

No. 135 of 1999  
IN THE LAND COURT OF GUYANA

LAND REGISTRATION DISTRICT: Good Hope

BLOCK: XVIII

ZONE: Left Bank Essequibo River

PARCEL: 683, 680, 22, 326, 685, 331, 330,  
209, 688, 687, 737

In the matter of an application by Alvin  
Bishop of Good Hope, Essequibo.

Before Ms. Nicola Pierre, Commissioner of Title:

October 10, 2016; January 12, April 4, May 3, June 6, July 18, September 14,  
November 6, December 8, 2017; January 12, 2018

Appearances:

Alvin Bishop applicant represented himself

REASONS FOR DECISION

1. Mr. Alvin Bishop on May 21, 1999, made application numbered 135 of 1999 to the Land Court, seeking a declaration of title to Parcels: 683, 680, 22, 326, 685, 331, 330, 209, 688, 687, 737, Block : XVIII, Zone: Left Bank Essequibo River, situate in the district of Good Hope, as shown on a plan by L. McGregor, Sworn Land Surveyor, dated May 12, 1987. The application was partly heard by the Honourable Commissioner of Title Mr.

Rabindranath Rooplall who prior to demitting office in 2013 determined the applicant' s entitlement to all parcels claimed except parcel 330.

2. I heard the application with respect to parcel 330 solely. Mr. Bishop claims that he is entitled to parcel 330 by reason that he is descended from people who held transport to lands in Good Hope prior to the area being designated a land registration area and that as their descendant title to their lands ought to be granted to him. I dismiss the application by Alvin Bishop for a declaration of title to parcel 330, Block: XVIII, Zone: Left Bank Essequibo River, situate in the district of Good Hope, as shown on a plan by L. McGregor, Sworn Land Surveyor, dated May 12, 1987, on the grounds among others, that I am not satisfied either that he is the person deriving title under the estates of William Cozier, Alexander Softly and January Jones, or that the person(s) entitled to the lands comprising those estates have not already been recorded as proprietor to those lands or lands of equivalent acreage in Good Hope.
3. Prior to 1966 lands in Good Hope were held under the transport system administered under the Deeds Registry Act Chapter 5:01. Good Hope was designated a registration area subject to the Land Registry Act, Chapter 5:02, by way of ministerial order 27 of 1966A.

4. The Land Registry Act, Cap.5:02, at section 17 grants the assigned Minister power to designate areas of land in Guyana “Registration” areas to be subject to the land title system set out in that Act, where titles to land and dealings with land are recorded and administered by the Registrar of Lands, and there is no advertisement of transfers in the Official Gazette, as opposed to the transport system under which private land is traditionally held in Guyana. This process of designating an area a Land Registration area and bringing it into the Land Registry system is set out in Part IV of the Act and referred to as ‘First Registration.’”
5. Once an area is designated a Land Registry Area the area must be surveyed and a plan of it drawn (s.21). The plan is an index map and must divide the land into parcels (lots) and a number must be assigned to each parcel and be endorsed on the plan. The Commissioner of Lands and the Registrar of Lands have copies of the index map of every designated land registration area and all records and declarations of title must refer to that plan and the assigned parcel number. That Index map is the fundamental land identifier upon which the Register of Titles is based.
6. Plans dividing Good Hope into parcels were prepared by sworn land surveyors Mr. Chang-Yen in 1971 and 1976 and Mr. McGregor in 1987, but none were accepted as the final or index plan of Good Hope. No final plan

of Good Hope was recorded until 30 years after the area was designated a registration area. The final plan accepted as the index map was a plan prepared by R. N. Durbeej, Sworn Land Surveyor on April 7, 1995, recorded in the Guyana Lands and Surveys Commission as Plan numbered 28122, and at the Land Registry as Plan numbered LR 82.

7. The parcel claimed by Alvin Bishop, namely Parcel 330 shown on a sketch plan by L. McGregor, Sworn Land Surveyor, dated May 12, 1987, numbered X468 is the same parcel of land as parcel 391 shown on the Final Plan for Good Hope dated July 4, 1995, drawn by R. N. Durbeej and registered in the Guyana Lands and Surveys Commission as plan no. 28122 and in the Land Registry as Plan no. LR 82.
8. Sections 22, 23 and 24 of the Land Registry Act provides for the registration of existing documents of title when an area is brought under the Land Registry Act. Section 18 of the Act dictates that on the Minister designating the area a registration area, the Commissioner of Title shall publish a notice inviting people claiming title to land in that area on any basis, including by way of existing title, inheritance, purchase, or adverse possession, to submit an application to the Commissioner to record their existing title or for a declaration of title to the land claimed. Sections 20 and 21 provide that the Commissioner

shall be provided by the Registrar of Deeds with a report of all land titles in the area and by the Commissioner of Lands with a plan of the area. The Commissioner of Title then has an overview of the existing ownership, entitlement to, and physical layout and occupation of land in the area.

9. Section 22 then imposes a duty on people with interests in land in the area by mandating that “every person who claims title to any unregistered land in the area under a document of title shall apply to have that document recorded.” Section 24 of the act states that the Commissioner shall record any existing documents of title if she is satisfied “(i) that the person claiming ownership under any such document is the person or derives title under or through the person named in the document; and “(ii)that no other person is able to establish title to the land by possession adverse to the title of the claimant.”
10. The applications to record existing title or secure a declaration of title, are to be made within the time specified in the section 18 notice, in the case of Good Hope presumably in 1966, but section 22(3) provides that “the commissioner may permit any person to make an application out of time upon such conditions as he thinks fit. In Land Court practice every application for a declaration of title to a parcel of land in Good

Hope (or in any registered area) is treated as a First Registration application if there is no person registered as proprietor of that parcel in the records at the Land Registry. This applies to applications like Alvin Bishop's made in 1999, thirty years after the area was designated a land registration area, which application is being heard in 2017, fifty years after the area was declared.

11. There is no person registered as proprietor of parcel 391, block XVIII, zone LBER, part of Good Hope, in the Register of parcels and titles in Good Hope kept by the Registrar of Lands. This application was therefore treated as an application for First Registration as a proprietor.
12. To be entitled to be recorded as registered proprietor Mr. Bishop must prove that he is personally entitled to the lands owned by his ancestors and that the lands he claims have not been occupied by someone in adverse possession for more than 12 years so as to extinguish his ancestors' title by operation of the Title to Land (Limitation and Prescription) Act, Chapter 60:02.
13. Once he proves his personal entitlement under Guyana's laws of succession, he must establish entitlement to the land claimed itself. Twenty of proprietors in Good Hope held individual residential lots and

an undivided interest in the agricultural lands. Land Court in recording titles of the original transport holders did so by re-allotting lands commensurate to the acreage in the existing interest held by transport. If a person held by transport one acre of residential land and ten acres of agricultural land, that person is entitled to be allotted residential parcels amounting to one acre and agricultural parcels containing 10 acres. This was the course taken in Good Hope as is evidenced by the 1972 decision of the Honourable L. Lennox Perry, Commissioner of Title and Judge of the Land Court, who in application 36 of 1966 made an order recognizing the transported interest of one Thomas Sue-en-Sue to residential lot 19 and a 1/20<sup>th</sup> share in agricultural lands at Good Hope by declaring in his favour title to 27 parcels of land whose combined acreage equaled the acreage Thomas held by transport.

14. In his application Mr. Bishop claims entitlement to parcel 391 on the ground that his great-grandparents Edward Barker, Alexander Softleigh, Catherine Cozier and January John, and great-great-grandparent William Cozier, owned portions of Plantation Good Hope by transport.
15. According to the Registrar's Report on Good Hope prepared on June 2, 1967, by Mr. Leon O. Rockcliffe, Attorney-at-Law, then Assistant Registrar

of Lands, the ancestors claimed by Mr. Bishop owned lands in Good Hope as follows:

- William Cozier by transport no. 36 of 1896 held lot 12 of section E Plantation Good Hope;
- Alexander Softly by transport no. 37 of 1896, held lot 13 of section E Plantation Good Hope;
- January John by transport 214a of 1884 owned section G, Good Hope;
- Edward Backer by transport 197 of 1866 owned the west half of lot 15 Section A, Good Hope and an undivided one fortieth share in the balance of the plantation save and except sections A to G, and also except a strip of land acquired by the colony of British Guiana for roads and a terminus as shown on a plan dated July 31, 1919, by W. Y. Lord, Government Surveyor.

16. The lots 12 and 13, according to the Registrar's Report are both portions of the sole piece of land kept by Reverend John Perry Walker who was the original owner of the entire plantation Good Hope. He retained section E which contained 57.3 acres and he also retained a portion of section D east of the old public road, which portion measured 13 rods by

104 rods (approximately 5 acres). A 15 ½ acre piece of that combined 63 acres was surveyed into 26 lots by J. P. Prass and shown on plan dated 27 July, 1888. Although defining the boundaries of each lot, it does not state acreage of each individual plot. I find that each lot, including lots 12 and 13, contained approximately 0.6 acres.

17. Section A comprising 21 lots of slightly varying sizes contains a total of 17.26 acres. Edward Backer's w1/2 of lot 15 contained approximately 0.41 of an acre. Edward was also entitled to a 1/40 share of the remaining lands which were agricultural lands of approximately 812 acres. His 1/40 share is therefore 20.3 acres approximately. January John's Portion G comprised 2 acres. This acreage is confirmed by L. Mc Gregor, Sworn Land Surveyor, in his document dated May 12, 2000, titled "Good Hope, Essequibo, Acreage Determination for 1-Share" which in table format sets out the lands at Good Hope as shown on Chalmers plan and their acreage.

18. Based on the documents of title, the Registrar's Report by Mr. Rockliffe, the Mc Gregor document of acreage, and the various plans, the total acreage that can be claimed by people deriving title from Edward Backer, Alexander Softly, William Cozier and January John combined is

approximately 3.6 acres of residential land and 20 acres of agricultural land.

19. In determining whether Mr. Bishop is entitled to be registered as proprietor of parcel 391 by virtue of his great and great great-grandparents titles there are four issues to consider:

- i. Is he the person deriving title under the transports 36 and 37 of 1896 and 214a of 1884?
- ii. Is the parcel occupied by anyone adverse to his interest?
- iii. Is parcel 391 the same as lands held under transports 36 and 37 of 1896 and 214a of 1884?
- iv. Is he entitled to parcel 391 by way of a re-allotment of lands to ensure the persons claiming title under transports 36 and 37 of 1896 and 214a of 1884 retain acreage in Good Hope commensurate with that held under the transports?

20. I do not find that Alvin Bishop is the 'Person deriving title under or through the person named in the document of title.' Mr. Bishop has not produced evidence that he is entitled to ownership of the lots 12, 13, w1/2 of 15 or portion G by way of inheritance or otherwise from Edward Backer, William Cozier, Alexander Softly or January John. As a

descendant he may be entitled to all of their lands by way of wills made by the deceased and their successors, or to a share or percentage in the lands by way of intestate succession. No evidence has been led of the devolution of their estates and property whether by will or intestacy. I therefore cannot hold that Alvin Bishop 'derives title under or through the person named' in the transports.

21. On Friday 8<sup>th</sup> December, 2017, I inspected parcel 391 to investigate occupation. Present at the inspection were court officers and Mr. Alvin Bishop and his technical witness, Mr. O.D. Singh, Sworn Land Surveyor, among others. Mr. O. D. Singh identified the boundaries of parcel 391. Within the confines of parcel 391 there is a rice field, a wide drainage trench, a road, bridge, and an empty field. The paved road with a concrete culvert and bridge bisects parcel 391 and is controlled by the Good Hope Neighbourhood District Council. Within parcel 391 to the east of the road is a portion of a field under cultivation by someone other than Mr. Bishop, and on the west is a field attached to Good Hope Primary School and the adjacent burial ground which were both once owned by the Presbytery of Guyana. None of parcel 391 is in the custody or control of Mr. Bishop. There was no mention in his affidavit in support of application of the existence of any of these

structures or cultivations within the parcel or of the occupation of any of these entities or farmers, or of the period of their occupation or their legal status as occupiers. I am therefore unable to determine whether any of the occupying person(s) or entities have been in adverse possession for more than 12 years so as to extinguish the title of the transport holders and their heirs by virtue of the provisions of the Title to Land (Prescription and Limitation) Act, Chapter 60:02.

22. A perusal of the 1886 diagram of William Chalmers, the plan no. X468 by L. Mc Gregor, plan no. LR 82 by R. N Durbeej, and the 1919 plan by W. Y. Lord, Sworn Land Surveyors, leads me to believe that parcel 391 may have been a part of section B or was land just north west of section B. Section B was an area measuring 6 acres held by the Presbytery of British Guiana by transport 142 of July 7, 1864. Having looked at the available plans I find that parcel 391 was not land falling with lots 12, 13, 15 or section G.

23. Is Mr. Bishop entitled to parcel 391 as part of a re-allotment to ensure a total acreage commensurate with any transport entitlement he may have? According to the Register of Titles of Good Hope kept by the Registrar of Lands, Alvin Bishop is the registered proprietor of 17 residential parcels. From the information presented to me I am unable to

determine the total acreage he possesses in Good Hope by virtue of ownership of those 17 parcels and how he came to be owner of them, whether by claims of inheritance, or by adverse possession, or by purchase from a registered proprietor. If he is *the* person deriving title under his ancestors documents of title and entitled to be allotted acreage in Good Hope equal to that his ancestors legally held, he must disclose the acreage he already holds or has been awarded on the basis of those documents so that the remainder of his entitlement may be calculated.

24. In addition to the 17 parcels of land owned by Mr. Alvin Bishop, the Register lists as proprietors of 9 other residential parcels and 2 agricultural parcels, other people who *may* have derived title from Backer, Softly, Jones and Cozier, namely Wilfred Bishop, Roy Softleigh, Patricia Softleigh, Junior Softleigh, Eric John.

25. The information presented to me by Alvin Bishop does not justify a determination that he is entitled to parcel 391 by way of inheritance or by way of adverse possession.

26. I dismiss the application 135 of 1999 with respect to parcel 330  
now known as parcel 391.

A handwritten signature in blue ink, appearing to read "N. Pierre", is enclosed in a light blue rectangular box.

Ms Nicola Pierre,  
Commissioner of Title and Judge of the Land Court,  
January 12, 2018.