

Addendum 1, Professional Survey Project prepared by Helen Davis

Shoreline Reservation

A reservation of 10 metres was left along the shore of Bay St. George. It was assumed that all grants issued after the Crown Lands Act of 1884 would maintain a reservation of 10 metres along all shorelines. Section XXII of the Act indicates that a reservation of not less than twenty-five feet and not more than one hundred feet shall be maintained round and adjoining all ponds, lakes and both banks of all rivers. It does not specifically mention the shorelines along the salt water. Many grants of that era did maintain reservations of varying widths along the seashore. A copy of the original grant to the Telegraph Company was ordered from Crown Lands to determine if a reservation was specifically mentioned in the written part of the grant. However, the written description of the digitized copy of the grant is illegible. It was felt that it would be better to maintain a reservation than to leave it out and later learn that one did exist.

Adverse Possession vs. Squatters Claim

Squatters Claim is a term which has been used in Newfoundland and Labrador and across Canada for many years. In Newfoundland and Labrador, in the surveying community at least, it commonly refers to adverse possession against the Crown. Adverse possession is a doctrine of Common Law whereby a person may occupy a property for a period of time without the consent of the registered legal owner and obtain legal ownership of such property. The basis for this is that a land owner has a right to own a property by virtue of a purchase, grant or gift. The property owner also has an obligation to make sure no one takes up part or all of the property without permission. In other words one must keep an eye on one's property. The Limitations Act

sets a time period of ten years to recover lands. Adverse possession against the Crown (Squatters Claim) was eliminated with the Lands Act of 1977. However, the Act makes allowances for people who were in adverse possession of Crown land 20 years prior to the introduction of the Act to still claim adverse possession or a Squatters Claim. This meant that a person has to have been in possession of a property prior to 1957 to make such a claim. This right still exists. The literature online indicates that to obtain a grant under Squatters Rights you must fill out an application under Section 36 of the Lands Act.

Many people in the Lower Cove area felt they were occupying Crown Land and thought they had a valid Squatters Claim. Some were reluctant to consider the fact that they were on company land. They were told they would not have a valid Squatters Claim even if it was Crown land by virtue of the fact they had not occupied the land for a long enough period of time. That coupled with the understanding that the company was not trying to take away their land or make them move their buildings made dealing with them much easier. It was also explained that they may have an adverse possession against the company if they had occupied the land for more than ten years.