



BY GORDON MILLER, O.L.S., C.L.S.

**J**AMAICA, ORIGINALLY known by the Indians as Xaymaca, is a small island in the Caribbean Sea, 146 miles long by 50 miles at its widest point, 90 miles South of eastern Cuba and directly North of the Panama Canal. It is a mountainous island with narrow fertile plains along most of the sea coasts. When Christopher Columbus discovered it towards the end of the fifteenth century, he described it to Queen Isabella of Spain by crumpling a piece of paper in his hand. Jamaica was inhabited then by the intelligent and peaceful Arawak Indians. They were enslaved by the Spaniards who extirpated them by the middle of the sixteenth century.

In 1655, the Cromwellian commanders, Penn and Venables, more in error than by design, captured the capital of Jamaica, St. Jago de la Vega and occupied the south coast of the island with some reluctance. The Spaniards fled to Cuba and made no serious attempt to recapture the island and the British gradually occupied the entire island except for several settlements in the high mountains where escaped African slaves established impregnable positions. These people, who were mostly of the Ashanti tribe of West Africa, became known as the Maroons. In the following years, they fought a series of battles with the British troops and were usually the victors, having perfected a system of guerilla warfare to suit the terrain in which they lived. Eventually, a negotiated treaty recognized the Maroons as a

sovereign people within their settlement and their Chiefs were made Honorary Colonels of the British Army. The Maroons exist to this day at Maroon Town and Accompong and other settlements, and still elect their Colonels.

Cromwell rewarded his victorious force with grants of land varying in size according to their rank. Some of his main supporters in England, including the regicidal Blagrove, were also given large tracts of land. The last of the Blagroves, Capt. Peter Blagrove, M.C., died quite recently in Jamaica. I doubt that surveyors played much part in the original settlement of Jamaica. The Island had already been settled by the Spaniards for over 150 years and it would appear that the British settlers now took over their defeated enemies' allotments and with a few adjustments and name changes, settled down. The Cathedral in St. Jago de la Vega became the Anglican Cathedral in Spanish Town, and so on. On the restoration of the Monarchy in England, no vengeance was exacted on the Cromwellians in Jamaica. In fact, it became quite notorious as a haven for pirates and buccaneers and until the British Navy made Port Royal, at the entrance to Kingston Harbour, its Caribbean headquarters, piracy was Jamaica's largest industry. Henry Morgan, a notorious pirate captain, on being pardoned, became a large land owner and eventually Sir Henry Morgan, Governor of Jamaica.

The initial settlement of Jamaica failed as the British settlers were unable

to work on their farms in the tropical heat, and many died from malaria and yellow fever. Most of the survivors went on to North America and the hardy ones who remained, bought up their neighbours' lands and put together the large estates or plantations that came into being at the beginning of the eighteenth century.

In order to grow sugar cane and process the cane into sugar and rum, large quantities of labour were essential, and so following the example of their erstwhile enemies, the Spaniards, the plantation owners bought slaves from West Africa. This shameful era of Jamaican history with all its dire results to the island, lasted till 1834, when revulsion swept Britain and the necessary legislation for the emancipation of slaves in the Colonies was enacted. The effects of slavery were felt in Jamaica for at least another century and it was only in 1944 that universal suffrage made some reparation for the cruelties of the 150 years of slavery.

The island, after many geographical divisions, eventually was divided into three counties, Surrey, Middlesex and Cornwall, and the counties into fourteen parishes. The island is a Monarchy with a Governor-General appointed by Queen Elizabeth II on the advice of the Jamaican Prime Minister. The present incumbent is Sir Florizel Glasspole, K.C.V.O., O.N. The National Heroes of Jamaica are Their Most Excellent, Nanny, a Maroon; Sam Sharpe, who led the last slave uprising in 1831; Deacon of the Church, Paul Bogle

and a Member of the House of Representatives, George William Gordon, who were blamed for the 1865 Revolt and hanged; Marcus Garvey, of "Back-to-Africa" fame; and the modern Prime Ministers, Sir Alexander Bustamante and Norman Manley.

The island gained its Independence in 1962 from Great Britain by peaceful means. The political system is a replica of the British Westminster model, with two important parties, the Democratic Socialist "People's National Party", and the conservative "Jamaica Labour Party". Elections are conducted every five years by secret ballot, but the electioneering proceedings are usually noisy and rowdy affairs, with some violence thrown in for good measure. It is a true test of a future leader's character and not a contest for the timid.

The island produces sugar, rum, bananas, coffee, coconuts, many spices, magnificent tropical cattle, bauxite, alumina, and has a large tourist industry. Some 700,000 tourists visited Jamaica in 1982. The island is the most beautiful of the Caribbean islands with a varied climate because of the mountains, and many delightful beaches and hotels. It is however, in relation to the United States and Canada, a poor country, with many Third World defects, with the "haves" too rich and the "have-nots" having too many children. Jamaica's motto is "Out of Many One People".

Land Surveying in Jamaica was probably the first profession to be properly controlled by legislation containing qualifications for apprentices, curriculae for examinations, standards for surveys and other relevant matters. Today, student surveyors are required to have certain science subjects in "A" Level or Grade XIII before they are accepted in a survey science course in a college of Arts and Science. On graduation, after a period of satisfactory apprenticeship, they are examined by the Board of Examiners and may be recommended to the Governor-General for a Surveyor's Commission.

The Laws and Regulations for Land Surveying are reviewed at intervals by the Council of the Land Surveyors' Association, who make recommendations for amendments to the Board of Land Surveyors. The Governor-General, on the recommendation of the Minister of Mines, appoints the Land Surveyors Board, the Disciplinary Board and in turn, the Board of Surveyors appoints the Board of Examiners. On these boards, the Land Surveyors Association, by law and cus-

tom, have the majority of appointments. The Land Surveyors Association is an old and respected organization with considerable power through the various controlling boards. It is not mandatory to be a member of the association in order to hold a commission, but ninety percent of the Jamaican surveyors are paid-up members. Up to 1976 there were about 80 surveyors in private practice or about one for every 31,000 of population.

There are two systems of Land Titles, Common Law and Registered Land Titles. Common Law Titles are recorded in the old capital, Spanish Town, and are seldom used today. Registered Titles are recorded at a central office for the whole island in the present capital, Kingston. All applications for registered titles are by description or plan, the plans having been previously



checked by the Government Survey Department. An original and duplicate Certificate of Title are issued for every parcel, the former is held in the Titles Office and the latter by the registered proprietor. No transaction is effective until the Registrar certifies so, on both original and duplicate. The history of the parcel is inscribed on the title, together with all the encumbrances and restrictive covenants, and if not by description, a plan as well. Boundary disputes have been simplified in Jamaica by a British Privy Council decision on a Jamaican case, which states that if a fence has stood, undisturbed, for seven years, then it cannot be moved without the consent of the adjoining neighbours. Further, that if land has been occupied for twelve years, undisturbed, then the occupier may apply for a registered title for that land. These decisions have been most valuable

in clearing up incorrect boundaries and stopping ruinous litigation.

Survey practices are rarely sold in Jamaica because the survey notes are of little value. The regulations for a considerable time have required that all detail from the notes be shown on plans for registration. Boundary lines are shown in black, traverses in red, and encroachments, if any, on adjoining parcels, in green. No boundary stake may be placed by any person other than a Commissioned Land Surveyor, and only after at least ten days notice in writing on the adjoining owners. The widths of main roads and other public roads are not of paramount importance and although widths are generally laid down, an old and well-established fence, which usually belongs to the adjoining parcel, takes priority. The standards of accuracy have been regulated to suit the value of the lands surveyed. In the major towns it is one in 2,000 and in the rural areas, one in 1,000. Compass surveys with an accuracy of one in 500 are still allowed in some areas, especially in the mountains. There is a fairly good control system, originally set up by the Royal Engineers, and extended and upgraded by the Survey Department; all surveys, if possible, are required to be tied in to this control.

The average Jamaican is well aware of his legal rights and woe betide the forgetful surveyor who enters a private holding without proper notice, as he would be confronted by an irate owner armed with a cutlass. If there is a disagreement over a boundary line, one or both owners may object to the survey in writing and so stop the survey. The objection may be settled by arbitration under the aegis of the Director of Surveys or through the Courts. Even after a Court Order is made, it might be necessary for the surveyor to seek police protection to continue the survey.

In the early seventies, the energetic George McFarlane (now a surveyor in Ontario), as President of the Jamaican Land Surveyors Association, had all the fees usually charged by surveyors, increased by considerable amounts, with the approval of the Board of Surveyors. There was little opposition by the public, and but for the advent of Democratic-Socialism, which quickly ruined the economic structure of the island, the surveying profession and their employees, would have been placed on a secure footing for the first time in years. As it turned out, many surveyors left Jamaica, most to go to the U.S.A., some to Canada, and a few to Australia. ●