surveyor isn't using a written notice of survey, it is worth a try.

Reprinted with permission:

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Feedback

The Fall 2004 Issue of ***The Newsletter*** included another in the series of biographies by J. H. Webb SLS (Life Member), ALS, MLS, CLS. That article prompted the following response from M. A. Marien:

"In the Biography of Roger Melville Lee on page 94 of the Newsletter, Jack reports that Mr. Lee was in partnership with H. G. Phillips and W. M. Stewart. I believe the partnership was E. H. (Edward Horace) Phillips and W. M. (William Malcolm) Stewart.

Mr. E.H. Phillips had a brother H.G. Phillips and they had a partnership (Phillips and Phillips) shortly before the partnership with Stewart and Lee. However, I don't believe H. G. Phillips was ever associated with Stewart or Lee. This is from my History Paper from March, 1984, starting on page 32."

Plan Corrections and Judge's Orders

by Lyall Pratt, ALS
Reprinted from "ALS News" - September, 2004

Clarifications

The Land Titles Office Procedures Manual was recently updated for procedure SUR-8. This section deals with plan corrections. The update clarifies the application and intent of Section 92 of the Land Titles Act. It also outlines what is not considered an omission, clerical error or other defect in a registered plan for the purposes of Section 92 of the Land Titles Act. SUR-8 references Black's Law Dictionary in the interpretation applied to Section 92. "According to Black's Law Dictionary, under "ejusdem generis" canon of statutory construction, where general words follow the enumeration of particular classes of things, the general words will be construed as applying only to things of the same general class as those enumerated. In Section 92, the terms "omission" and "clerical error" do not encompass a survey error and therefore, "other defect" cannot be interpreted in its meaning to include altering property boundaries." It is now clear that omission, clerical error or other defects **do not include survey errors**, and that the Registrar cannot accept corrections under Section 92 of the Land Titles Act that have the effect of moving monuments or altering property boundaries. This includes corrections or changes to the table of coordinates for Section 47 (delayed posting) plans.

Depending on the correction required to a plan, a judge's order pursuant to Section 91 of the Land Titles Act or an order issued pursuant to Section 9 of the Surveys Act will now be required in all cases if survey monuments are being moved or boundaries being altered as the result of a plan correction. Of course, there may also be other methods used to correct title boundary problems; a new subdivision for instance, a transfer of land document, or a closure bylaw. Each of these, however, requires other types of approvals.

If a plan correction fits the criteria for an omission, clerical error or other defect the process is fairly simple. A letter from the land surveyor requesting the correction must contain several pieces of information. The required information includes:

(a) a detailed explanation of the nature of the error or defect and the corrections to be made. The corrections can be either in a list form or marked on a copy of the plan trimmed off to sheets no larger than 11½ x 14 inches;

(b) a statement that no improvements have been made (e.g. fence, driveway, garage, setback requirements, utilities) relying on the incorrect information on the plan and that the correction will not create any encroachments or have any other adverse effects;

(c) advise whether the corrections affect any other registered plans;

(d) a statement that no monuments have been moved or removed;

(e) a statement that no property boundaries are being altered or moved; and

(f) consent from the owner(s). Note that this consent is usually required where areas or distances are to be amended.

What if your correction requires that monuments be moved? How do you go about obtaining an order pursuant to Section 9 of the Surveys Act? How do you get a Judge's Order?

Section 9 of the Surveys Act.

This section, titled "survey error investigation" came into force on June 9, 1988 with the enactment of the Surveys Act. In the 16 years since, it has only been used on three or perhaps four occasions. The Act outlines who can apply and the process that must be gone through by a Board appointed under Section 9. There are guidelines for the application of Section 9 and at the end of an investigation, any party may still appeal any order of the Board within 30 days of receipt of the order. In general, the position of a corner or a boundary must be in question as the result of an alleged survey error. The Alberta Land Surveyors' Association has an Ad Hoc committee currently looking specifically at Section 9 of the Surveys Act. That Committee's findings and report will be of inter-

Continued on page 154

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est, so I will not go into any further detail on Section 9 in this article.

Section 91 of the Land Titles Act

This section, titled "application to vary a plan" also came into force in 1988. It says:

(1) A court may, on application and on hearing the persons to whom notice of the application was given,

(a) order a plan to be cancelled, in whole or in part, amended, altered, or corrected, and

(b) make any order with respect to the vesting or revesting of any land included in the plan, on any terms or conditions as to costs and otherwise as the court considers proper.

(2) An application for an order under subsection (1) may be made by

(a) a person who caused a plan to be registered,

(b) a person deriving title to or some other interest in any land shown on the plan,

(c) an Alberta Land Surveyor who signed the plan, or

(d) the Registrar.

(3) Notice of the application referred to in subsection (2) shall be served on those persons and in any manner that the court directs.

Court Order

While I have never personally applied for a court order to correct a plan, I have spoken to a few land surveyors who have. While costs will vary depending on the provision of owner's consents and the use of a lawyer to make the application on your behalf, the figure most often quoted was about $2,000. Clearly under Section 91, the Alberta Land Surveyor who signed the plan can apply for the court order personally, although most surveyors seem to have a lawyer make the application on their behalf. Obviously, if a land owner was opposed to the correction or monument movement, the legal costs could climb much higher, as the land owner would receive a notice of the application.

The Message

Just in the past year, it has been made abundantly clear that Section 92 of the Land Titles Act cannot be used for plan corrections that have the effect of moving monuments or altering boundaries. Should your plan correction require the movement of monuments there will likely be a much larger cost than a clerical correction. It is quite conceivable the cost of obtaining the required judge's order, completing a new subdivision, or transferring a property to correct a survey error would far exceed the original fees for the survey.

Moving monuments because of a survey error has never been easy, nor should it be. It is far easier to spend the time now to get it right, than to spend the time and money to correct it after the plan is registered. T

Saskatchewan "Facts"

Note: These "facts" have not all been confirmed for accuracy. The reader is encouraged to submit comments on the accuracy of these and any other Saskatchewan "Facts" they come across.

% Tom Sukanen, a Finnish immigrant, built an ocean-going boat near Macrorie, Saskatchewan (Sk.) during the middle of the dust-bowl years. Tom was 15 miles from the South Sask. River. He intended to take a load of wheat back to Finland. The man hand-made every part, including boiler and steam engine. Unfortunately, he died before its completion. The assembled ship can now been seen on Hwy. # 2, south of Moose Jaw, Sk.

% Famed theorist/physicist, "Albert Einstein," played goal for the Canwood (Sk.) Canucks one winter while sojourning north to Canada to "find peace and silence" for his work on the Theory of Relativity. He had played hockey in his younger years in Germany.

% The capital city of Regina, Sk. is in the Guinness Book of Records. It has the longest bridge (Albert Street Bridge) over the shortest body of water (Wascana Creek).

% The railway track from Regina to Stoughton, Sk. was, at one time, the longest stretch of perfectly straight track in the world.

(... more to come in future issues.)

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Richard Healey, P.L.S.
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Bent Only or Bent and Disturbed?

by Lyall Pratt, ALS - Director of Systematic Practice Review
Reprinted from "ALS News" - September, 2004

This is the twenty-first in a series of articles featuring problems or issues commonly encountered in Systematic Practice Review. The purpose of these articles is purely educational, so no names or identifying legal descriptions are included. Opinions expressed are those of the author.

The Issue

In the December 2001 issue of ALS News in the Director's Message column, I spoke of the difference between restored monuments and re-established monuments. As noted in that column, there is a huge difference between the two terms. A re-established monument will have opinion only written all over it, as the land surveyor has relied only on measurements to re-establish the lost monument. As we all know, measurements are the last rung in the hierarchy of evidence. A restored monument is actually two rungs higher in the hierarchy of evidence, as the surveyor is replacing the obliterated monument from traces of the original. As noted in the 2001 article, members often use the terms interchangeably when they should not. The issue addressed in this article is related directly to the restored vs. re-established issue. Is a bent monument automatically considered disturbed?

The Plan Examination

Our review examined a road widening survey that touched on a 1937 road survey along a quarter line. This survey required an intersection with the 1937 road survey. The survey evidence placed by the 1937 survey was required for the intersection. The practitioner's field notes and the registered plan both showed the notation "Fd. 1. Disturbed Re-est. Pl. I. R1."

The Field Inspection

Our field inspection was conducted in January while the practitioner's survey had been conducted in June and July of the previous year. At R1, we found two monuments. One bearing the practitioner's permit stamp only, and an older bent iron post marked R1 about 0.26m away from the practitioner's post.

In viewing the monument, we questioned the practitioner's finding that the monument was disturbed, as from our position the original monument appeared to be only bent. Also, if the monument was disturbed as the practitioner claimed, why did he leave it in the ground only decimetres away? In reviewing the practitioner's field notes and plan again, it seemed obvious that the practitioner had not accepted the monument simply because it did not match the dimensions from the 1937 plan. The included photo shows the findings of our January field inspection.

Facing southerly showing two *posts; practitioner's* is *straight, original* is *bent. Plan states "Fd. I. Disturbed Re-est Pl. I. R1." New post not marked R1.*

Definitions

Our Manual of Standard Practice defines disturbed monument. A disturbed monument is one that has been moved other than by an Alberta Land Surveyor in the course of his duty and that can be proved beyond reasonable doubt to have been moved from its original position.

While not defined in our Manual, a bent monument is one that is no longer straight and has been bent to some degree. If the bent monument is still

at least partially in the ground the challenge is to determine if it is also disturbed, or if the monument is in its original position and simply been bent in place. Spinning a bent monument around will leave a clear post hole that must be considered as evidence of the original position of the monument, should it be determined that the monument is only bent and not disturbed.

The Report

In our report we noted that the practitioner did not see the need to restore evidence when it was found bent, and after a second frost-free look at the same survey during a follow-up review, I made the following observations:

> *"It is my opinion that the bent monument at R1 (now removed by the practitioner) shown in the January photo was the original monument. The practitioner's plan reads "Fd. I. Disturbed, Re-est. Pl. I. R1." Clearly the practitioner must believe that it was not in its original position. Keeping in mind the content of Section 45(4) of the Surveys Act, I would like the practitioner's explanation of what, besides dimensional differences, led him to conclude that the original bent R1 was disturbed. While dimensions may play a role in boundary re-establishment, they can never be the only consideration, as is abundantly clear in Section 45(4)."*

The Response

The practitioner in his response to this observation indicated that the initial acceptance of RI as disturbed was an extension of a verbal review of the initial survey with the party chief. He also indicated that the measured location of R1 did not agree with the plan information. He said when questioned, the party chief indicated that the post had been banged around quite a bit, and had probably been moved during construction. He sent the same party chief back to the site to address the issues raised. He also said that he personally examined the evidence and that plan corrections will be made to reflect the proper location of R1. As a result, he noted that he will be implementing an evidence evaluation form into the field notes, and has been conducting more inspections of the field evidence, to ensure that the field condition of the evidence and what is reported in the notes is accurate.

The practitioner did correct the survey and plan to show finding R1 bent and restoring it.

The Message

Do you know what your staff consider as bent, or bent and disturbed when a monument is found bent? Be absolutely certain that all field staff understand the difference between bent and disturbed and restored and re-established. The differences are major and can have an impact on the application of the hierarchy of evidence in the future for that corner.

Record of Restored Monuments Sections 44 and 46 of the Surveys Act require that the land surveyor register a plan showing the method of re-establishment of a lost monument within 90 days of the completion of the survey. There is no statutory requirement to register a plan if you have restored the monument from traces of the original. Many restorations are done in conjunction with a survey that is to be registered anyway. However, surveys conducted by land surveyors for well sites, real property reports and other surveys of a non-registered variety, may also require the restoration of survey monuments.

The Surveys Act does not require a land surveyor to register a plan of survey when a monument is restored. As keepers of the cadastral fabric, we have a duty as outlined in Part B Section 1 of the Manual of Standard Practice to at all times maintain the cadastral fabric.

A subgroup of the Standards Committee has been working on a corner recordation database. The intent of this database is to house a record of restored monuments that do not wind up getting shown on a registered plan of survey. When operational, this will allow all land surveyors to input and extract restoration information from the database at no cost. In my view, this is an initiative that assists land surveyors in their ethical responsibilities to maintain the cadastral fabric without registering plans that show restorations if a plan would not be required by the survey. T

THE USE OF EXTRINSIC EVIDENCE AS AN AID TO THE INTERPRETATION OF DEEDS AND THEIR DESCRIPTIONS

By Donald R. Richards and Knud E. Hermansen

Reprinted from The Nova Scotia Surveyor Fall 2004 No. 172

Introduction

A deed is an expression of the parties as to what real estate and rights were intended to be conveyed. It should contain an accurate description of the land and appurtenances. However, persons whose services require them to scrutinize and interpret deed descriptions know that deeds and descriptions have often been drafted by unskilled and inexperienced hands. Furthermore, in spite of the care, vigilance, and caution on the part of the skilled scrivener, errors often did and continue to creep into deeds.[1] For a deed that contains errors or ambiguities, it is well settled that it shall not be considered void if the intention of the parties to the grant can be satisfactorily determined.[2] The object of the law is to uphold, rather than defeat such conveyances.[3] Accordingly, there are occasions when it is appropriate to determine what was intended by utilizing information outside the deed or extrinsic evidence.[4]

Defined

Extrinsic evidence is defined as evidence outside the writings - in this case the deed.[5] Extrinsic evidence is held to be synonymous with evidence aliunde and includes parol statements, acts by the parties, unrecorded documents, historical documents, private plans, etc. Extrinsic evidence does not include maps or other documents referred to in the deed. These documents are considered part of the deed and are merged with the deed as if copied into the deeds It does not matter if the document referred to in the deed is recorded or not.[6]

When Extrinsic Evidence May Be Used

Generally, extrinsic evidence is used to clarify the intent of the parties and reasonably explain the import of the deed or the location and extent of the premises being conveyed. It is sometimes used in situations where the deed would otherwise be void but for the extrinsic evidence. When a deed does not sufficiently describe a tract of land to locate the boundaries, extrinsic evidence is properly admitted to furnish the information needed to clarify the location but only as much as is absolutely necessary to validate the description or supply its deficiency.[7] Extrinsic evidence is allowed in the following situations.

Ambiguities - Extrinsic evidence can be used to resolve ambiguities.[8] An ambiguity in a deed often arises when circumstances which are evident to the parties at the time of a conveyance may not be evident, after many years, to a subsequent owner or one who tries to interpret the deed. An ambiguity may arise when, for example, a deed calls for a monument at a corner and it is discovered that there are two monuments that fit the description, or where a deed calls for a distance easterly to a stream or highway and it is found that there are two potential locations that may meet the call.[9] In another example, a deed which conveys, “my west pasture as now fenced containing 5 acres”, may, 40 years after the conveyance, require reference to the recollections of older individuals who were familiar with the property or information from aerial photos to ascertain what was actually conveyed by the description.

Verification of a Monument or the Location - Often surveyors use extrinsic evidence to identify monuments referred to in the deed. Monuments are often described poorly or partially. In some deeds monuments may need to be verified using extrinsic evidence.[10] It also happens that the monument called for in a deed is not permanent, such as a tree or wood stake, or may have been removed by snow plowing or earth moving. The location of those monuments, even after their disappearance, is subject to proof by extrinsic evidence.[11] An example which may require extrinsic evidence is a description that calls for a line running “northerly, passing 15 feet westerly of the Jackson sawmill” when the sawmill burned down years ago. The Jackson sawmill’s proper location may be established by extrinsic evidence.

Errors, Omissions, and Conflict - When there is clearly an error, omission, or conflict between two or more parts of a deed, extrinsic evidence can often be helpful in resolving the error, omission,

or conflict.[12] This may be particularly applicable when a scrivener's error is revealed such as in the transposition of numbers in bearings or distances, the reversal of a course, missing courses, and so on.

Circumstances - Circumstances surrounding the conveyance have also been the topic of extrinsic evidence.[13] Examples include the use of tidal shores and marsh, determining a fence type, the location of utility poles, use of slope distances or magnetic bearings, and so on. An example is a deed which conveys "all that land which was the homestead farm of Caleb Daniels at the time of his death." Determining the homestead by looking at the circumstances existing at the time of Daniels' death may require extensive research into deeds, maps, tax records, ancient lines of occupation and other evidence outside the deed to determine what was intended to be conveyed by the terms.

Definitions and Terms - Often extrinsic evidence such as information from history books, technical manuals, journals, and so on must be used to clarify terms used in the deed. It is common for deeds to use terms that were familiar to the parties to the conveyance but which today may be very obscure.[14] For example a deed which contains the wording, "beginning at a balm of gilead on the easterly side of Black Brook 25 rods north of Stones crossing ..." may need to be clarified by knowledgeable witnesses or reliable documentation that a balm of gilead is a balsam poplar tree and that "Stones Crossing" was the point just above Morgan Stone's grist mill where the old county road crossed the brook. The court will utilize credible information outside the deed to define terms and give effect to the deed description.

Validate or Prove Lost Deeds - Less frequent but required from time to time is to use extrinsic evidence to validate or prove lost deeds. If sufficient evidence can be produced by unsigned copies, testimony of credible witnesses who read the deed, or other means of verifying the fact of the conveyance, the conveyance may be supported and proven.[15]

What May Be Used As Extrinsic Evidence

There are several sources of extrinsic evidence that have been recognized by the courts. These sources can be used to good advantage when the need arises.[16]

Parol - Parol evidence or verbal testimony is perhaps the most common source of extrinsic evidence. Surveyors, attorneys, and the courts, while recognizing the limitations of the recollections and statements of witnesses, make frequent use of this source when boundary locations are being retraced. It is common practice for the surveyor to talk to a landowner and the neighbors to hear their explanation of the boundary location and compare the testimony with the written descriptions in the deeds and the measurements made on the ground.

Historical Survey Pans - Surveys, both old and recent, are also a source of evidence which may shed light on circumstances surrounding the conveyance and the relative location of monuments and physical features on the ground. Surveyors may locate stone wall remnants, old wire fence remnants, physical features like brooks, old roadways, wells, foundation remains, timber cut lines, logging roads, buildings, utilities and easements. Without that information, which may verify or explain ambiguities, discrepancies, or errors in the deed, it is often difficult or impossible to properly fit the description to the ground.

Aerial Photographs - In addition to surveys and plans, aerial photos of a property may give clear evidence to the trained eye of the relative position of many physical features on the ground including buildings, roads, utility lines, streams, fences, and many other physical features.

Unrecorded Papers - Unrecorded papers and previous agreements between the parties may also, in some situations, be utilized to clarify an ambiguity or identify an obvious error in a deed.[17] The evidence may take the form of purchase and sale agreements, sketches, annotated drawings, or memoranda of the transaction. Because of the Doctrine of Merger, this source of information cannot enlarge or diminish the grant or contradict the clear writings of the deed - it may only supply necessary information that was omitted from the deed.

Contemporaneous and Subsequent Acts - Another form of extrinsic evidence which the courts have relied on is information pertaining to the contemporaneous and subsequent acts of the parties to a deed.[18] If the description in a deed is ambiguous the acts of the parties in recognizing a certain line by setting boundary markers, and blazing lines or making improvements such as erecting fences, building roads, placing utility poles, or landscap-

ing may give the only evidence of the intent of the parties to the deed.[19]

Declarations With Knowledge - Persons with some peculiar means of knowledge such as near-by-residents, surveyors, farm hands, etc. have all been used to clear up ambiguity. After the tract of land has been conveyed, the declarations of a former owner regarding his or her understanding of the boundaries and their use of the property may be admissible to clarify an ambiguous deed.[20]

Limitations

Extrinsic evidence is not used perfunctorily. The court has gone to great lengths to state and make clear that extrinsic evidence cannot be used to control, vary, or contradict the clear language in a deed. In other words, extrinsic evidence cannot enlarge or diminish that which is clearly described.[21] For example, a plan or deed not referenced or cited in a conveyance is evidence aliunde and therefore cannot control, vary or contradict the clear written description contained in a deed.[22] The reasoning behind the principle is obvious. Why would people go to the trouble to clearly articulate their contract and solemnly execute a deed if those writings could be annulled by verbal contradictions or extraneous memoranda? The court has recognized that titles would be completely unsettled.[23]

Exception Not A Commonplace - The use of extrinsic evidence is to be an exception or a last resort when the language of the deed is found deficient after harmonizing all the calls in the deed under the standard rules of construction.[24] In the interpretation of deeds, the intention of the parties must govern, and that intention is to be determined if possible from the words expressed in the deed.[25] Where the words are clear, extrinsic evidence is not allowed.[26] Accordingly, extrinsic evidence was inadmissible to show that in drafting a deed the scrivener erroneously inserted the words, "the north half" preceding the number of the lot to be conveyed or that instead of a certain parcel described in a deed, another tract was intended to be conveyed.[27]

No Substitution - In other cases, extrinsic evidence cannot be substituted where common sense, plain meaning, rules of construction, and logic adequately provide recourse. For example, when a deed calls for the ending point of a line to be opposite a certain and definite point on the other side of a street, the line must end at a point at right angles to the point called for.[28]

Cannot Vary Rules of Law or Legislature - Extrinsic evidence has not been allowed to vary rules established to protect purchasers and the sanctity of the deed.[29] For example, the Court did not permit a deed to be used as a security for a debt or as a mortgage or allow that the delivery of a deed was to be void on the fulfilment of a certain condition when these conditions are not cited in the deed.[30] Neither can a parol reservation of fixtures, crops, manure or the like be considered valid.[31] Even if the act of conveying a deed does not make sense or appears to have been unwise or absurd in what it accomplishes, if the language is clear, it is not to be altered by extrinsic or parol evidence.[32]

Conclusion

As can be seen from this discussion, extrinsic evidence, while not always the favored tool for the interpretation of deeds, is often a necessary one. Persons who must interpret, retrace, or delineate the descriptions in deeds must be familiar with the rules pertaining to these matters so that their construction will coincide with that of the court.

Notes

See e.g., *Cushing v. State of Maine*, 434 A.2d 486 (1981)

1 *Madden v. Tucker*, 46 Me. 367 (1859) and *Wing v. Burgis*, 13 Me. 111 (1836)

2 "...it is well settled law, that a deed shall not be held void for uncertainty, but shall be so construed wherever it is possible as to give effect to the intention of the parties and not defeat it; and that this may be done whenever the court placing itself in the situation of the grantor at the date of the transaction, with knowledge of the surrounding circumstances and of the force and import of the words used, can ascertain his meaning and intention from the language of the conveyance thus illustrated. Greenleaf's Cruise, vol. IV, p. 306; ed. of 1850, tit. XXXII, chap. XX, note to § 24. And this, even where it becomes necessary to reject parts of the description given as false and inconsistent." *Vose v. Handy*, 2 Maine, 322, 330 citing *Worthington v. Hyler*, 4 Mass. 196; *Jackson v. Clark*, 7 Johns. 217. To the same effect are *Wing v. Burgis*, 13 Maine, 111, and *Vose v. Bradstreet*,

27 Maine, 156, 171. Also see *Cilley v. Childs*, 73 Me. 130 (1882)

3 *Pelletier v. Langlois*, 130 Me. 486 (1931); *Patrick v. Grant*, 14 Me. 233 (1837); and *Wing v. Burgis*, 13 Me. 111 (1836)

4 See e.g., *St. Pierre v. Grondin*, 513 A.2d 1368 (Me. 1986); *Bailey v. Look*, 432 A.2d 1271 (Me. 1981); *Perreault v. Toussaint*, 419 A.2d 1009 (Me. 1980); *Gould v. Boston Excelsior Co.*, 91 Me. 214 (1898); and *Abbott v. Abbott*, 51 Me. 575 (1863)

5 *Bradstreet v. Bradstreet*, 158 Me. 140 (1962); *Bartlett v. Corliss* 63 Me. 287 (1873); *Thomas v. Patten* 13 Me. 329 (1836)

6 *Bradstreet v. Bradstreet*, 158 Me. 140 (1962); *Bartlett v. Corliss*, 63 Me. 287 (1873); and *Thomas v. Patten*, 13 Me. 329 (1836)

7 *Perreault v. Toussaint*, 419 A.2d 1009 (Me. 1980) and *Gould v. Boston Excelsior Co.*, 91 Me. 214 (1898)

8 *Taylor v. Hanson*, Me. 514 A.2d 155 (Me. 1988); *Abbott v. Abbott*, 51 Me. 575 (1863); *Bonney v. Morrill*, 52 Me. 252 (1863); *Linscott v. Fernald*, 5 Me. 496 (1829); and *Linscott v. Fernald*, 5 Me. 496 (1829)

9 *Tyler v. Fickett* & 3 Me. 410 (1882) *Abbott v. Abbott*, 51 Me. 575 (1863); *Chadbourne v. Mason*, 48 Me. 389 (1861); *Emery v. Webster*, 42 Me. 204 (1856); and *Wing v. Burgis*, 13 Me. 111 (1836)

10 *C.f. Tyler v. Fickett*, 73 Me. 410 (1882); *Abbott v. Abbott*, 51 Me. 575 (1863); *Chadbourne v. Mason* 48 Me. 389 (1861) and *Wing v. Burgis* 13 Me. 111 (1836)

11 *Theriault v. Murray*, 588 A.2d 720 (Me. 1991); *Savage v. Renaud*, 588 A.2d 724 (Me. 1991); and *Ricci v. Godin*, 523 A.2d 589 (Me. 1987)

12 *Wing v. Burgis*, 13 Me. 111 (1836) and *Vose v. Handy*, 2 Me. 296 (1823)

13 *Holden v. Morgan*, 516 A.2d 955 (Me. 1986); *Cushing v. State of Maine* 434 A.2d 486 (1981); *Gillespie v. Worcester*, 322 A.2d 93 (Me. 1974); *C Company v. Westbrook* 269 A.2d 307 (Me. 1970) ; *Callahan v. Ganneston Park*, 245 A.2d 274 (Me. 1968); *Pellitier v. Langlois* 130 Me. 486 (1931); *Emery v. Webster*, 42 Me. 204 (1856); *Linscott v. Fernald*, 5 Me. 496 (1829)

14 *Emery v. Webster*, 42 Me. 204 (1856) and *Linscott v. Fernald*, 5 Me. 496 (1829)

15 *Day v. Philbrook*, 89 Me. 462 (1897); *Moses v. Morse*, 74 Me. 472 (1883); and *Gore v. Elwell*, 22 Me. 442 (1843)

16 *Callahan v. Ganneston Park*, 245 A.2d 274 (Me. 1968) and *Cilley v. Childs*, 73 Me. 130 (1882)

17 *Company v. Westbrook*, 269 A.2d 307 (1970); *Callahan v. Ganneston Park*, 245 A.2d 274 (Me. 1968); *Vumbaca v. West*, 107 Me. 130 (1910) and *Gould v. Boston Excelsior Co.*, 91 Me. 214 (1898); *Haight v. Hamor*, 83 Me. 453 (1891); and *Whitman v. Westman*, 30 Me. 285 (1849)

18 *Theriault v. Murray* 588 A.2d 720 (Me. 1991); *Bemis v. Bradley*, 126 Me. 462 (1927); *Borneman v. Milliken*, 123 Me. 488 (1924); ; *Woolen Co. v. Gas Co.*, 101 Me. 198 (1906); *Roberts v. Richards*, 84 Me. 1 (1891); *Cilley v. Childs*, 73 Me. 130 (1882); *Tyler v. Fickett*, 73 Me. 410 (1882); *Abbott v. Abbott*, 51 Me. 575 (1863)

19 *Knowles v. Toothaker*, 58 Me. 172 (1870) and *Emery v. Fowler*, 38 Me. 99 (1854)

20 *Bradstreet v. Bradstreet*, 158 Me. 140 (1962).

21 *Callahan v. Ganneston Park*, 245 A.2d 274 (Me. 1968); *Card v. Nickerson*, 150 Me. 89 (1954); *Parkman v. Freeman*, 121 Me. 341(1922); *Bassett v. Breen*, 118 Me. 279 (1919); *May v. Labbe*, 114 Me. 374 (1895); *Neal v. Flint*, 88 Me. 72 (1895); *Ames v. Hilton*, 70 Me. 36 (1879); *Mitchell v. Smith*, 67 Me. 338 (1876); *Bartlett v. Corliss*, 63 Me. 287 (1873); *Faught v. Holway*, 50 Me. 24 (1861); *Emery v. Webster*, 42 Me. 204 (1856); *Wellington v. Murdough*, 41 Me. 281 (1856); *Kennebec Ferry Co. v. Bradstreet*,28 Me. 374 (1848); *Pride v. Lunt*, 19 Me. 115 (1841); *Allen v. Allen*, 14 Me. 387 (1837); *Thomas v. Patten*, 13 Me. 329 (1836); *Lincoln v. Avery*, 10 Me. 418 (1833); and *Linscott v. Fernald*, 5 Me. 496 (1829);

22 *Kinney v. Central Maine Power Co.*, 403 A.2d 346 (Me. 1979); *Bradstreet v. Bradstreet*, 158

Continued on page 163

Do You Remember When

by Grant Cross, ALS

Reprinted from "ALS News" - September, 2004

Over the past several years, a number of technological advances have aided our profession by allowing field and office operations to be completed in a shorter time frame than previous.

Knowing this, and recognizing the Historical and Biographical Committee undertaking to publish a history of land surveying in Alberta, perhaps this is a good time to look back and remember some of the equipment and methods of survey previously utilized.

Do you remember when:

- every new Alberta Land Surveyor was required to purchase a "standard chain." This was the standard that all other chains used for measurement were checked to;
- steel chains would break and repair was necessary either by a rivet process or solder repair;
- transits had exterior vernier scales that were best read using a magnifying glass;
- transits had an external focus rather than an internal focus as instruments of today have. You could see the scope lengthen and shorten when operating the focus;
- topographic surveys were performed by measuring horizontal and vertical angles and distances were determined by stadia readings;
- titles searches were performed by going to Land Titles, obtaining the information from Land Titles staff and hand writing all the information;
- every crew had chaining pins. The head chainman placed the pin at the mark and tail chainman picked the chaining pin up. This was a method to ensure the number of measurement intervals was correctly accounted for;
- everyone on the survey crew had chaining clamps to ensure the steel tape didn't slip during the measurement process;
- everyone on the survey crew had a plumb bob complete with a sheath attached to his belt or some other inventive method of attachment;
- there were no "gammon reels." You threw the plumb bob string over your shoulder and proceeded to the next point;
- when measuring over undulating terrain, vertical angles were measured with a clinometer. Steep angled measurements required vertical angle measurement from each end of the measurement. Calculations were performed to determine the horizontal distance;
- temperature corrections were calculated and applied to measured distances;
- measurements were sometimes performed using scales to ensure proper tension of the steel tape;
- there were no walkie-talkies to aid in communications between members of the survey crew. This meant a lot of shouting and use of hand signals for directions and relay of numbers;
- the first practical short range electronic measuring devices were available and required the manipulation of dials to determine the various measurement components (ones, tens, hundreds, etc.);
- field calculations were performed on a "Curta" calculator;
- anyone that had a four wheel drive vehicle was driving a Jeep or a Dodge Power Wagon;
- there were no snow machines or quads. Crew members walked a lot and gained experience with snow shoes;
- survey plans were drafted by hand and every office had drafting tables complete with Leroy lettering sets, scales, straight edges and the ever famous electric eraser;
- survey plans were drafted on linen, and heaven forbid if the plans were folded or exposed to moisture;

- survey plans were cluttered with endorsements by the land surveyor, owner and encumbering parties to the title;
- the first computers were capable of 1/10,000 (a guess) of today's computer and required a large room;
- printing machines were huge monstrosities requiring the use of ammonia to expose the paper and show the linework and lettering of the plan;
- automated plotters came into use complete with an array of pens for the various line weights. The machine whirred and clicked as the paper was rotated, the pens swept sideways and the plotter picked up the required pen. The operator had to clean the pens until finally disposable pens became common;
- there were no photocopy machines;
- there were no fax machines;
- memos and letters were prepared on a type writer along with carbon paper between sheets of paper to provide extra copies;
- no one ever heard of e-mail;
- no one ever heard of voice messaging;
- no one ever heard of a cell phone;
- no one ever heard of satellites and global satellite positioning.

These are only a few to think about; you will note that no mention is made of logarithms, Gunter chain, triangulation, transit and tape traverses. Also omitted is reference to line cutting prior to chainsaws. This has dealt more with my experiences and there are members that can provide information and probably some very good stories of survey experiences and equipment utilized in days gone by.

Consider this, with all the technological advances, why hasn't someone developed a system of seeing through bush when standing on the ground.

By the way, be sure to support the Alberta Land Surveyors' Association and pre-order copies of Laying Down the Lines - A History of Surveying in Alberta for you and your friends. T

Continued from page 161 - "The Use of Extrinsic Evidence ...."

Me. 140 (1962); *Bartlett v. Corliss*, 63 Me. 287 (1873); *Talbot v. Copeland*, 38 Me. 333 (1854); and *Thomas v. Patten*, 13 Me. 329 (1836)

23 *Card v. Nickerson*, 150 Me. 89 (1954); *Bonney v. Morrill*, 52 Me. 252 (1863); *Madden v. Tucker*, 46 Me. 367 (1859); *Allen v. Allen*, 14 Me. 387 (1837); and *Lincoln v. Avery*, 10 Me. 418 (1833)

24 *Taylor v. Hanson*, 514 A.2d 155 (Me. 1988); *Kinney v. Central Me. Power Co.*, 403 A.2d 346 (Me. 1979); *Wentworth v. Laporte*, 156 Me. 392 1960; *Penly v. Emmons*, 117 Me. 108 (1918); *Haight v. Hamor*, 83 Me. 453 (1891) ; *Ames v. Hilton*, 70 Me. 36 (1879); *Kennebec Ferry Co. v. Bradstreet*, 28 Me. 374 (1848) ; *Grover v. Drummond*, 25 Me. 185 (1845)

25 *St. Pierre v. Grondin*, 513 A.2d 1369 (Me. 1986); *Cushing v. State of Maine*, 434 A.2d 486 (1981); *Kinney v. Central Maine Power Co.*, 403 A.2d 346 (Me. 1979); *C Company v. Westbrook*, 269 A.2d 307 (Me. 1970); *Wentworth v. Laprorte*, 156 Me. 392 (1960); *Knowles v. Bean*, 87 Me. 331 (1895); *Haight v. Hamor*, 83 Me. 453 (1891); *Ames v. Hilton*, 70 Me. 36 (1879); and *Bartlett v. Corliss*, 63 Me. 287 (1873)

26 *Bonney v. Morrill*, 52 Me. 252 (1863); *Kennebec Ferry Co. v. Bradstreet*, 28 Me. 374 (1848); *Grover v. Drummond*, 25 Me. 185 (1845) ; *Lincoln v. Avery*, 10 Me. 418 (1833)

27 *Card v. Nickerson*, 150 Me. 89 (1954); *Brown v. Allen*, 43 Me. 590 (1857); and *Williams v. Spaulding*, 29 Me. 112 (1848)

28 *Bradley v. Wilson*, 58 Me. 357 (1870)

29 *Madden v. Tucker*, 46 Me. 367, 376 [1859]

30 *Card v. Nickerson*, 150 Me. 89 (1954); *May v. Labbe*, 114 Me. 374 (1916); and *Reed v. Reed*, 71 Me. 156 (1880)

31 *Card v. Nickerson*, 150 Me. 89 (1954) and *Brown v. Thurston*, 56 Me. 126 (1868)

32 *Warren v. Blake*, 54 Me. 276 (1866) and , 28 Me. 374 (1848) T

Discovering The CURTA Calculator

By A. Carl Shiels, Executive Director

A recent article in the CBCLS newsletter *The Link* piqued my interest. It quoted from an article in the January 2004 issue of *Scientific American* entitled **"The Curious History of the First Pocket Calculator"**. Although I had heard many references to the CURTA calculator by some of our 'more experienced' members, I had never seen one first hand - nor have I yet. However, the Internet got me about as close as I will probably ever need to be to this landmark invention in portable, personal calculating power.

A Google search for "Curta Calculator" produced 5,160 hits with most of the top ones leading either directly or indirectly to **www.vcalc.net/cu.htm**

This is a site dedicated to the CURTA with every conceivable aspect of the calculator discussed or depicted with dozens of links, drawings and photos. You can even order a 62 cm x 41 cm poster depicting all of its numerous parts.

Curt Herzstark, Inventor of the CURTA Calculator
(from www.vcalc.net/cu.htm)

For the story of its inventor, Curt Herzstark, scroll about half way down the page and click on **"Curt Herzstark and his Pocket Calculator CURTA."** This page describes his birth in Vienna, early education and experience in his father's calculator manufacturing business, his "preventive custody" during WWII in the Pankratz prison in Prague and later in Buchenwald where the idea for the CURTA first began to develop, and his eventual 'success' at developing a company in Liechtenstein for the production, starting in 1947, of his amazing invention.

CURTA production increased rapidly until 1972 when it was abruptly halted. Introduction of the HP35A and Texas Instruments SR-10 hand-held electronic calculators brought an unceremonious end to the demand for the mechanical calculator; but not before about 80,000 CURTA I's and 61,000 CURTA II's were sold throughout the world. Now, an obviously dedicated group of CURTA enthusiasts have used the Internet, the latest evolution of the very technology that caused its abrupt demise, to celebrate and commemorate this marvel of mechanical intricacy.

What really "blew my little mind" to quote an old friend, was a link near the top of the page labelled **"Jan Meyer's Fantastic Curta Simulator!"** Here, you can actually turn the crank and move the setting knobs to carry out real calculations! I found that I had to go back to a link labelled **"Pat Belford's Curta Simulation and Manual"** to find instructions on how to operate it but I soon realized why it was nicknamed "The Coffee Grinder".

The CURTA Calculator
(from www.vcalc.net/cu.htm)

Jan Meyer's Fantastic CURTA Simulator!
(from www.vcalc.net/cu.htm)

For speed and functionality, I will be staying with my solar powered, multi-function, hand-held calculator. But for absolute genious, using doomed technology, one can only be in awe of the amazing CURTA Calculator! T

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Puns . . . either you hate 'em or you love 'em!

1. Two vultures boarded a plane, each carrying two dead raccoons. The stewardess stops them and says "sorry sirs, only one carrion per passenger."

2. NASA recently sent a number of Holsteins into orbit for experimental purposes. They called it the herd shot round the world.

3. Two boll weevils grew up in South Carolina. One took off to Hollywood and became a rich star. The other stayed in Carolina and never amounted to much - and naturally became known as the lesser of the two weevils.

4. Two Eskimos in a kayak were chilly, so they started a fire, which sank the craft, proving the old adage you can't have your kayak and heat it too.

5. A 3-legged dog walks into an old west saloon, slides up to the bar and announces "I'm looking for the man who shot my paw."

6. Did you hear about the Buddhist who went to the dentist, and refused to take Novocaine? He wanted to transcend dental medication.

7. A group of chess enthusiasts checked into a hotel, and met in the lobby where they were discussing their recent victories in chess tournaments. The hotel manager came out of the office after an hour, and asked them to disperse. He couldn't stand chess nuts boasting in an open foyer.

8. A women has twins, gives them up for adoption. One goes to an Egyptian family and is named “Ahmal” The other is sent to a Spanish family and is named “Juan” Years later, Juan sends his birth mother a picture of himself. Upon receiving the picture, she tells her husband she wished she also had a picture of Ahmal. He replies, “They’re twins for Pete sake!! If you’ve seen Juan, you’ve see Ahmal!!!”

9. A group of friars opened a florist shop to help with their belfry payments. Everyone liked to buy flowers from the Men of God, so their business flourished. A rival florist became upset that his business was suffering because people felt compelled to buy from the Friars, so he asked the Friars to cut back hours or close down. The Friars refused. The florist went to them and begged that they shut down. Again they refused. So the florist then hired Hugh McTaggert, the biggest meanest thug in town. He went to the Friars’ shop, beat them up, destroyed their flowers, trashed their shop, and said that if they didn’t close, he’d be back. Well, totally terrified, the Friars closed up shop and hid in their rooms. This proved that Hugh, and only Hugh, can prevent florist friars.

10. Mahatma Gandhi, as you know, walked barefoot his whole life, which create an impressive set of calluses on his feet. He also ate very little, which made him frail, and with his odd diet, he suffered from very bad breath. This made him ... what? (This is so bad it’s good ...)-a super-callused fragile mystic hexed by halitosis.

11. And finally ... there was a man who sent 10 puns to some friends in hope that at least one of the puns would make them laugh. Unfortunately no puns in ten did!!!

Spot the Phrase !!!

Win a Prize!!!

Do you read the SLSA Newsletter?

Just the jokes?

Just the Council Highlights?

All of it?

We want you to dig in and enjoy every morsel and tidbit contained on every page. And so ....

As soon as you spot the phrase printed on the front page of each issue, let us know what page its on. Your name will be entered for a prize draw.* You can enter by e-mail, fax, telephone, snail mail, smoke signals or carrier pigeon.

The phrase or sentence might be in one of the interesting and informative articles or in an advertiser’s copy. It might even be in one of the jokes!?

The deadline for entries will be:

T	**Winter**	**- February 28**
@	**Spring**	**- May 31**
R	**Summer**	**- August 31**
p	**Fall**	**- November 30**

*** Contest open to SLSA Members Only**

Congratulations to Dale Rosnes, winner from the 7 entries for the Fall Issue.

AT SPATIAL TECHNOLOGIES

THE TEAM JUST KEEPS GETTING BETTER





WE HAVE ADDED A NEW TEAM MEMBER !!

Back Row: **Brett Findlater**, **Rick Kurash**

Front Row: **Matt Teppler**, **Sara Savage, Keith Taylor**

You may recognize him — KEITH TAYLOR joined the Spatial team on November 1st. Keith is well known and widely respected as the best instrument technician in Alberta. Keith brings with him many years of experience and his abundance of knowledge and friendly nature will prove him to be a strong member of our growing team.

We are excited to have Keith on board further reinforcing our commitment to providing the highest levels of service and support.

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Continued from page 135 - "Council Highlights"

agreed that Vice-president P. F. Unger and his wife would represent the SLSA at the ANBLS AGM. Attendance at both meetings was considered to be particularly beneficial because of the contacts made at UNB and BCIT.

Finance Committee - 2005 Budget

Council reviewed the first draft of a budget for 2005. Although most of the expense items had been 'tied down', the revenue from member fees could be subject to a very sharp decline depending upon the number of retirements. As many as seven members could be retiring in 2005 and that could result in a deficit of approximately $4,000. Finalization of the budget was therefore delayed until the first meeting in 2005 when the final number of retirements would be known.

Practice Committee

Committee chair B.G. Clark explained that his committee had a great deal 'on their plate' so he had divided the tasks between four subcommittees. He also explained that L.W. McLeod had agreed to participate on the committee as a consequence of the dissolution of the SLSA/ISC Panel on LAND Project Implementation. A number of recommendations were expected to be coming forward from the committee, including a suggested schedule of fees and various amendments to the bylaws, sometime in the new year.

Public Relations Committee

Committee chair C. W. Pennell explained that his committee would be working on:

- Participation at the Career Day and the Beef on a Bun Reception at the U. of C.;
- Rewriting the criteria for the Ian Tweddell Memorial Scholarship;
- Development of a flow chart to help explain the process for obtaining a commission as an SLS;
- Updating the RPR brochure;
- A handbook to help articling students to understand the process.

CCLS Report

G. D. Craig outlined a number of changes that had taken place in the cohabitation arrangements between CCLS, ACLS, CIG and GIAC over the past few months. The implications of this would probably be an increase in costs for CCLS members. He also pointed out that, with the inclusion of the OAGQ in CCLS, the fee structure would be modified slightly.

A request from the CCLS 'champion' on the Expanded Profession lead council to recommend R. B. Shrivastava as the SLSA representative on the task force.

Next Meeting

The next meeting was tentatively scheduled for 9:00 a. m. Monday, February 7, 2005 - probably by telephone conference.

The president acknowledged a motion to adjourn at 9:20 p. m.

2004/2005 - Meeting #5 DEC. 10, 2004

A brief telephone conference meeting was called to consider an application for commission from C. D. Kuntz. Council concluded that Mr. Kuntz had met all of the requirements and granted him commission #290.

Mr. Kuntz had also applied for registration as a Professional Surveyor and was issued P. Surv. registration #70. T

Continued from page 133 - "President's Message"

once again declining with no ongoing plan for promotion of the program to increase enrolment. Council is determined to follow up on this issue as we feel that the Geomatics program at SIAST is not only a valuable source of technologists for the surveying and geomatics industries but, with a number of WCBE accredited courses, it could also become a starting point for future land surveyors. On the other hand, loss of the program would mean that all secondary education related to surveying and geomatics would have to be obtained at out-of-province institutions. Such an eventuality could have serious consequences for both the province and our Association.

Linda and I will be returning to Victoria on January 18th to help the British Columbia Land Surveyors celebrate their 125th anniversary.

I can now smell turkey and it appears my attendance will be required at the dinner table soon. I hope everyone has had a very enjoyable Christmas. Linda and I would like to wish everyone a very happy and prosperous New Year. T

Looking Ahead...

2005

January

						1 New Year's Day
2	3	4	5	6	7	8
9	10	11	12	13	14	15 Fees Due
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

CBCLS 100th AGM - Victoria, BC

ANBLS AGM - Saint John, NB

February

		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28					

AOLS AGM - Huntsville, ON

March

		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25 Deadline for Newsletter Submissions	26
27	28	29	30	31		

April

					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

ALSA Education Seminar & Annual Meeting - Jasper AB

May

1	2	3	4	5	6	7
8 Mother's Day	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23 Victoria Day	24	25	26	27	28
29	30	31				

June

			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19 Father's Day	20	21	22	23	24	25
26	27	28	29	30		

SLSA Spring Education Seminar & Annual Meeting - Saskatoon, SK

ACLS and APEILS AGM - Cardigan, PEI

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