

TRINIDAD AND TOBAGO.

La Brea Survey.

No. 18.—1905.

3rd July.

AN ORDINANCE to provide for a survey of the Pitch lands at La Brea.

[L.S.]

H. M. JACKSON,

GOVERNOR.

11th July, 1905.

BE it enacted by the Governor of Trinidad and Tobago with the advice and consent of the Legislative Council thereof as follows:—

1. This Ordinance may be cited as the La Brea Survey Short title.
Ordinance 1905.

2. This Ordinance shall come into force and be deemed Commence-
to commence on such day as the Governor may by Procla-
mation appoint. ment.

3. It shall be lawful for the Governor to appoint a Appointment
competent Surveyor (hereinafter called "the Surveyor") of Surveyor.
and such assistants as may be necessary, to make a survey
and plan of the land (hereinafter called "the district")
situate above the stratum or flow of pitch in the ward
of La Brea between the Pitch Lake and the sea to the
northward thereof.

4. The Surveyor shall survey the district and shall Duty of
prepare a plan thereof showing the boundaries of the Surveyor.
lots and the lines of the roads and streets therein,

and shall where necessary erect permanent marks or beacons on stable ground, fixing their position by careful and accurate survey, and shall from such permanent marks or beacons take and fix by cross bearings points in the boundaries of lots and in the lines of streets as may be convenient and necessary and shall lay down on the plan such cross bearings; the points so taken fixed and laid down shall be connected by triangulation or traverses as may be directed by the Engineer in charge of surveys.

The bearings and lengths of all boundaries of lots shall be taken and fixed and laid down upon the plan, and such plan shall bear upon it a certificate from the Engineer in charge of surveys certifying to its correctness.

The surveyor shall also fix on each permanent mark or beacon a bench mark and shall take and fix in feet the height of such bench mark above the level of low water at ordinary spring tides and shall lay down the heights of such bench marks upon the plan, and all levels taken within the district shall be referred to such bench marks.

Power to enter
land and to
erect marks,
etc.

5. For the purpose of carrying this Ordinance into effect the Surveyor and his assistants shall have power at all reasonable times to enter into or upon any private land of any person, either within or without the district, and to fix any mark or object to be used in the survey, or any beacon, post, stone or boundary mark whatsoever, and to dig up any ground for the purpose of fixing any such mark or object or beacon, post, stone or boundary mark.

Notice to
owner to
produce plan
or mark out
boundaries.

6. For the purpose of surveying ascertaining and marking out the boundaries of the lots and the lines of the roads and streets in the district, it shall be lawful for the Surveyor and he is hereby authorized by notice in writing under his hand and directed and delivered to the owner or occupier of any land in the district, to require such owner or occupier within seven days of the receipt of such notice to furnish the Surveyor with a plan showing the boundaries of his land connected with fixed marks erected on stable ground, or to mark out on the ground the boundaries of his land; and in case such owner or occupier shall neglect or refuse so to do and on proof thereof before

any Stipendiary Justice of the Peace he shall be liable to a penalty not exceeding five pounds, and in default of payment shall be imprisoned for any term not exceeding one month.

7. If any person not duly authorised shall knowingly and wilfully take away, remove, displace or alter the situation of any boundary stone, post, block, beacon, bolt or mark which shall be set up and placed for the purposes of this Ordinance, or shall knowingly and wilfully deface, mutilate, break or destroy any such boundary stone, post, block, beacon, bolt or mark, every person so offending shall be guilty of an offence against this Ordinance, and on conviction thereof before any Stipendiary Justice of the Peace shall be liable to a penalty not exceeding Twenty-five Pounds, and in default of payment shall be imprisoned with or without hard labour for any term not exceeding six months.

Unlawfully
removing or
injuring
marks.

8. If any person shall wilfully obstruct, hinder, assault or resist the Surveyor or his assistants in the execution of his or their duty under this Ordinance, every such person shall be guilty of an offence against this Ordinance and on conviction thereof before any Stipendiary Justice of the Peace shall be liable to a penalty not exceeding Ten Pounds, and in default of payment shall be imprisoned with or without hard labour for any term not exceeding three months.

Assaulting
or obstructing
Surveyor.

9. As soon as the plan prepared in accordance with this Ordinance is completed, one copy thereof shall be exhibited for public inspection in the Office of the Warden of La Brea, and another copy shall be exhibited for public inspection in the Office of the Sub-Intendant of Crown Lands in Port-of-Spain. Notice of such public exhibition shall be given during three months in the *Royal Gazette* and in one daily newspaper circulating in the Colony.

Public exhibi-
tion of plan on
completion.

10. At any time within four months after the first day of exhibition aforesaid any person claiming that his rights are affected by the said plan may lodge in writing with the Sub-Intendant of Crown Lands an objection to the same or any part thereof. All such objections shall forthwith be reported upon by the Surveyor to the Sub-Intendant of Crown Lands.

Objection to
plan may be
lodged.

Application to
Supreme Court
to amend plan,
and procedure
thereon.

11. Any person claiming as in Section 10 hereof provided may within thirty days after lodging his objection with the Sub-Intendant or within such extended time as may be allowed by the Court or a Judge apply by petition to the Supreme Court to amend the said plan; and the Supreme Court shall hear and adjudicate upon all such applications; and for the purpose of so hearing and adjudicating thereupon, shall give directions as to notice of the application and of the hearing thereof to be given to persons liable to be affected by the same; and shall finally determine to what extent and in what manner the said plan shall be amended, if at all; and shall make such orders as may be just as to the costs of hearing such objections. Save with the leave of the Court no objections to the plan shall be entertained save such as shall have been lodged as provided by Section 10 hereof. After the Supreme Court shall have heard and determined all objections as hereinbefore provided, the plan as amended as aforesaid shall be forwarded by the Registrar of the Supreme Court to the Surveyor for alteration in accordance with the orders of the Court if any; and after the last of such alterations the Surveyor shall transmit the plan to the Sub-Intendant of Crown Lands.

After objec-
tions deter-
mined, plan
to be laid
before Legis-
lative Council.

12. If no objection to the said plan is lodged within the time prescribed as aforesaid, or if objection is lodged and no proceedings are taken within the prescribed time or such extended time as may be allowed by the Court or a Judge, or if the said plan is amended by the Supreme Court, the Sub-Intendant of Crown Lands shall transmit the same to the Colonial Secretary, who shall lay the same on the table at the next ordinary meeting of the Legislative Council. On the said plan being approved by resolution of the said Council, the said plan shall be deemed to show the correct boundaries of the lots and the correct lines of the roads and streets in the district.

Evidence.

13. The plan so approved or any copy thereof certified to be a true copy by the Surveyor shall be admissible in evidence in all Courts of Law in this Colony, and shall be conclusive evidence of the boundaries of the lots and the lines of the roads and streets in the district.

14. Copies of the said plan as finally approved by the Legislative Council and certified as correct by the Surveyor ^{Certified copies.} may be obtained from the Sub-Intendant of Crown Lands on payment of the reasonable expenses thereof, and a certified copy thereof shall be deposited and kept in the offices of the Colonial Secretary, the Director of Public Works and the Engineer in charge of surveys.

15. In this Ordinance the term "stable ground" means ^{Interpretation.} ground which is not liable to movement or shifting by reason of the presence or flow of asphalt or other bituminous substance.

Passed in Council this Third day of July, in the year of Our Lord one thousand nine hundred and five.

ALFRED TAITT,
Acting Clerk of the Council.
