

LAWS OF GUYANA

LAND SURVEYORS ACT

CHAPTER 97:01

Act

20 of 1891

Amended by

5	of	1901	O.4/1974
20	of	1904	O.166/1974
28	of	1909	
20	of	1914	
4	of	1918	
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**CHAPTER 97:01**

**LAND SURVEYORS ACT**

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c. 167

1953 Ed.

c. 171

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**CHAPTER 97:01**

**LAND SURVEYORS ACT**

20 of 1891

**An Act to make provision for the Appointment of Land  
Surveyors and with respect to the Survey of Land.**

[19<sup>th</sup> December, 1891]



as land  
surveyor.  
[1 of 1972]

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 Minister.

Regulations.

(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 Minister that he has been found so qualified.

Subjects of  
examination.

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.

**CERTIFICATES**

7. [Repealed by Act No 12 of 1982].

Condition of  
receiving  
certificate.  
[O. 4/1974]

8. No one shall receive a certificate from the Minister under this Act 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 eighteen years or upwards.

Issue and form  
of certificate.  
[1 of 1972]

9. (1) On payment to the Accountant General of the sum of twenty-five dollars, anyone reported by the Board to be qualified as aforesaid shall be entitled to receive from the Minister a certificate authorising him to act as a land surveyor.

Schedule  
Form I.

(2) The certificate shall be in Form 1 in the Schedule.

(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.

Registration of  
certificate.  
[1 of 1972  
12 of 1982]

**10.** (1) Everyone who receives from the Minister 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 Act shall cause the certificate to be recorded in a register book to be kept for that purpose in the office of the Commissioner of Lands and Surveys, and in default thereof the certificate shall become void and of no effect.

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

Effect of  
registering  
certificate.

**11.** Everyone who has received a certificate of competency and has complied with section 10 shall be a land surveyor in and for Guyana.

Fees to the  
board of  
examiners.  
[1 of 1972]

**12.** The Minister may as he thinks fit direct that the whole or any portion of the sum of twenty-five dollars paid to the Accountant General under section 9 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.  
[1 of 1972  
12 of 1982]

**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 Minister 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 Surveys.

Transfer of  
articles of  
apprenticeship.  
[1 of 1972  
12 of 1982]

14. (1) If an articulated 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 Surveys, 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.

(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 Surveys.

Right of  
apprentice to  
be examined.

15. (1) Anyone who has served a land surveyor in Guyana 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.

(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

Notification of  
intended  
survey.  
[1 of 1972  
12 of 1982]  
Schedule  
Form 2.

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 2 in the Schedule, 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 Form 2 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.

(2) When the lands are State or Government lands, the notice shall be given to the Commissioner of Lands and Surveys at the lands department.

(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 fine of three 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.

(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

17. Where a land surveyor, after having given the notice of survey aforesaid, is unable to attend on the day

cannot attend on appointed 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:

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**

Placing of boundary marks.

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.

(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 fine of one hundred and fifty dollars.

(5) Everyone who wilfully removes, destroys, or defaces any boundary mark or paal lawfully placed on land shall be liable to a fine of one thousand five hundred dollars.

### PLANS

Plans and reports of surveys.

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.

(2) Wherever the provisions of section 16 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.  
[1 of 1972  
12 of 1982]

22. The Commissioner of Lands and Surveys shall fix and keep, at such places as from time to time directed by the Minister, 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 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.  
[1 of 1972  
12 of 1982]

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 Surveys.

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 fine of three hundred dollars.

Making of index to plans and reports.  
[1 of 1972  
12 of 1982]

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

(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 Minister.

### STATE AND PUBLIC SURVEYS

Entry on private lands to ascertain any encroachment on State 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

[4 of 1972]

private land (having previously given the notice prescribed in section 16) for the purpose of ascertaining whether any encroachment has been made upon State 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 fine of one hundred and 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 ten dollars, judgment 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, judgment 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.

Limitation of  
action in  
respect of  
public survey  
[1 of 1972  
12 of 1982]

**28.** (1) No action nor other proceeding shall be brought against the Commissioner of Lands and Surveys, 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, 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.

(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-suited, without prejudice nevertheless to any further action or other proceeding for the same cause commenced within one month after the non-suit.

### MISCELLANEOUS PROVISIONS

#### 29. [Repealed by Act No. 15 of 1999]

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 fine of one thousand five hundred dollars.

Land surveyor making incorrect survey. [1 of 1972]

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 Minister, to have his certificate as a land surveyor cancelled by order of the Minister, or to be temporarily suspended from the exercise of his office as a land surveyor during a period fixed by the Minister, and shall also be liable to a fine of three hundred dollars:

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 Minister, 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 fine of three hundred dollars.

Obstructing  
survey.

**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 fine of three hundred dollars.

**34. [Repealed by Act No. 12 of 1982.]**

Saving of  
existing rights.  
[1 of 1972]  
c. 59:01

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

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**SCHEDULE**

FORM 1

CERTIFICATE TO LAND SURVEYOR

THE LAND SURVEYORS ACT

Whereas the board of examiners constituted by the above-mentioned Act 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 Guyana: Now, therefore, I, .....Minister of Agriculture and Natural Resources of Guyana, do, under and by virtue of the above-mentioned Act, hereby authorise the said.....to act as a land surveyor in Guyana.

Dated this ..... day of.....20.....

(Signed) .....  
Minister of Agricultural and  
Natural Resources

Recorded this .....day of ..... 20 .....

Signed) .....  
Commissioner of Lands and Surveys

NOTE—The above certificate is of no effect unless the certificate is recorded in the office of the Commissioner of Lands and Surveys within two months of the date of the certificate.

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**FORM 2**

NOTICE OF INTENDED SURVEY

THE LAND SURVEYORS ACT

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.....20....., 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.....20.....

(Signed).....

Land Surveyor

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SUBSIDIARY LEGISLATION

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Reg.  
5/1944  
15/1944

**LAND SURVEYORS (EXAMINATIONS)  
REGULATIONS**

*made under section 5(2)*

Citation.

1. These Regulations may be cited as the Land Surveyors (Examinations) Regulations.

Interpretation.

2. In these Regulations—

“the Board” means the board of examiners established under section 4 of the Act;

“the Secretary” means the member of the Board performing the duties of Secretary for the time being.

Examinations to be held annually.

3. Examinations shall take place each year in September and at such other times as may be fixed by the Board from time to time.

Notice of examination.

4. The Secretary shall publish in the *Gazette* and in one daily newspaper the date and place of examination at least one month prior to such examination and such notice shall appear on three consecutive Saturdays prior to the examination.

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\* Note: Regulations No. 24/1969 provided for a departure from this regulation in respect of the year 1969.

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[Subsidiary]

*Land Surveyors (Examinations) Regulations*

Candidates to  
notify  
Secretary.

5. Candidates, who must have attained the age of eighteen years, must notify the Secretary of their intention to take the examination at least seven days prior to the date of and at the same time satisfy him that the fee of \$25 prescribed by examination section 9 of the Act has been paid to the Accountant General.

Exemption  
from whole or  
part of  
examination.

6. Where any person who desires to practise as a land surveyor in Guyana without taking the prescribed examination has submitted his certificate of competency to the Board in accordance with section 5 of the Act, the Board may require such person to take the examination in any one or more of the prescribed subjects before recommending him for a certificate to practise in Guyana. Such person shall comply with regulation 5 as if he had been required to take the whole examination.

Subjects of  
examination.  
[Reg.15/1944]

7. The examination will consist of a written paper and oral examination dealing with some or all of the subjects detailed below—

- (1) Mathematics (written paper).
  - (a) Arithmetic, Mensuration including the calculation of areas of triangles, circles and sectors of circles, areas of plots of land from co-ordinates, computation of volumes, the comparison of thermometric scales, British, local and foreign measures.
  - (b) Algebra as far as simple equations and problems involving their solution, logarithms, the use of graphs for the solution of problems dealing with the corresponding values of two variables.

- (c) Theoretical and Practical Plane Geometry dealing with angles at a point, angles of triangles, quadrilaterals and polygons, congruency of triangles, areas of triangles and parallelograms, Pythagoras' theorem, similarity of plane figures.
  - (d) Plane Trigonometry up to and inclusive of the solution of triangles, the use of trigonometric tables.
- (2) The Theory and Practice of Land Surveying (Written paper). The general principles of surveying with a knowledge of—
- (a) Traverse Surveys, including reduction of measured lines for sag, slope, temperature and sea level. Routine in measurement of angles and reduction of bearings, computation of co-ordinates.
  - (b) Base Lines and minor triangulation. Measurement of a base line suitable for a secondary triangulation and extension of a network of triangulation therefrom. Various methods employed and corrections required. Principles and methods of minor triangulation including computation. The observation of angles, horizontal and vertical and the application of simple corrections; the use of satellite stations. Determination of vertical heights from angles.

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[Subsidiary]

*Land Surveyors (Examinations) Regulations*

- (c) Topographical and Tacheometrical surveying.
- (d) Levelling by theodolite and level. Contouring by barometer and clinometer or Abney level. The preparation of sections and computation of quantities.
- (e) Setting out roads, vertical and horizontal curves, and the application of superelevation.
- (f) Computation of areas including such as have irregular or curvilinear boundaries.
- (g) Adjustment of discrepancies in survey.
- (h) Subdivisions and cutting off given areas.
- (i) General principles of harbour, coast, river and general marine surveying including computations of discharge of rivers and canals.

(3) The use of Instruments and Topographical Drawing (partly written and partly oral).

A knowledge of the principles of the construction, adjustment and use of the instruments used in surveying, including the following: theodolite, tacheometer, plane table, level, compass, clinometer, barometer, thermometer, steel band, Abney level, sextant, planimeter and eidograph.

Candidates must submit on the day of the examination the field notes, traverse sheets and inked-in plan of a closed traverse survey containing not less than 100 acres and involving the reading of not less than 10 angles. The plan must be to a scale of 1/2,500 and must show the topographical features picked up on the lines of the traverse; it must be plotted by rectangular co-ordinates and the area calculated from the same. It must have the direction of the True North shewn thereon, obtained from astronomical observations, the notes and computations of which must also be submitted. The examiner may require that the whole or part of the work under this paragraph should be done under his supervision notwithstanding that the candidate has already submitted what is required.

(4) Practical Astronomy (written paper).

- (a) Definitions and general principles. The solution of problems arising in the field practice of practical astronomy.
- (b) The determination and computation of time, azimuth, latitude and longitude as derived from the sun and star observations and from traverse.
- (c) Spherical trigonometry as applied to practical astronomy and the solution of problems arising therefrom.
- (d) Clarke's formulae for the determination of geographical positions.
- (e) Elementary knowledge of map projections, their necessity and principles.

[Subsidiary]

*Land Surveyors (Examinations) Regulations*  
*Land Surveyors (Inspection of Plans) Rules*

Minimum marks to be obtained.

8. Candidates shall be expected to obtain a minimum pass percentage of 50 in each subject and an average of 60 per cent in the whole examination. The Board, however, shall have discretionary power to pass a candidate whose general information and intelligence appear to justify such a course though he may not in some one subject have attained the standard laid down, or may require him to take the examination again in such one subject only.

Field practice.

9. Before any candidate can be recommended for a certificate of competency he shall satisfy the Board that he has had at least 90 days' field practice with a duly qualified and sworn surveyor.

Board to be satisfied as to proficiency and fitness.

10. If the Board is satisfied that a candidate is proficient in the subjects as laid down in these Regulations and that in other respects he is a fit and proper person the candidate shall be recommended to the Minister for the grant of a certificate of competency:

Provided that no candidate shall receive such certificate until he attains the age of twenty one years.

**LAND SURVEYORS  
 (INSPECTION OF PLANS) RULES**

*made under section 26 (2)*

Citation.

1. These Rules may be cited as the Land Surveyors (Inspection of Plans) Rules.

Inspection of plans.

2. Any land surveyor who desires to inspect any plan recorded in the Lands Department under section 26 (1) of the

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Cap. 97:01

Land Surveyors

[Subsidiary]

*Land Surveyors (Inspection of Plans) Rules*

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Act must apply to the Commissioner of Lands or an authorised officer of the Department.

Measurements on plans.

3. Should any measurements have to be made on a plan or any distances scaled therefrom such measurements shall be made by means of a strip of paper or by a scale. No instruments are to be used in such measurements, nor shall any marks be made on the plan.

Transparent paper for obtaining bearings.

4. For the purpose of obtaining a bearing or angle from a plan a sheet of tracing paper or other transparent material must be placed over the plan on which the necessary lines may be drawn by parallel ruler and pencil and the bearing or angle measured by a protractor.

Plans not to be taken out of Department

5. No surveyor will be allowed to take any plan out of the Department of Lands, and should he require to make a tracing of the whole or any portion of a plan recorded under the Act, he shall be permitted to make such tracing in the drawing office of the said Department on payment to the Commissioner of Lands of the sum of fifty cents (50c.) for every hour or portion of an hour during which he is engaged on making such tracing. The drawing materials and instruments to be used must be furnished by the surveyor.

Plans to be handled with greatest care.

6. While inspecting or tracing any plan the surveyor shall use the greatest care that no damage is caused thereto, and he shall not under any pretext whatever make any additions, alterations or erasures to such plan.

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