

Colonial Secretary's Office, 31st July, 1893.

THE GOVERNOR directs the publication, for general information, of the following Report by the Surveyor-General on the transactions of his Department for the year ended the 31st March last.

By Command,

J. ALLWOOD, Acting Colonial Secretary.

Surveyor-General's Office, Kingston, 20th July, 1893.

SIR,

I have the honour to report as follows on the transactions of my Department for the financial year, which terminated on the 31st March last, for nine months of which only, I was in charge, my appointment dating from the 24th June, 1892. At the same time, I have to submit several observations upon the work allotted to me, which may be classified as follows:—

1. Management and Survey of Crown Lands.
2. Defining boundaries—Mountain and River Reserves.
3. Acquisition of Lands for the Railway Extensions.
4. Inspection of the Railway, (open and under construction.)

That under the first and second of these heads, as well as that under the third and fourth, is closely associated, and it may be instructive to recount here, briefly, the steps through which so many and such important duties have been concentrated under a single Department.

A perusal of the correspondence that took place from October, 1888, down to the establishment of the Lands Department on an independent basis, in October, 1890, shows that the intention of the Government then was to enable the work of acquiring forfeitable lands by the Crown and the management of the existing ones, to be prosecuted with vigour, and so to augment and strengthen the Revenue from this source.

Concurrently, the subject of Forest Conservation was being pressed upon the Government, and my predecessor, Mr. Harrison, was charged with duties in connection therewith. Through the sale of the Railway fresh obligations arose, and not only were Crown Lands to be transferred to the Promoters, but those required for the track had to be acquired. Under Section 20 of the Railway Law the Director of Public Works, "or other person" nominated by the Governor is to perform the latter service, and Mr. Harrison was nominated to replace Mr. Bell for the purpose in October, 1890. The Director of Public Works, however, retained the position of Inspector of the Railway, to which he had been nominated in March, 1890, down to the time of my appointment in June of last year.

At the time therefore, that the combined posts of Surveyor-General and Government Inspector of the Railway were offered to me by Lord Knutsford, I accepted them upon the understanding that the duties should be as stated above, that I should receive the salary of the two posts as though they were consolidated, and that, subject to other instructions from the Governor, it was left to my discretion to employ my time and that of my assistants in whatever way seemed best to carry out the work under my charge.

1. *Management and Survey of Crown Lands.*

This includes advising the Government, and reporting on all questions relating to Crown property, surveying, letting, or selling it, appointing bailiffs, collecting rents, defining boundaries, settling disputes, ejecting trespassers, and general organization and supervision. It also includes the most important work of denouncing lands liable to forfeiture for non-payment of Quit Rents, those subject to Escheat, or those recoverable by the Crown under the Laws against squatting. Adequately to perform such duties, a knowledge of locality is necessary, such as can only be acquired by frequent inspections, and in this respect, my predecessor possessed the great advantage of an intimate acquaintance with this Island.

During the past year I have had neither time nor opportunity to make such inspections, but, aided by the local knowledge of Mr. Harrison's former, and my present assistant, Mr. Liddell, I have been enabled to conduct all correspondence and carry on the usual routine of the Department, as hitherto. It stands however, in the same position to-day, as it did three years ago, and no progress can be expected in the work of denouncing and forfeiting Lands until steps are taken to provide the Lands Department with that legal assistance without which it is powerless to advance. Mr. Harrison, whose long experience of the work entitles him to pronounce a correct opinion, proposed four years ago that a special Solicitor should be attached to the Lands Department, and he gave his reasons as follows :—

"One of the difficulties that now exists is the great delay that occurs in the Crown Solicitor's Office in regard to all Land questions, the business of his Office having so increased within the last few years, that it is impossible for one man to attend to everything, * * * * and experience has proved that the Crown Solicitor has not time promptly to attend to these matters. * * * The delays that have arisen are generally of months duration and sometimes of years, during which time circumstances and conditions change and it thus becomes necessary for the entire work to be commenced afresh, resulting often in total failure. I believe that the same block will exist in the new Lands Department as at present, unless measures for the recovery of Land can be promptly attended to; and there will be no improvement or advantage, until a Solicitor is specially retained to deal with Land questions as they arise."

This suggestion was not adopted, and from that time until now the situation remains unchanged. Of the six properties, forfeitable under notification No. 11, for which Interlocutory Judgment was obtained in 1891, final judgment has since been given as to one only, (during the past year) but no proceedings have yet been taken for the forfeiture of the Lands included in notification No. 12, although the instructions to do so date as far back as September, 1891.

The importance of taking some action in this matter requires but little demonstration. In 1876 the Crown was in possession of some 120,000 acres, including much good land, renting at fair prices.

The better portions of this have gradually been sold, leaving 98,513 acres in its possession at present. In 1890, the West India Improvement Company, taking advantage of Section 35 of the Agreement, had selected 64,000 acres to be reserved by Government from Crown Lands then in its possession. Of this Reserve, 8,000 acres have been, and 8,692 more are now being conveyed to the Company, besides 2,640 acres, not of the original selection, by which, (it has been ruled) they are not held bound.

Of this total therefore, of 19,322 acres now in course of transfer to the West India Improvement Company, 16,692 are outside of, and 2,640 are included in, the 98,513 acres of Crown Lands, of which I annex a statement below. But the most important Return I have to make is one shewing the Lands now forfeitable to the Crown for non-payment of Quit Rents, the total amounting to 206,425 acres. The greater portion of this land is situated in the heart of the Island, and is badly served by roads. Thousands of acres consist, however, of good and accessible land which is fast falling into the hands of squatters. Many applications to lease or purchase portions have been, and must still be, refused by this Department pending their acquisition by the Crown under Law 32 of 1888.

Turning now to the Income derived from Crown Lands, it will be seen from another statement which I annex that although for the past twenty years it has averaged £2,400, it has now fallen to half that amount. The maximum reached was in 1882-83, when £4,700 were returned under this head. It is clear therefore, that if the work of recovering fresh acres be not taken up in earnest, the Lands Department will soon cease to pay its expenses, whereas if proceeded with, many thousands of pounds annually will accrue to the Revenue of the Country.

Judging from the experience of the past year, I do not anticipate that the work of Railway Inspection will so slacken as to give me more time to attend to Crown Lands. Still, although the Government interests in the Railway exceed a hundredfold its interests in land, there is no reason that either should be neglected.

The best plan would be to create a new Department for the Railway, and keep Crown Lands entirely distinct, as originally proposed, but strengthening it with a special legal adviser. Apart from questions of salary, this is what I should recommend.

During the past year, a detailed survey was made at Appleton of the lands adjoining the Railway line, shewing the cultivation, fences, &c. Another survey was made at Negril Point for the proposed Lighthouse, embracing a strip of country along the coast and island, of about 4 square miles.

The Western Sheet of the Cadastral Map of the Parish of St. Andrews which was made in 1876 had become mutilated from use and incorrect. A new map has therefore been prepared, which embraces many corrections and adds much information to date, particularly in Liguanea. Annexed is a statement of lands sold or leased.

Windsor Castle Mountain, in Portland, has been forfeited to the Crown. No. 16 East Queen Street, Kingston, was the only property recovered from a squatter during the year. No. 14 Rosemary Lane, Kingston, was taken possession of by the Crown, the owner having died intestate and without heirs.

2. Defining Boundaries, Mountain and River Reserves.

Shortly after taking up the Department my attention was drawn to the extraordinary requirements of the Law under this head.

Taking into account the ruggedness of the mountains and the dense bush that covers them, the boundary lines called for under the Act could never have been marked on earth even if balloons could be employed to do so. Framed ostensibly for the preservation and establishment of Forests, this Law as first passed, decreed a most vexatious interference with private ownership, without any compensation being awarded. As amended in 1892, this omission was rectified, but the Law could never have been applied as there were neither funds wherewith to compensate, nor was it practicable to mark the boundaries, as defined.

Forestry and forest operations have occupied my spare time for many years past, and I have therefore read the discussions which have taken place in Jamaica on this subject since 1884 with the greatest interest. To study the question in a practical manner, however, I visited the Blue Mountain Peak district in August of last year, and returned with the full conviction that no advantage would be derived by the Government in keeping such Laws as 37 of 1889 and 22 of 1892 on the Statute Book. I reported in that sense to His Excellency the Governor, who appointed a Commission to investigate the subject. It unanimously recommended that the Law should be repealed, and this was done last Session accordingly.

Forests containing timber of value in large and saleable quantities, do not exist in Jamaica, and although Mr. Hooper's Report and subsequent correspondence aimed at the establishment of such, the legislation that followed contributed nothing in that direction. Its repeal leaves matters as before and cannot be regretted. The measure was ill-conceived and stillborn.

Whether this Government will ever be able to devote funds (to posterity) in establishing Forests in Crown Lands is questionable.

At present, other and more important claims must absorb its Revenue, but in any case the work of Forestry more properly belongs to the Department of Public Gardens and Plantations than to that of Crown Lands, and to the former it should be relegated.

3. Acquisition of Lands for the Railway.

With reference to this work, Mr. Harrison wrote a year ago, that he found it a "work of difficulty, demanding increasing tact and care, and a knowledge of the value of land in the districts through which the Railway passes." He adds that "the unreasonable and excessive demands of many of the landowners have made it impossible in many instances to satisfy them." I can now fully endorse what Mr. Harrison says, except as to the "value of land" which is not, I maintain, a factor in the problem. I say this for the following reason: Elsewhere than in Jamaica land for Railways is taken subject to Laws enacting that the railway promoters shall compensate the owners for loss and damage. Here it is otherwise, the Law allowing the promoters to help themselves to private property, when, where and how they please, the state agreeing not only to pay compensation to the owner but providing him with a comfortable investment at six per cent. per annum until his claim is settled. It is not singular, therefore, that proprietors should vent such dissatisfaction as they may feel with the Constructors of the railway, upon the Government; and that land should rise to whatever value the owner has the assurance to demand, or the luck to receive. This value is a forced one, like the sale, and even if the fair potential value of the land be given or admitted, claims for severance, for sentiment, and for law costs, so affect the transaction as place it out of all reasonable proportion to the area taken. When Mr. Harrison reported last year, no land case had been brought before a Resident Magistrate, and the hope he expressed that some decisions in Court might have the effect of bringing claims within reasonable bounds, has not been realized. I confess I shared that hope, and in July, 1892, I took the course prescribed by Law, of bringing a number of land cases before the Courts as soon as possible. Further difficulties arose, however, and although 32 complaints were issued in the first instance (out of 56 cases) only five up to this date have been actually heard. Of the five, one was not concluded, one was appealed against and is still unsettled; one was appealed against, a fresh trial ordered, and it was settled out of Court to avoid an adjournment. In two only of these five cases have awards been paid. In two other cases, Greenvale and Mile Gully, with which I had personally nothing to do, awards were made by the Resident Magistrate.

The Government appealed in one of them (Greenvale), but how the case now stands I cannot say. What I do know is, that although neither award has been paid, the sums involved are running at interest, and that my efforts are unavailing to obtain finality. Such a state of affairs is extremely unsatisfactory to myself, and must also be to the Government and the taxpayers whom I represent in this matter. On my return from attending the Courts at Santa Cruz and Montego Bay last October I drew the attention of the Government to the protracted nature of the proceedings, it being impossible for the Resident Magistrate, with the best of intentions, to devote more than a fraction of his time to the hearing of land cases. Criminal and other business must be disposed of and land cases, when reached, are characterised by outrageous evidence, wearisome repetitions, and interminable prolixity. A whole army of witnesses attends the Court for days, whose expenses with those of their Solicitors run on, even should nothing be done. With some few claimants, to whom prompt payment was a consideration, I was able to settle matters "out of Court," although under its roof. Such a settlement, however, disappoints landowner and Government alike. The former gets a fraction of his expectations, the latter has exorbitant law costs to pay, and the claimant solicitor "swallows the oyster" as usual.

I have done my utmost to arrange terms amicably with landowners, and have been enabled to agree with 128 during the past year. Adding to this 197, agreed for in a previous year, makes 325 cases out of a total of 344 between Montego Bay and Porus. Nineteen cases are still therefore in dispute, some of

which must go through the Court for title, but most of them represent owners of broad acres and ample means, whose claims only increase as I attempt to approach them. With such owners there can be no adjustment outside of the Courts, and I have long since instructed the Crown Solicitor to this effect.

So far as the Promoters are concerned they received possession of all lands on the Montego Bay Extension last February, with a single exception. In this case the centre line was changed and fresh plans were made; I received these only last month, and fresh notices have had to be served to acquire the land.

Railway affairs and disputes outside of these land cases, however, have so engrossed the time and attention of the Crown Solicitor and myself that some better procedure than that now followed, must be sought if finality is ever to be attained. I represented this to the Government at the end of last year, and urged that a Commission to acquire lands should be appointed. Steps in that direction were taken; but although a Bill to effect it was drafted it was subsequently dropped.

The measure, passed last Session in aid of Section 20 relieves the Government as towards the Promoters by giving it the means of forcing an entry at any time; but what is *still* required is something to hasten the legal proceedings and enabling claims to be *disposed* of. As the person appointed by His Excellency to effect this I therefore draw attention to the point.

As regards the cost of lands acquired for the railway, the figures stand as follows: The total number of acres taken for the Railway from Porus to Montego Bay is 723, which, divided by the distance, gives an average of 11 acres per mile: Of the total, 475 acres have been paid for up to date, and, including charges under all heads, they have cost £36 11s. 0d. per acre. According to this average, the lands for the Montego Bay Extension are already costing £400 a mile; but, when the larger and more valuable properties are settled for, I anticipate this figure will be exceeded by from 25 to 30 per cent. In all probability £60,000 will scarcely pay for the lands alone on both Extensions of the Railway.

4. *Inspection of the Railway.*

My duties under this head are two-fold, to inspect the open line and that under construction. Virtually, I am in the positions held by a Chief Resident Engineer and a Board of Trade Inspector in England. The duties of the first alone would suffice to absorb the whole of my time.

By what oversight £1,500,000 work of railway construction was confided to a powerful Syndicate, without provision being made to supervise the work adequately on behalf of the Government, it is not for me to say. The experience of the past year proves it has been a mistake, and I am glad that an Assistant Inspector has been given me, although his appointment was not made during the year under review.

Within that time, however, I furnished seven exhaustive reports to the Government upon the new railway extension and one report upon the accident at the Bog Walk. The controversy that followed upon the former was not of my seeking, as I have had but two objects always in view; to secure a well built line under the contract, and *this* at the expense of the West India Improvement Company.

That my efforts have done something towards the first of these objects is, I think, conceded. Whether I have made any progress towards the second, I cannot say.

In the side issues raised, the question of accounting for certain works may have been lost sight of; if so, I would again draw attention to it.

With such novel conditions as those introduced by the Railway Law, it could scarcely be expected that work of such magnitude should proceed without many conflicting opinions respecting it, nor that law suits concerning it should be entirely avoided.

Of several which have taken place within the year, two only concern my Department—the Mandamus Case, and Accommodation Works Case,—in both of which the Government obtained judgment.

Taken with its many imperfections, I still consider Law 12 of 1889 confers ample powers upon the Government to protect the taxpayers, to secure a well built Railway from the Promoters and a well managed one from the Company.

In conclusion, I desire to place upon record the cheerful and able services rendered to me by my assistants,—Mr. W. C. Liddell, Mr. W. M. Fraser and Mr. C. Ware. All of us have worked at high pressure throughout the past year. 1,800 letters have been received and the like number written, besides minutes, memos and references.

A large number of tracings and of calculations have been made by Mr. Liddell who has also rendered me good service in settling the claims of certain landowners near Montego Bay.

If my report has extended to too great a length, my excuse must be that it virtually includes four reports, and that circumstances compel me to speak at length and unreservedly.

I have, &c.,

(Signed)

P. A. FRASER, M.I.C.E., Surveyor-General,

The Hon. the Acting Colonial Secretary, Kingston.

Statement giving particulars of Lands in the possession of the Crown during the year ended 31st March, 1893.

Parish.	Acreage.	Remarks.
Kingston ...	1,216½	The Palisadoes Coconut Plantation, leased out, and the small Cays outside the Harbour, used by the War Department.
St. Andrew ...	1,626	Some good land rented to tenants and accessible by roads, and some rocky land not good for much.
St. Thomas ...	18,397	Nearly the whole of this is good land, but only a small portion can be rented owing to the want of roads.
Portland ...	10,067	Most of this is good land, but only a small portion can be rented, being inaccessible.
St. Mary ...	1,332	Good land but inaccessible—only a small portion rented.
St. Ann ...	3,763	Some rocky land, and some good land far in the interior with no roads; no tenants.
Trelawny ...	24,810	The greater portion of this is in the Cockpits, of which very little has been rented.
St. James ...	2,100	The whole of this in the Cockpits: no tenants on it.
Hanover ...	Nil	Nil.
Westmoreland ...	Nil	Nil.
St. Elizabeth ...	10,600	The least valuable of the Crown Lands. Swamp and rocks.
Manchester ...	Nil	Nil.
Clarendon ...	6,841	Rocky and swampy land—of little value.
St. Catherine ...	17,771	A small portion of this rented to tenants: a great deal is rocky land; but there is some good accessible land fit for cultivation.
Total ...	98,523½	Acres.

From this total 2,640 acres must be deducted for Lands now being transferred to the West India Improvement Company.

(Intd.)

P. A. F. 20.7.93.

Statement giving particulars of lands forfeitable to the Crown, as reported to the Collector General from time to time during the year ended 31st March, 1893.

Parish.	Acreage.	Remarks.
Kingston		
St. Andrew ...	7,800	Nearly all good cultivatable land, well served by roads.
St. Thomas ...	14,000	All good, cultivatable land; but the greater portion in the interior not served by roads.
Portland ...	34,725	About 15,000 acres of this forms the Rocky Blake Mountains: the remainder is good cultivatable land, but the greater portion not easily accessible.
St. Mary ...	6,200	All good cultivatable land, some of it served by roads.
St. Ann ...	30,800	Some of this rocky, the greater portion good cultivatable land; but some not served by roads.
Trelawny ...	31,000	A great portion of this is rocky land in and near the Cockpits. Some is good and cultivatable and accessible by roads: the remainder not easily accessible.
St. James ...	10,000	Some of this is rocky land in the Cockpits: the remainder is good cultivatable land some being served by roads.
Hanover ...	1,500	Some, good cultivatable land, and some swamp scattered in various portions of the parish.
Westmoreland ...	12,700	Some of this is swamp and some rocky: the remainder is good cultivatable land, some served by good roads.
St. Elizabeth ...	22,000	A good deal of this is rocky land in the Cockpits, and some is land on the Savannahs—remainder is good cultivatable land, some served by roads.
Manchester ...	5,700	In various parts of the parish generally good and cultivatable land, some well served by roads.
Clarendon ...	14,000	Some of this is rocky and remote land, the remainder is cultivatable and good land, some served by roads.
St. Catherine ...	16,000	A good deal of this is rocky land, remainder is good cultivatable land; some easily accessible.
Total ...	206,425	(Intd.) P. A. F. 20.7.3.

Statement shewing the Revenue derived from Crown Lands in Jamaica during the past twenty years.

Year.	Sales.	Rents.	Total.
	£ s. d.	£ s. d.	£ s. d.
1871-72	415 10 0	...	415 10 0
1872-73	Nil
1873-74	228 15 0	£1,152 9 0	£1,381 4 0
1874-75	745 0 0	1,373 19 0	2,118 19 0
1875-76	720 0 0	1,597 7 0	2,317 7 0
1876-77	266 0 0	1,644 3 0	1,910 3 0
1877-78	250 0 0	1,840 0 0	2,090 0 0
1878-79	810 0 0	1,737 0 0	2,547 0 0
1879-80	600 0 0	1,419 0 0	2,019 0 0
1880-81	2,280 0 0	1,525 0 0	3,805 0 0
1881-82	2,816 0 0	1,773 15 0	4,589 15 0
1882-83	3,299 0 0	1,454 5 1	4,753 5 1
1883-84	1,925 0 0	1,320 5 7	3,245 5 7
1884-85	1,075 0 0	1,129 3 6	2,204 3 6
1885-86	1,908 0 0	1,168 18 1	3,076 18 1
1886-87	868 0 0	903 16 3	1,771 16 3
1887-88	738 0 0	830 2 2	1,568 2 2
1888-89	2,818 0 0	1,037 13 6	3,855 13 6
1889-91	1,535 0 0	1,488 16 8	3,023 16 8
1891-92	181 16 4	922 9 9	1,104 6 1
1892-93	266 0 0	1,073 1 5	1,339 1 5
Total Revenue from 1872 to 1892			£49,136 6 4

Average Income for twenty years £2,456 16s. 3d.

(Intd.)

P. A. F. 20-7-93.

Statement of Lands sold or granted by Government for the year ended 31st March, 1893.

Parish.	Name of Property.	Average.	Whether by Conveyance or not.	Date of Conveyance	Amount of Purchase Money.	Name of Purchaser.
		A. R. P.			£ s. d.	
Westmoreland	Archibald Crow's Land ...	16.0.00	Conveyance	9th Sept., 1892	61 0 0	Thomas Pringle.
St. Ann	Old Short Term Prison, St. Ann's Bay	...	Do.	9th Sept., 1892	205 0 0	Parochial Board of St. Ann.
" "	Land at Bamboo ...	3.2.00	Certificate of Title	Oct., 1892	...	Wm. James McKenzie. Frances James McKenzie. Samuel James McKenzie. Sarah James McKenzie. Amelia James McKenzie. James James McKenzie.

(Intd.) P. A. F. 20-7-93.

Statement of Lands leased by the Government to various persons during the year ended 31st March, 1893.

Parish.	Name of Property.	Acreage.	Name of Lessee.	Duration of Lease.	Annual Rental.	When Payable.	Date of First Payment.	Date of Lease.
		A. R. P.						
St. Catherine	The Laundry (part of Old King's House), Spanish Town	...	M. L. Hendriks	...	£12	Monthly.	...	No lease.
St. Thomas...	The Bar Lands	250	Claude H. Bravo	7 years	£4 5s.	Half yearly on 19th Sept. and 19th March.	16th Sept., 1892.	29th Sept., 1892.
Ditto	Grampian and Mount Donald	622	William Barrett	7 years	£20	Half yearly on 1st Oct. and 1st April.	2nd Novbr., 1892.	22nd Oct., 1892.
St. Elizabeth	Prospect	48 3 00	Adolph Philipson	7 years	£21	Half yearly on 1st Oct. and 1st April.	3rd Oct., 1892.	28th Oct., 1892.
Portland	Bourbon	about 300	James Alexander Fuller	7 years	£14	Half yearly on 20th Jany. and 20th July.	13th Jany., 1893.	11th Feb., 1893.
St. Mary	Land at Castleton Gardens	14	Boston Fruit Company	1 year with option of extending for 21 years as from 1st June, 1891.	1s.	1st September.	...	1st Sept., 1892.

(Intd.) P. A. F. 20.7.93.