

CHAPTER 167.

LAND SURVEYORS.

[No. XX of 1891.]

[19th December, 1891.]

Short title.

1. This Ordinance may be cited as the Land Surveyors Ordinance.

Interpretation.

2. In this Ordinance, unless the context otherwise requires,—

“land surveyor” or “surveyor” means one who has received and holds a certificate from the Governor under this Ordinance authorising him to act as a land surveyor and has taken the required oath, and whose certificate has been recorded;

“the Board” means the board of examiners constituted by this Ordinance.

Unqualified person acting as a land surveyor.
Penalty.

3. Anyone who, not being a land surveyor as defined in this Ordinance, acts as a land surveyor for fee or reward in the colony shall for each offence be liable to a penalty not exceeding fifty dollars.

BOARD OF EXAMINERS.

Appointment of board of examiners.

4.—(1) The Governor may appoint a board of examiners for the purpose of examining the qualifications of anyone holding a certificate of competency in land surveying, obtained in any part of his Majesty's dominions other than this colony, and desiring to practise as a land surveyor in this colony, and for the purpose of examining candidates wishing to obtain certificates of competency in land surveying.

(2) The Board shall consist of the Commissioner of Lands and Mines, the Director of Public Works, and other persons, not exceeding three, from time to time appointed by the Governor.

(3) Any three members of the Board, of whom either the Commissioner of Lands and Mines, or the Director of Public Works shall be one, shall form a quorum.

5.—(1) The Board, on application being made to it in writing, may examine the certificates of competency held by anyone desiring to practise as a land surveyor without undergoing an examination, and, if satisfied with those certificates and that he is in other respects a fit and proper person, shall report the fact to the Governor.

Report on application for appointment as land surveyor.

(2) The Board may make regulations for the examination of candidates for certificates of competency and may examine a candidate in accordance with the regulations, and, if satisfied as to the proficiency of a candidate in the subjects appointed for examination and that he is in other respects a fit and proper person, shall report to the Governor that he has been found so qualified.

Regulations.

6. The examination shall embrace the following subjects, namely, arithmetic, algebra as far as simple equations, plane geometry, plane trigonometry, practical astronomy, topographical drawing, the practical use of the principal instruments used in surveying and their adjustment, and the theory and practice of land surveying.

Subjects of examination.

7. Anyone attached to the lands and mines department may be allowed to sit for examination as prescribed under this Ordinance at the age of eighteen years, and thereafter, if he is successful, he shall be eligible for employment as a government surveyor solely in the execution of ordinary departmental surveys under the Crown lands regulations until he attains the age of twenty-one years, when he may become a land surveyor on complying with the provisions of this Ordinance.

Examination at eighteen years of age.

CERTIFICATES.

8. No one shall receive a certificate from the Governor under this Ordinance unless he has satisfied the Board, either by passing an examination or otherwise, that he possesses the requisite qualifications to act as a land surveyor and is of the age of twenty-one years or upwards.

Condition of receiving certificate.

9.—(1) On payment into the Treasury of the sum of twenty-five dollars, anyone reported by the Board to be qualified as aforesaid shall be entitled to receive from the

Issue and form of certificate.

Governor a certificate authorising him to act as a land surveyor.

Schedule ;
form 1.

(2) The certificate shall be in form 1 contained in the schedule hereto.

(3) In the case of a candidate for examination the payment shall be made at least seven days before the day fixed for the examination.

Taking of
oath and
registration
of certificate
and oath.

Schedule ;
form 2.

10.—(1) Everyone who receives from the Governor a certificate of competency, within two months from the receipt thereof and before he shall be qualified to act as a land surveyor under this Ordinance, shall take and subscribe before the Governor an oath in form 2 contained in the schedule hereto, and shall cause the certificate and oath to be recorded in a register book to be kept for that purpose in the office of the Commissioner of Lands and Mines, and in default thereof the certificate shall become void and of no effect.

(2) A notice of the recording of the certificate and oath shall forthwith be published by the Commissioner of Lands and Mines in the Gazette.

Effect of
registering
certificate
and oath.

11. Everyone who has received a certificate of competency and has complied with the provisions of the last preceding section shall be a land surveyor in and for the colony.

Fees to the
board of
examiners.

12. The Governor may as he thinks fit direct that the whole or any portion of the sum of twenty-five dollars paid into the Treasury under section nine of this Ordinance shall be divided amongst the members of the Board, by way of fees for the examination.

APPRENTICES.

Right of land
surveyor
to take
indentured
apprentices :

Proviso.

13.—(1) A land surveyor shall be entitled to take anyone not under the age of eighteen years, as his apprentice under articles of apprenticeship for a term of not less than three years :

Provided that—

(a) no land surveyor shall have more than three articulated apprentices at the same time; and

(b) no land surveyor in the public service shall take any articulated apprentice unless he has first obtained the permission in writing of the Governor to do so.

(2) The articles of apprenticeship shall not take effect until they have been recorded in the office of the Commissioner of Lands and Mines.

14.—(1) If an articted apprentice is unable from any cause to complete his term of service with a land surveyor to whom he has been apprenticed, any other land surveyor, with the permission in writing of the Commissioner of Lands and Mines, may receive the transfer of his articles of apprenticeship, and he may continue to serve with the other land surveyor for the unexpired portion of the term of his apprenticeship, in like manner and under similar obligations as with his first or other employer.

Transfer of articles of apprenticeship.

(2) A transfer of articles of apprenticeship shall not take effect until it has been recorded in the office of the Commissioner of Lands and Mines.

15.—(1) Anyone who has served a land surveyor in the colony for a term of not less than three years under articles of apprenticeship, and during that term has continued in the active service of his employer in his proper business as a land surveyor and has not carried on any other business during the term, shall be entitled to apply to be examined by the Board.

Right of apprentice to be examined.

(2) The examination for a person who has completed his articles of apprenticeship in the manner herein described shall be in the modified form and shall include the subjects from time to time by regulation directed by the Board.

NOTICES OF SURVEY.

16.—(1) When a land surveyor intends to survey or to resurvey land in dispute, or to define boundaries, he shall give at least fifteen days' notice in writing, in accordance with form 3 in the schedule hereto, of that intention to the owner, or the representative of the owner, or the person in possession of the adjacent lands; and the notice shall be served upon that person by sending to him by post a true copy thereof, certified by the surveyor, or by leaving it at his residence, and if he cannot be found or if his address is not known, then the notice shall be posted up or affixed in some conspicuous place on the premises.

Notification of intended survey; schedule; form 3.

(2) When the lands are Crown or colony lands, the notice shall be given to the Commissioner of Lands and Mines at the department of lands and mines.

(3) If the surveyor enters on the land without giving the notice aforesaid, or begins the survey from a point, or proceeds on a course, other than those respectively specified in the notice, he shall be liable in either case to a penalty not exceeding one hundred dollars; but nothing in this section shall prevent the surveyor, after going on the land to make the survey under the aforesaid notice, if he desires to begin the survey from another point, or to proceed on another course, than that specified in the notice, from doing so, upon giving in manner aforesaid twenty-four hours' notice thereof in writing to the owner, or the representative of the owner, or the person in possession of the adjacent lands.

Penalty for neglect to notify.

(4) Nothing in this section shall prevent the parties interested in the lines about to be run from agreeing to commence at another point, or to proceed on another course, than those specified in the notice, or from agreeing to have the lines run and established without notice.

Where surveyor cannot attend on appointed day :

17. Where a land surveyor, after having given the notice of survey aforesaid, is unable to attend on the day appointed, he shall give notice thereof to the parties concerned, and, before proceeding with the survey to be made, shall issue fresh notices, but he shall not be entitled to charge for any fresh notice :

Proviso.

Provided that nothing herein contained shall prevent the parties interested from agreeing to dispense with fresh notice.

Where survey is not completed.

18. If a land surveyor, after having commenced any survey aforesaid, is unable to complete it, he shall, before again proceeding therewith, give notice in writing of his intention to resume it, stating when and from what point he will proceed, but the notice shall not be necessary where the parties interested agree to dispense with it.

Traverses upon adjoining land.

19. Any land surveyor, or anyone who has served under him as an articulated apprentice for two years, may, after due service of notice and before the time appointed for the commencement of the survey, enter upon any land adjoining that about to be surveyed and laid out by him and may make traverses for the purpose of gaining information, but he shall not run or mark any boundary lines, and the survey shall not affect the rights of any parties to the ownership of the land.

BOUNDARIES.

20.—(1) A land surveyor, when making a survey of land for the purpose of settling disputes or defining boundaries, shall place boundary marks or paals at the corners and at convenient distances along the lines. Placing of boundary marks.

(2) One at least of the boundary marks or paals shall be of iron, stone, or concrete.

(3) Whenever a plantation is laid out and marked off by paals in village lots, one at least of the paals in each section shall be of iron, stone, or concrete.

(4) Any land surveyor who neglects to place the boundary marks or paals shall be liable to a penalty not exceeding fifty dollars. Penalty for default.

(5) Everyone who wilfully removes, destroys, or defaces any boundary mark or paal lawfully placed on land shall be liable to a penalty not exceeding five hundred dollars. Penalty for removal.

PLANS.

21.—(1) Every plan or diagram given by a land surveyor of land surveyed by him or his apprentice shall bear his signature and figuratively and descriptively demonstrate the situation of the land as well as its relative position with respect to some other known place, the true bearing and horizontal distances of the several lines, the boundary marks or paals, if those have been placed, the area and contents of the land, and the name of the party at whose instance the survey was made. Plans and reports of surveys.

(2) Wherever the provisions of section sixteen of this Ordinance have been previously carried out, the plan or diagram shall be accompanied by a report or memorandum containing the following particulars, duly signed by the surveyor, that is to say, the day on which the survey was commenced, the names of the parties, if any, interested in the survey who were served with notices, the names of those who appeared personally or by their representatives, the grounds of objection, if any, to the survey, the grounds of the surveyor's decision, and the date when the survey was concluded.

(3) The plan or diagram shall have shown thereon the direction of the meridian or true north, as well as that of the magnetic north.

(4) Whenever a survey of a tract of land is made, the length of which is twenty miles or more, the latitude and longitude of some point within the tract must be stated on the plan thereof.

Ascertaining true north and latitude and longitude.

22. The Commissioner of Lands and Mines shall fix and keep, at such places as from time to time directed by the Governor, a referring mark from which the true north can be readily deduced, and shall also take and keep on record, at the department of lands and mines in Georgetown, the latitude and longitude of a given point at or in the vicinity of each of those places.

Scale of measurement on plan.

23. Wherever it is necessary to express on a plan or diagram the measurements and the area of land, they shall be expressed in English measure and not in Rhyndland measure.

Duplicate plan and report.

24. A duplicate copy of every plan or diagram and report or memorandum shall, within thirty days after their completion, be lodged by the surveyor in the office of the Commissioner of Lands and Mines.

Penalty for non-compliance.

25. Any land surveyor who neglects to comply with any of the preceding provisions relating to plans shall be liable to a penalty not exceeding one hundred dollars.

Making of index to plans and reports.

26.—(1) The Commissioner of Lands and Mines shall make an index, in the form for the time being approved by the Governor, of all plans or diagrams and of all reports or memoranda lodged with him under this Ordinance.

(2) Any land surveyor may have access to the index and to the plans or diagrams and to the reports and memoranda, under any conditions for the time being approved by the Governor.

CROWN AND PUBLIC SURVEYS.

Entry on private lands to ascertain any encroachment on crown lands.

27.—(1) Any land surveyor in the public service, or any other land surveyor when specially employed by the Government, with any necessary assistants, at any time between six o'clock in the morning and six o'clock in the evening of any day, except Sunday, may enter upon any private land (having previously given the notice prescribed

in section sixteen of this Ordinance) for the purpose of ascertaining whether any encroachment has been made upon Crown lands.

(2) Everyone who then assaults, molests, or obstructs the land surveyor or his assistant in the performance of his duty, shall be liable to a penalty not exceeding fifty dollars.

(3) In any action or other proceeding brought against the land surveyor, or his assistant, on account of any act done by him in the performance of his duty, damages shall be recovered against him only for the amount of any actual loss or material damage sustained by the plaintiff in that action or other proceeding; and, unless the loss or damage is valued by the court at a sum exceeding five shillings, judgement shall be without costs.

(4) If, on the trial of the action or other proceeding, it is proved that the defendant, previous to the trial, tendered to the plaintiff, or paid into court to the credit of the plaintiff (notice of that payment having been given to the plaintiff), sufficient compensation for the loss or damage sustained by the plaintiff, judgement shall be given only for the amount so tendered or paid into court, and for the costs incurred by the plaintiff before the tender or payment of the compensation, but subject to a deduction of the amount of any costs incurred by the defendant after the tender or payment.

28.—(1) No action nor other proceeding shall be brought against the Commissioner of Lands and Mines, or anyone acting under his orders, in respect of trespass or damage committed or caused by him when engaged on a survey, or against any land surveyor specially employed by the Government on any survey or his assistant, in respect of that trespass or damage, unless the action or other proceeding is commenced within three months after the cause of action arose or occurred, and unless also notice in writing of the intention to bring the action or other proceeding is served at the department of lands and mines, or at the office or usual place of residence of the land surveyor, at least one month before the commencement of the action or other proceeding.

Limitation
of action in
respect of
public
survey.

(2) If on the trial of the action or other proceeding, the service as aforesaid of that notice is not proved the plaintiff shall be non-sued, without prejudice nevertheless to any further action or other proceeding for the same cause commenced within one month after the non-suit.

MISCELLANEOUS PROVISIONS.

Private surveys by government surveyors.

29.—(1) A land surveyor in the public service, with the permission in writing of the Governor, may make a survey of land for any private person.

(2) One-third part of the fees received for that survey shall be paid by the surveyor into the Treasury for the public use of the colony.

(3) At the end of each half-year the Commissioner of Lands and Mines shall make to the Governor a return of all those surveys and of the fees received therefor.

Land surveyor cannot survey in his own interest.

30.—(1) No land surveyor shall personally survey or lay out any land for the purpose of obtaining a grant or otherwise directly or indirectly to himself or for his own use.

(2) Any land surveyor who contravenes this section shall be liable to a penalty not exceeding five hundred dollars.

Penalty.

Land surveyor making incorrect survey :

31.—(1) A land surveyor who either by himself or his apprentice, intentionally or through negligence, carelessness, or culpable ignorance, makes an incorrect survey, or delivers an incorrect plan or diagram, of land, or makes an untrue report or memorandum of a survey, shall be liable, on the complaint of anyone aggrieved thereby, and after an inquiry made in the manner directed by the Governor, to have his certificate as a land surveyor cancelled by order of the Governor, or to be temporarily suspended from the exercise of his office as a land surveyor during a period fixed by the Governor, and shall also be liable to a penalty not exceeding one hundred dollars :

Penalty :

Proviso.

Provided that the order of cancellation or suspension shall not be made unless the land surveyor has had an opportunity of being heard in his defence.

(2) The land surveyor shall further be required to repay any fees received from anyone in consideration of the survey or plan or diagram, if it is so ordered by the Governor, but the order shall not affect any liability to an action for damages which the land surveyor may have incurred.

Assistant doing act to falsify survey.

32. Anyone employed to assist a land surveyor in making a survey who wilfully and fraudulently makes any wrong measurement, moves any mark, or does any other act, with intent to falsify a survey, shall be liable to a penalty not exceeding one hundred dollars.

Penalty.

33. Everyone who, whether by force or by threats, or in any other manner, obstructs or causes to be obstructed any lawful survey of land, shall be liable, for each and every day on which he so obstructs or causes obstruction, to a penalty not exceeding one hundred dollars.

Obstructing survey.

Penalty.

34. Nothing in this Ordinance shall be construed to render it necessary for anyone appointed to be Commissioner of Lands and Mines, or Assistant Commissioner of Lands and Mines, or Director of Public Works, to pass any examination or to take out any certificate under this Ordinance, but each of those persons shall be deemed to be a land surveyor under this Ordinance.

Exemption from examination.

35. After the commencement of this Ordinance no one shall be appointed a Government Surveyor under the Department of Lands and Mines Ordinance until he has obtained a certificate under this Ordinance.

Saving of existing rights.
Chapter 166.

SCHEDULE.

FORM 1.

(Section 9.)

Certificate to Land Surveyor.

THE LAND SURVEYORS ORDINANCE.

Whereas the board of examiners constituted by the above-mentioned Ordinance have reported to me that _____ of _____ has duly satisfied them that he is, by virtue of [*here state the kind of qualification*] qualified to act as a land surveyor in the colony:—Now, therefore, I, _____ Governor of the said colony, do, under and by virtue of the provisions of the above-mentioned Ordinance, hereby authorise the said _____ to act as a land surveyor in the colony.

Dated this _____ day of _____, 19 _____.

(Signed)

Governor.

Recorded this _____ day of _____, 19 _____.

Commissioner of Lands and Mines.

NOTE.—The above certificate is void and of no effect until the following oath is taken before the Governor, and unless the certificate and oath are recorded in the office of the Commissioner of Lands and Mines within two months of the above date.

FORM 2.

(Section 10.)

Oath of Land Surveyor.

I, do swear that I will, to the best of my knowledge, faithfully perform the duties of a land surveyor in the colony of British Guiana.

(Signed)

Sworn and subscribed
before me this day
of , 19 .

(Signed)

Governor.

FORM 3.

(Section 16.)

Notice of Intended Survey.

THE LAND SURVEYORS ORDINANCE.

To of

I hereby give you notice, that I am employed by to survey [*here describe the land to be surveyed*] situate in the county of and known by the name of which adjoins lands said to belong to you or to be in your possession [*or as the case may be*], and that I shall commence to survey the same on day, the day of , 19 , at o'clock m. of that day, beginning at and proceeding [*here state the course and distance*] at which time and place you are requested to attend by yourself or your agent as you may think fit, and in the meantime I will make such traverses as I may deem requisite.

Dated this day of , 19 .

(Signed)

Land Surveyor.