

Survey Evidence - Words of Wisdom

By Walt G. Robillard

EDITOR'S NOTE: *The following originated as an outline for a seminar given by Walt G. Robillard to the California Land Surveyors Association 1976 entitled The Surveyor in His Legal World: Rules for Land Surveyors. It is reprinted in part from Treasurer State Surveyor, a publication of the Montana Land Surveyors, January 2000. The content of the original article, which contained twelve 'rules', has been edited for relevance to Canadian survey practices.*

It is of the utmost importance that a surveyor seek and find all of the evidence at the time of the initial survey, and this must be done irrespective of cost. Search and search well! If it is there, find it! If it isn't, be able to say with certainty that it isn't there.

The best evidence of a monument's original position is a continuous chain of history by acceptable records, dating back to the time of the original monumentation. A found monument without background

history is of little value as evidence; and, a set monument is worthless if unidentifiable in the future.

The Surveyor is a fact finder who goes upon the land armed with all the documentary evidence that is available and searches for markers, monuments and other facts. After all the evidence, facts, measurements and observations are assembled, the surveyor must come to a conclusion from the facts.

The conclusions that flow from the evidence may produce

proof. Evidence in itself is not proof of a fact; a conclusion or inference that may be drawn from evidence is the proof. In coming to conclusions from evidence, the most important need of a surveyor is the ability to recognize and know what is best evidence.

A surveyor may be able to compute, make drawings, use instruments and stake engineering projects but, until he or she understands property law and the law of evidence, the surveyor is not qualified to locate a boundary.

