

and delivering any medicine, whether for man or any animal, containing opium, or when ordered by the prescription of a legally qualified medical practitioner, un-compounded opium.

Passed in Council this first day of September, in the year of our Lord one thousand eight hundred and seventy-nine.

G. F. BUSHE,
Acting Clerk of the Council.

No. 15.—1879.

3rd November.

AN ORDINANCE to amend the Law as to the recovery of Public Land Charges.

(L.S.) HENRY T. IRVING.

5th November, 1879.

BE it enacted by His Excellency the Governor, with the advice and consent of the Legislative Council, as follows:—

- Short title. 1. This Ordinance may be cited for all purposes as “The Public Land Charges Ordinance, 1879.”
- Commence-
ment. 2. This Ordinance shall not come into operation until the first day of January, one thousand eight hundred and eighty, which day is in this Ordinance referred to as the commencement of this Ordinance.
- Interpreta-
tion. 3. In this Ordinance the expression “Public Land-Charge” means—
1. Any quit-rent payable to Her Majesty the Queen in respect of any lands in this Colony;

2. Any annual rate assessed under the Ordinance No. 13 of 1852, intituled "An Ordinance for amending and consolidating the Law with regard to the appointment of wardens and the powers and duties of such wardens" (in this Ordinance referred to as "The Warden's Ordinance, 1852") or any Ordinance amending the same;
3. The annual rate assessed under the Ordinance No. 12 of 1854, intituled "An Ordinance to regulate the charge for water supplied from the Port of Spain Water Works and for the better enforcing the payment of the rates for water" (in this Ordinance referred to as "The Port of Spain Water Works Ordinance, 1854") or any Ordinance amending the same; and
4. Any rate, charge, tax, assessment, or imposition to which the provisions of this Ordinance may be declared by any Ordinance to be applicable;

And the expression "Land built upon" means land to the soil whereof there is affixed some building, materially increasing the value of the land.

4. From and after the commencement of this Ordinance, and subject to the provisions of this Ordinance, any rate assessed under "The Port of Spain Water Works Ordinance, 1854," or any Ordinance amending the same, shall become due and payable yearly in advance on the thirty-first of July in each year in respect of the year beginning on the next ensuing first of August and ending on the next ensuing thirty-first of July.

All other public land-charges to which this Ordinance is applicable, and as to which no special provision as to time of payment is made by some Ordinance passed after the commencement of this Ordinance, shall become due and payable on the thirty-first of March in every year in respect of the year ending on the next ensuing thirty-first of December.

Days for
payment of
land charges

Increase in
case of
default.

5. Any public land-charge or any part thereof in arrear shall be increased according to the following scale, that is to say:—

- (1.) If unpaid at the expiration of thirty days at the rate of twenty-five pounds per centum;
- (2.) If unpaid at the expiration of three months at the rate of fifty pounds per centum;
- (3.) If unpaid at the expiration of six months at the rate of seventy-five pounds per centum;

Power to
distrain.

6. Where any public land-charge or any part thereof is unpaid, and more than thirty days have elapsed since the same became due and payable, the Receiver General, Warden, or other person to whom the same ought to be paid, or any one authorised by writing under the hand of such Receiver General, Warden, or other person, may distrain any such things found upon the lands charged with such land-charge as are by the law of England distrainable by a landlord for rent in arrear, and also any such things as aforesaid wherever found of any person liable for the payment of such land-charge; and the distress so taken may, at the cost of the owner thereof, keep for four days, at the end of which time if the amount due in respect of such land-charge increased according to the scale prescribed by this Ordinance together with the further addition, if such land-charge is not more than six months in arrear, at the rate of twenty-five pounds per centum, and the costs and charges of and incident to the keeping of the distress are not paid, the same may be sold; and out of the proceeds of such sale there shall in the first place be paid the costs and charges of and incident to the sale and keeping of the distress, and in the next place the amount due in respect of the public land-charge in arrear with the increase and addition aforesaid, and the residue (if any) shall be payable on demand to the owner of the distress. For the purpose of levying any distress under this section any person may, if expressly authorised by writing under the hand of the Receiver General, Warden, or other person to whom the public land-charge ought to be paid break open any house in the day time.

7. Where any public land-charge or any part thereof is in arrear, and more than six months have elapsed since the same became due and payable, the following consequences shall ensue, that is to say, the owner or owners of and all persons having any estate or interest in the lands charged and the Sub-Intendant of Crown Lands shall mutually and respectively have the same estates and interests, rights, remedies and liabilities as if such owner or owners and all such persons as aforesaid, not being under any disability, had by a deed, dated and executed on the day on which such land-charge is payable, granted the same lands to the Sub-Intendant of Crown Lands, his heirs and assigns, free from all estates, charges and incumbrances, except debts due to Her Majesty, but subject to a proviso for redemption and reconveyance upon payment to the Sub-Intendant and his successor or successors in office on the last day of the term of six months, commencing on the day on which such land-charge is payable, of a sum equal to the amount due in respect of the said land-charge on the said last-mentioned day, with an addition thereto at the rate of seventy-five pounds per one hundred pounds: Provided that the Sub-Intendant, if he enter into possession of the same lands or any part thereof, shall be liable only in respect of rents or profits actually received by him or by some other person on his behalf, and shall be allowed in account any sums reasonably expended in clearing or bringing into cultivation, and also a reasonable amount in respect of labour expended for either of the purposes aforesaid.

Consequences
of land-
charge in
arrear for six
months.

In order to obtain possession of such lands the Sub-Intendant may issue a warrant under his hand directed to the marshal or any warden, constable or other person authorising him to take possession on behalf of the Sub-Intendant, and to evict all other persons. Such warrant may be in the form in the first schedule to this Ordinance.

8. If a public land-charge or any part thereof due in respect of any lands remains in arrears and unpaid for the period of two years from the day when it became due and payable, the Intendant of Crown Lands may, by a warrant under his hand reciting that a sum specified

Power to
forfeit lands
where land-
charges
three years in
arrear.

in such warrant, due on account of the public land-charge and for the year specified in such warrant, is and has for the full period of two years been in arrear and unpaid, order that such lands be forfeited to Her Majesty, her heirs, successors and assigns, and thereupon such lands shall be forfeited accordingly, and shall vest in Her Majesty, her heirs, successors and assigns in absolute dominion, free and discharged from all rights, estates, interests, equities and claims of any other person: Provided that the Intendant of Crown Lands shall not issue or sign such warrant unless the Sub-Intendant of Crown Lands has previously caused three several notices to be inserted in the *Royal Gazette*, with intervals of not less than twenty-seven clear days between any two consecutive insertions, addressed to the owners of the same lands and all persons interested in them, and requiring them to take notice that unless a sum specified in such notice (being the sum which at the expiration of a specified period, being the said period of two years or some longer period, became or would become due in respect of the public land-charge in arrear, increased according to the scale prescribed by this Ordinance, with an addition thereto at the rate of twenty-five pounds for every one hundred pounds) were paid before the expiration of the said specified period, together with all other sums which at the time of payment should be due in respect of any public land-charge, the said lands would be forfeited to Her Majesty: Provided also that any default or neglect in complying with the proviso lastly before in this section contained shall not affect the validity or operation of any warrant under this section.

In order to obtain possession of any lands forfeited under this section the Sub-Intendant may issue a warrant under his hand directed to the marshal or any warden, constable or other person authorising him to take possession on behalf of Her Majesty, and to evict all other persons. Such warrant may be in the form in the second schedule to this Ordinance.

Registration
of warrant
of forfeiture.

9. Every warrant of forfeiture under this Ordinance shall be registered in the office of the Registrar General,

who shall receive no fee in respect of such registration, and if not so registered shall be of no effect as against any *bona fide* purchaser, mortgagee or incumbrancer without notice thereof.

10. Where any warrant of forfeiture under this Ordinance is duly registered in the office of the Registrar General any recital therein required by this Ordinance shall in any proceedings relating to the title to the lands thereby ordered to be forfeited be conclusive evidence of the facts stated in such recital.

Proof of facts recited in warrant of forfeiture.

11. Any one who prevents any person authorised by a warrant under this Ordinance to take possession of any lands, from taking possession accordingly, or who molests, obstructs or hinders any such person in taking possession in pursuance of such warrant shall be guilty of an offence punishable on summary conviction before a Stipendiary Justice of the Peace, and be liable to any fine not exceeding fifty pounds, or to be imprisoned with or without hard labour for any term not exceeding six months, or, subject to the limitations aforesaid, to be punished both by fine and imprisonment.

Obstructing execution of warrant of possession.

12. Where any public land-charge in arrear with any increase and addition imposed by this Ordinance is paid before the lands charged therewith are forfeited under this Ordinance the Sub-Intendant of Crown Lands may give an acquittance in respect of such land-charge, increase and addition, and thereupon the lands charged therewith, if vested in the Sub-Intendant by virtue of this Ordinance, and not charged with the payment of any other debt due to Her Majesty, shall re-vest in the persons entitled thereto according to their respective estates, rights and interests in the same manner as if such land-charge had never been in arrear.

Re-vesting of lands on payment of land charge.

The acquittance may be in the form in the first schedule to this Ordinance. For every such acquittance the Sub-Intendant may demand a fee of ten shillings, which shall be accounted for as moneys received on account of Her Majesty the Queen.

Power of
dealing with
lands
forfeited.

13. If any part of any lands forfeited as aforesaid is land cultivated or built upon, the provisions as to escheated lands contained in sections two, three and four of the Ordinance No. 16 of 1872, intituled "An Ordinance to amend the Law with regard to the Appropriation of certain Casual Revenues of the Crown," shall apply to such lands if not regranted, and with the exception of any regranted right or interest; but if no part is land cultivated or built upon the same may be dealt with as vacant and waste Crown lands: Provided that the Intendant of Crown Lands, upon the petition of any person, being owner of or having any right to or interest in any lands forfeited under this Ordinance, may regrant the same lands or such right or interest therein as he deems just, and that where such forfeited lands are or any part thereof is sold, the Intendant if he thinks fit may out of the moneys arising from such sale give to any person deprived of any right or interest in such lands such sum of money by way of compensation as he thinks just.

Procedure to
obtain
re-grant.

14. Any petition for the regrant of any lands forfeited under this Ordinance, or of any right or interest therein, or for any allowance in respect of any right or interest in any such forfeited lands sold, shall be addressed to His Excellency the Intendant of Crown Lands, and shall be delivered at the office of the Sub-Intendant. The Intendant if he thinks fit may refer any such petition to the Sub-Intendant or any warden, Justice of the Peace or other person, with directions to report thereon. The person to whom any such petition is referred may take such evidence as he thinks proper in order to enable him to make his report, and the evidence may be given either *viva voce* or by statutory declaration. In the case of evidence given *viva voce*, the witness before giving his evidence shall make the following declaration:—

I declare that the evidence which I shall give shall be the truth, the whole truth, and nothing but the truth:
and any witness who having made such declaration makes as part of his evidence any assertion as to any

matter of fact, opinion or belief which is false, and which he knows or believes to be false, or does not believe to be true, shall be guilty of a misdemeanor, and on conviction thereof before the Supreme Criminal Court may be fined in any sum not exceeding one hundred pounds or imprisoned with or without hard labour for any term not exceeding two years, or, subject to the limitation aforesaid, punished both by fine and imprisonment.

15. Upon the death, removal or resignation of any Sub-Intendant all estates, rights and powers vested in him by this Ordinance shall be vested in his successor in office, and all actions by the former Sub-Intendant for carrying out the duties imposed upon him by this Ordinance may be continued by such successor.

Change in
person of
Sub-
Intendant.

16. The provisions of this Ordinance shall apply to any public land-charge in arrear at the commencement of this Ordinance in the same manner as if such land-charge increased at the rate of twenty pounds per centum were due and payable on the day of such commencement.

Application
of Ordinance
to land
charges
previously
due.

17. From and after the commencement of this Ordinance the enactments specified in the fourth schedule to this Ordinance shall be repealed.

Repeal of
enactments in
Schedule.

18. And whereas this Ordinance and the Ordinance No. 15 of 1879, intituled "An Ordinance to amend the Law as to the Recovery of Public Land-charges," and assented to by His Excellency the Governor on the seventh day of October, one thousand eight hundred and seventy-nine, are identical, with the exception of a clerical error, which is corrected in this Ordinance, and the said first-mentioned Ordinance is by the second section thereof limited not to come into operation until the first day of January, one thousand eight hundred and eighty: Be it enacted that the said first-mentioned Ordinance is hereby repealed, and shall not be printed among the Ordinances of the Colony, and this Ordinance shall be numbered No. 15 of 1879, and shall be substituted for the said first-mentioned Ordinance, and where-

Repeal of
incorrect copy
of this
Ordinance.

THE FOURTH SCHEDULE.

No. of Ordinance.	Title or Short Title.	Extent of Repeal.
18 of 1851	For supplying the Town of Port of Spain and the vicinity thereof with water.	Section 32.
13 of 1852	An Ordinance for amending and consolidating the law with regard to the appointment of Wardens and the powers and duties of such wardens.	Sections 42, 44, 45, 46, 47, 48, 49 and 50.
20 of 1853	For facilitating the Sale of Lands adjudicated or forfeited to Her Majesty for default of payment of ward rates.	The whole.
12 of 1854	An Ordinance to regulate the charge for Water supplied from the Port of Spain Water Works and for the better enforcing the payment of the rates for water.	Sections 8, 9 and 10.
14 of 1854	An Ordinance to make certain amendments and alterations in an Ordinance entitled "An Ordinance for amending and consolidating the law with regard to the appointment of wardens and the powers and duties of such wardens."	Sections 9, 10, 11, 12, 13 and 14.
5 of 1855	An Ordinance with regard to Lands sold for arrears of Quit Rent or Water Rate.	The whole.
16 of 1876	The Quit Rent Procedure Ordinance, 1876.	The whole except Section 12.

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