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CHAPTER 27. No. 3.

COLONY SURVEY.

Ordinance
Ch. 27. No. 3-
1940.

AN ORDINANCE RELATING TO THE SURVEY OF THE COLONY.

Commence-
ment.

[21st December, 1939.]

Short title.

1. This Ordinance may be cited as the Colony Survey Ordinance.

Power to
enter lands.

2. It shall be lawful for any surveyor appointed by the Governor, and for any other person acting in aid and under the orders of any such surveyor so appointed, from time to time, after three days' notice in writing of his or their intention of entering shall have been given to the owner or occupier, as the case may be, at any time to enter into or upon any private land of any person for the purpose of carrying any meridian, boundary, or other line which he shall deem necessary through such land, and for the purpose of cutting sightways or traces, or for the purpose of making and carrying out any survey authorised by this Ordinance or by order of the Governor, and for the purpose of fixing any mark or object to be used in the survey, or any beacon, post, stone, or boundary mark whatsoever, and to carry such line, cut such sightways or traces, fix and place any such object, beacon, post, stone, or boundary mark on any such private land, and to dig up any ground for the purpose of fixing any such object, beacon, post, stone, or boundary mark for such object or purpose.

Damage
caused by
surveyors.

3. Every surveyor appointed as aforesaid by the Governor for the purposes of this Ordinance, and his assistants, shall, in the exercise of the several powers vested in him by this

Ordinance, do as little damage as may be, and shall make satisfaction to the owners or occupiers; as the case may require, of such lands or owners of trees which shall be in any way hurt, damaged, or injured, for all damages sustained by them in or by the execution of all or any of the powers given by this Ordinance, in case the same shall be demanded.

4. In case of dispute between the surveyor and the owner or occupier as to the amount of damage sustained, the same shall be ascertained and determined on the complaint or information of such owner or occupier by the Magistrate of the district in which the lands or trees may be situated. In any such case the decision of the Magistrate shall be final.

Settlement
of disputes.

5. For the purpose of surveying, ascertaining, and marking out the reputed public boundaries, whether natural or artificial, of any ward union, ward, county, or district, it shall be lawful for the surveyor, by notice in writing under his hand, and directed and delivered to any Warden, to require the attendance of any such Warden (or his Ward Officers) in or for every such ward union, ward, county, or district, or in or for any adjoining ward, either in the same or any adjoining ward, at such time, not being less than twenty-one days after the date of such notice, at such place as may be specified in such notice, and to produce to such surveyor any books, maps, papers, or other documents in his custody or possession as such Warden, which such surveyor may require for the purpose of carrying this Ordinance into execution; at which time and place every such Warden or his Ward Officer shall and is hereby required to attend upon such surveyor accordingly, and to aid and assist him in the execution of this Ordinance.

Warden to
attend
surveyor
on notice.

6. (1) It shall be lawful for such surveyor appointed as aforesaid, accompanied by the Warden (or his Ward Officer) of the ward, the reputed boundaries of which are to be defined and marked out, and by the Warden (or his Ward Officer) of any ward adjoining thereto, and they are hereby authorised and required to visit and inspect the boundaries of such ward union, ward, county, or district, for the purpose of surveying, ascertaining, and marking the same; and for that purpose it shall be lawful for such

Boundaries
of wards,
etc., to be
ascertained
and marked.

surveyor, Wardens, or Ward Officers to require any inhabitant of such ward unions, wards, counties, or districts to assist them in so doing; and when it shall appear to such surveyor that the reputed boundaries of any such ward union, ward, county, or district are sufficiently ascertained, such boundaries shall be marked out by such surveyor in such manner as may be necessary, by the putting down of any posts, blocks, or bolts of wood, metal, or stone, or by the affixing of any mark on or against any church, chapel, bridge, house, or private building or post, or by the doing of any other act, matter, or thing which may be necessary, and with such distinguishing letters or figures as such surveyor shall think fit and proper for the occasion.

Section not to affect boundaries or rights of property.

(2) Nothing done in pursuance of this section shall be deemed to extend, define, alter, enlarge, increase, or decrease, or in any way to affect, any boundary of any division, ward union, ward, county, district, city, town, borough, or other place, howsoever the same may be respectively known or called, nor the boundary of any land or property in relation to any owner or claimant to any such land, nor to affect the title of any such owner or claimant respectively in or to or with respect to any such land or property, but all the right and title of any owner or claimant of any land or property whatever within any division, ward union, ward, county, district, city, town, borough, or other place shall remain to all intents and purposes in like state and condition as if this section had not been passed; any description of any such land with reference to any such division, ward union, ward, county, district, city, town, borough, or other place or otherwise, or anything in this section contained or any law, custom, or usage to the contrary notwithstanding.

Governor may order demarcation of lands under this Ordinance.

7. (1) The Governor may by a notification in the *Royal Gazette* direct that the boundaries of lands within such limits as are defined in the notification shall be demarcated under this Ordinance.

(2) After the expiration of seven days from the publication of such notification, the Director of Surveys or a Licensed Land Surveyor appointed by him in his behalf (hereinafter called "the surveyor") may enter upon all lands situate within the defined limits and make all enquiries

and do or cause to be done all things necessary for the demarcation of the boundaries of such lands.

(3) The surveyor shall cause a notice to be served on the owner and occupier, if known to him, of any land to be surveyed and any land abutting thereon, of his intention to proceed with such survey, and in the event of the owner or occupier being unknown a copy of such notice shall be placed on some conspicuous part of the land at least three days before proceeding with the survey. The surveyor may by notice require any person connected with the user, management or cultivation of any such land to attend personally or by his agent at such place and time as are stated in the notice for the purpose of pointing out the boundaries of the land or of affording such assistance and information as are needed for the purposes of demarcation.

(4) The surveyor shall after making such enquiry as he thinks fit survey the boundaries of the land and shall mark the corners and boundaries so defined in the manner prescribed in the Rules for the survey of Crown Lands made by the Governor in Council under the Land Surveyors Ordinance.

8. (1) On completion of the survey a general plan of the lands surveyed shall be prepared on which the bearings and lengths of all the boundaries shall be shown and also the area of each parcel; and such plan shall bear upon it the signature of the surveyor and shall be subject to the approval of the Director of Surveys who may cause such modifications thereof, as he thinks fit, to be made.

General plan of survey to be prepared and submitted for approval of Director of Surveys.

(2) A copy of the plan as finally approved by the Director of Surveys shall be exhibited for public inspection in the Office of the Warden of the County in which the lands are situated, and another copy shall be exhibited for public inspection in the Office of the Director of Surveys in Port-of-Spain, and a notice shall be published once a month for three months in the *Royal Gazette* and in one daily newspaper published and circulating in the Colony, informing all persons interested that such plan is open to inspection during official hours, and requiring any persons who have any objections to make to any boundary as laid down

Plan to be open to inspection and objections by persons interested.

therein to forward to the Director of Surveys a written statement of such objections before a certain date which shall be six months from the date of publication of the first notice.

Method of
taking
objections
to plan
of survey,

9. (1) At any time within six months after first publication of the notice referred to in the immediately preceding section, any person claiming that his rights are affected by the said plan may lodge in writing with the Director of Surveys an objection to the same or any part thereof. All such objections shall be referred to the surveyor who is responsible for the surveys and plan and he shall forthwith report in writing thereon to the Director of Surveys. If the Director of Surveys considers the objection well founded he shall cause the plan to be rectified accordingly.

(2) Any person who lodges an objection under the preceding subsection may within thirty days after lodging his objection with the Director of Surveys or within such extended time as may be allowed by the Court or by a Judge in Chambers apply by a petition to the Supreme Court to have the said plan rectified; 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.

(3) Except with the leave of the Court for cause shown no objections to the plan shall be entertained save such as shall have been lodged as provided by the preceding section.

Determina-
tion of
objections
by the
Supreme
Court.

10. 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 Director of Surveys.

11. 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 order of the Supreme Court, the Director of Surveys shall transmit the plan as finally approved by him to the Colonial Secretary, who shall lay the same on the table of the Legislative Council. Upon the said plan being approved by resolution of the said Council, it shall be deemed to show the correct boundaries of the parcels in the area surveyed as shown on the said plan.

Plan to be submitted for approval of Legislative Council.

12. The plan so approved or any copy thereof certified to be a true copy by the Director of Surveys shall be admissible in evidence in all courts; and shall be conclusive evidence of all boundaries of the parcels in the area surveyed as shown on the said plan.

Plan approved by Legislative Council to be evidence of boundaries of parcels shown therein.

13. (1) Every owner of land, the boundaries of which have been defined under this Ordinance and are shown on the approved plan, shall maintain undefaced and in their proper positions and clear of vegetation so as to be visible at all times all landmarks placed by the surveyor to define the said boundaries.

Owners of land to maintain landmarks defining their boundaries.

(2) Any owner of land who fails to maintain in the manner required by the preceding subsection the landmarks placed to define the boundaries of his land shall be liable, on summary conviction, to a fine of forty-eight dollars.

14. If any person not duly authorised shall knowingly and wilfully take away, remove, displace, or alter the situation of any boundary stone, post, block, 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, bolt, or mark, every person so offending shall be liable, on summary conviction, to a fine of forty-eight dollars.

Removing or defacing boundary marks, etc.

15. If any person shall wilfully obstruct, hinder, assault, or resist any surveyor in the execution of his duty under this Ordinance, or any Warden or Ward Officer, workman, or

Obstructing survey, etc.

other person acting in aid of such surveyor, every such person shall be liable, on summary conviction, to a fine of forty-eight dollars.

Allowances
to parties,
etc., attend-
ing to point
out
boundaries.

16. Every person (other than Wardens or Ward Officers) who shall, in pursuance of notice from any surveyor, attend in the company of any such surveyor in the ascertaining, surveying, and marking out boundaries of any division, ward union, ward, county, or district under the provisions of this Ordinance, shall be entitled to receive for his trouble and loss of time such sum of money or allowance as the Governor shall think fit for every day during which such person shall be employed by or engaged with such surveyor in the execution of this Ordinance, upon a certificate to be signed by such surveyor.

Payments
for damage.

17. The amount of compensation for any damage sustained by the owners or occupiers of lands, or owners of trees, as aforesaid, together with the costs, if any, awarded against any surveyor, and the allowance to be made to other persons as aforesaid, shall be paid by the Accountant General on the warrant of the Governor, and no surveyor shall be held personally liable for any such compensation, costs, or allowance.

Supervision
by Director
of Surveys.

18. All acts, matters, and things which any surveyor is authorised to do under the authority of this Ordinance shall in all cases be subject to the supervision and control of the Director of Surveys.