

TRINIDAD AND TOBAGO.

*Crown Suits Limitation.*

No. 5.—1898.

*28th March.*

AN ORDINANCE for quieting possessions and titles  
against the Crown in this Colony.

[L.S.]

HUBERT E. H. JERNINGHAM,

GOVERNOR.

*20th April, 1898.*

*No. 90*

**W**HEREAS it is expedient to make provision for Preamble.  
quieting possessions and titles against the Crown  
and against the Grantees of the Crown and their succes-  
sors in Estate in this Colony: Be it enacted by the  
Governor of Trinidad and Tobago with the advice and  
consent of the Legislative Council thereof as follows:—

1. This Ordinance may be cited for all purposes as Short title.  
"The Crown Suits Limitation Ordinance, 1898."

2. Nothing contained in this Ordinance shall extend Ordinance in-  
applicable to  
actions com-  
menced before  
passing of  
Ordinance.  
to any action, information, or other suit or proceeding,  
instituted or commenced before the passing of this  
Ordinance.

Limitation of  
the Crown's  
right of action.

3. The Queen's Majesty, Her Heirs or Successors, shall not at any time hereafter sue, impeach, question, or implead any person or persons for, or in any wise concerning any lands, tenements, rents, or hereditaments whatsoever, which such person or persons or his or their or any of their ancestors or predecessors or those from, by or under whom they do or shall claim, have or shall have held or enjoyed or taken the rents, revenues, issues or profits thereof by the space of forty years next before the filing, issuing or commencing of every such action, bill, plaint, information or other suit or proceeding as shall at any time or times hereafter be filed, issued, or commenced for recovering the same or in respect thereof.

Provided always that nothing hereinbefore contained shall be construed to prevent the Crown or any person claiming through the Crown by subsequent grant from shewing (in any information of intrusion or action for possession or to establish title) title in the Crown or in the grantee under such grant by reason of the cesser, expiration or determination within sixteen years before the filing of such information or commencement of such action of the interest of any grantee under a previous grant by virtue of which any person has been in possession for forty years or more, but the estate or interest under which has within such sixteen years ceased, expired or been determined.

Onus of  
proving title on  
Crown after 16  
years posses-  
sion by  
Defendant.

4. In any information of intrusion on behalf of the Crown or other proceeding by or on behalf of the Attorney-General or other Public Officer to recover possession of or establish title to lands on behalf of the Crown and in any action of ejection or to establish

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title or for damages for or an injunction to restrain trespass to realty in which the plaintiff claims under a grant from the Crown within 16 years before action it shall be competent for the defendant upon serving of notice of such defence to the opposite party seven clear days before trial to give in evidence exclusive possession by him and his predecessors in title for sixteen years immediately before the commencement of such action. If it is found that such possession is proved in fact, then the Crown or the person claiming through or under the Crown shall not be entitled to judgment except on proof of title within and subject to the limitation contained in the last preceding section.

Provided that nothing in this section contained shall be construed to prevent the granting of an interim injunction in any case in which the same might have been granted if this Ordinance had not been passed.

Passed in Council this Twenty-eighth day of March, in the year of Our Lord one thousand eight hundred and ninety-eight.

S. W. KNAGGS,  
*Clerk of the Council.*

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