

8/50.

CHAPTER 27. No. 5.

CROWN LANDS.

AN ORDINANCE RELATING TO CROWN LANDS.

Ordinances
Cap. 158—
1925.
No. 13-1938.
Commencement.

[18th December, 1918.]

Short title. 1. This Ordinance may be cited as the Crown Lands Ordinance.

Interpreta-
tion.

2. In this Ordinance—

“animal” includes any horse, mule, ass, ox, or other beast;

“boat” includes any flat, lighter, canoe, craft, or other vessel;

“material” includes asphalt, earth, sand, gravel, stone, shingle, soil, or shells;

“vehicle” includes any cart, carriage, whether hung on springs or not, or any wheel-barrow, truck, hand cart, or other vehicle on wheels, whether drawn or propelled by any animal or not;

“Warden” includes Assistant Warden, Ward Officer, or any person acting under the authority of any Warden.

Foreshore.

3. (1) The dominion of the sea shore lying between high water mark and low water mark belongs to and is vested in His Majesty.

(2) It shall be lawful for the Governor, in the name and on the behalf of His Majesty, to grant to such persons such part of the sea shore lying between high water mark and low water mark on such considerations as to the Governor may

seem fit, and also to grant if he shall see fit licences to reclaim land from the sea.

(3) The dominion in all lands so reclaimed shall belong to and be vested in His Majesty or His grantee or grantees.

Intendant: Sub-Intendant.

4. All powers and authorities vested in or exercised by the Court of Intendant in respect of the administration and disposal of the Crown lands shall be exclusively vested in and exercised by the Governor as Intendant of Crown Lands.

Powers of Intendant.

5. It shall be lawful for the Governor, with the approval of the Secretary of State, to appoint a fit and proper person to be Sub-Intendant of Crown Lands.

Appointment of Sub-Intendant.

6. (1) The Sub-Intendant shall, under the direction of the Governor, have the management of all lands of the Crown, and shall be charged with the prevention of squatting and encroachment upon the same and of spoil and injury to the woods and forests on such lands, and shall superintend the settlement and allotment of Crown lands and the laying out of village lots in such districts as the Governor from time to time directs.

Duties and powers of Sub-Intendant.

(2) The Sub-Intendant shall also take possession of, and shall be charged with the care and letting and the collection of the rents of, all lands which may belong or escheat to, or which by virtue of any Ordinance may be forfeited to and become vested in, His Majesty.

Care, letting, and rents of lands.

Cap. 158—
1925, s. 7.

Amended by addition. Vide NO. 8/50.

7. The following deeds and instruments dealing with or affecting Crown lands or any interest therein made in the name of the Governor may be signed and delivered by the Sub-Intendant on behalf of and as the act and deed of the Governor, namely,—

Deeds and instruments which may be executed by the Sub-Intendant.

Ord. 13-1938,
s. 2.

- (a) mining and other leases and licences;
- (b) surrenders of leases and licences;
- (c) grants of rights and liberties over the foreshore or lands under territorial waters, or for reclaiming of lands from the sea;

(d) any instrument dealing with, or affecting any other right or interest in Crown lands:

Provided that the provisions of this section shall not apply to Crown grants or to any other deed or instrument to which the Public Seal of the Colony is required to be affixed.

Deputy-Sub-Intendant.

8. (1) It shall be lawful for the Governor to appoint a fit and proper person to be Deputy Sub-Intendant of Crown Lands.

(2) Whenever, by any law for the time being in force in the Colony, anything is appointed to be done by the Sub-Intendant of Crown Lands, the same may be lawfully and for all purposes effectually done by the Deputy Sub-Intendant.

Regulations as to documents, etc., in keeping of Sub-Intendant.

9. It shall be lawful for the Governor to make regulations as to the search for, inspection, copying, or tracing of any document, plan, or diagram in the keeping of the Sub-Intendant, and as to the fees to be paid in respect of the matters aforesaid.

Grants and leases.

Registration of Crown grants and leases.

Ord. 13-1938, s. 3.

10. (1) Every grant of Crown lands shall be issued under the Public Seal of the Colony, and shall be registered by the Registrar General under the provisions of the Real Property Ordinance, on being tendered to him for that purpose.

(2) Every lease of Crown lands under the Public Seal of the Colony shall be registered by the Registrar General in the same manner as a deed, on being tendered to him for that purpose.

Surveys.

Power to enter land adjoining Crown land.

Ord. 13-1938, s. 3.

11. It shall be lawful for the Director of Works and Transport, the Director of Surveys, the Sub-Intendant, the Conservator of Forests, the Warden, or any person authorised in writing by any one of these officers, at any time between the hours of six o'clock in the morning and six o'clock in the evening, with all proper assistants upon giving at least seventy-two hours' previous notice in writing of his intention so to do, to enter upon, and view any land adjoining any lands of the Crown for the purpose of ascertaining whether lands of the Crown have been encroached upon.

12. (1) Every owner or occupier of land adjoining any Crown lands shall be bound, whenever required by any person authorised as in the preceding section provided, to answer according to the best of his knowledge, information and belief all questions of such person relating to the boundaries of such adjoining land.

Owner or occupier to answer questions as to boundaries.
Ord. 13-1938,
s. 3.

(2) Any owner or occupier acting in contravention of this section shall be liable to a fine of forty-eight dollars.

13. (1) It shall be lawful for the Director of Surveys or any licensed surveyor authorised in writing by the Director of Works and Transport or the Director of Surveys whenever it may be necessary for any public purpose to ascertain or define the boundaries of any private land, to enter upon such land, with all proper assistants, at any time between the hours of six o'clock in the morning and six o'clock in the evening upon giving at least seventy-two hours' previous notice in writing of his intention so to do, and to survey such land and to call upon the owner or occupier thereof to show his boundaries.

Power to enter private land.
Ord. 13-1938,
s. 3.

(2) Any owner or occupier wilfully neglecting or refusing to show such boundaries to any such person as aforesaid shall be liable to a fine of forty-eight dollars.

14. Any person who—

(a) assaults, hinders or obstructs any person or any of his assistants mentioned in either of the three last preceding sections, or

(b) prevents or attempts to prevent any such person or any of his assistants from entering or re-entering upon any such land as is mentioned in such sections,

shall be liable to a fine of one hundred and twenty dollars, or to imprisonment for three months.

Penalty for assault or obstruction.
Ord. 13-1938,
s. 3.

15. (1) Any person wilfully damaging any instrument intended to be used in the survey of any lands duly authorised under the provisions of this Ordinance shall be liable to a fine of two hundred and forty dollars, or to imprisonment for six months.

Damaging instruments.

(2) The Court shall also assess and order the offender to pay the amount of the damage done.

Compensation
for damage.

16. The owner of any lands entered upon under the provisions of this Ordinance shall be entitled to receive compensation for all damages sustained by reason of the exercise as regards such lands of the powers granted under this Ordinance.

Unauthorised
survey.

17. If any person surveys or commences to survey any Crown land without being directed by the Governor to do so, such person shall forfeit to His Majesty the sum of four hundred and eighty dollars.

Landmarks.

Adjoining
owner to
maintain
landmarks.
Ord. 13-1938,
s. 4.

18. Every owner of land adjoining any Crown lands shall be bound to maintain undefaced and in their proper positions and clear of vegetation so as to be visible at all times all landmarks indicating the boundary between his land and any lands of the Crown.

Penalty for
failure to
maintain
landmarks.
Ord. 13-1938,
s. 4.

19. Any owner of land adjoining Crown lands who fails to maintain any landmarks indicating the boundary between his land and any lands of the Crown in the manner required by the preceding section shall be liable to a fine of forty-eight dollars.

Removing or
damaging
landmarks.

20. Any person who knowingly and wilfully removes or damages any landmark placed upon or for the purpose of defining the boundaries of any Crown lands, or who knowingly and wilfully defaces any such landmark or obliterates any mark, sign, numeral, or inscription thereon, shall be liable to a fine of two hundred and forty dollars, or to imprisonment for six months.

Squatting on Crown lands,

Summons and
order for
removal of
squatter.
Form I.
Form III.

21. (1) It shall be lawful for any Magistrate, on information that any person is in possession, without any probable claim or pretence of title, of any Crown lands, to issue a summons calling on such person to appear and answer to such information, and if such person, after being duly summoned, shall not appear or appearing shall fail to satisfy such Magistrate that he, or those under whom he claims, has or had some probable claim or pretence of title to such lands, such Magistrate shall make order for putting the person in possession of such lands out of possession

Form V.

of the same, and the delivering of the possession thereof to the Warden of the county within which such lands may be situate.

(2) Unless, on the hearing of such information, the person against whom such information may be preferred shall prove to the satisfaction of such Magistrate that he holds the possession of such lands by inheritance, devise, or purchase from some other person, the Magistrate shall make further order that the person so informed against shall be imprisoned with hard labour for such term, not exceeding six months, as such Magistrate shall see fit, such term to be computed from the day on which such person shall be delivered into the custody of the Keeper of the gaol or place of imprisonment to which he shall be committed.

22. (1) Where it shall be made to appear to any Magistrate, on information, that any person is in possession of any Crown lands for a grant whereof a petition has been filed, but that no part of the purchase money of such lands has been paid, or that some part of the purchase money of such lands is in arrear and unpaid, it shall be lawful for such Magistrate to issue a summons calling on the person in possession of such lands to appear and answer to such information.

Where
purchase
money unpaid
or in arrear.

Form II.

Form IV.

(2) If such person, after being duly summoned, shall not appear, or appearing shall fail to satisfy such Magistrate that the whole of such purchase money has been paid, such Magistrate shall make order for putting the person in possession of such lands out of possession of the same, and the delivering possession of the same to the Warden of the county within which such lands may be situate.

Form VI.

(3) Provided that where in any case the person in possession of such lands shall offer to pay the purchase money of such lands, it shall be lawful for such Magistrate, with the consent of the Sub-Intendant or the Warden by whom such information shall be preferred, and on such purchase money and the costs of the grant of such lands, with such sum as the Magistrate may allow for the costs of the information, being paid to the Sub-Intendant or to the said Warden, to make order that no further proceeding be had on such information, and the Magistrate shall in such case report to the Governor the fact of such purchase money having been paid, and a grant

of the lands shall thereupon issue to the person paying such purchase money.

Evidence.

23. On the hearing of any information under either of the two last preceding sections, a copy of any petition to the Governor and of any proceedings on such petition, certified under the hand of the Sub-Intendant, shall be admissible in evidence of the fact of such petition having been filed and of the proceedings had thereon without any further proof of the same.

Where squatter likely to abscond.

24. Where it appears to any Magistrate, on information on oath, that any person is in possession without any probable claim or pretence of title of any land which may belong to or be vested in His Majesty, and that there is reasonable cause to believe that such person will abscond, such Magistrate may, if he thinks fit, at once issue a warrant for the apprehension of the person so in possession, and thereupon such proceedings shall be had and such consequences shall ensue as in the case of a warrant issued under section 42 of the Summary Courts Ordinance.

Refund of purchase money and payment of compensation.

25. It shall be lawful for any Magistrate, if he shall see fit, on making any order under this Ordinance for putting any person out of possession of any lands, to make further order that any sum of money which such Magistrate may find to have been paid to the Crown in part payment of the purchase money of such lands, and also such further sum of money as such Magistrate may see fit to allow as the value of any building or growing crops or cultivation on such lands, be allowed to such person, and such sums shall be paid to such person by the Warden of the county within which such lands shall be situate, on possession of such lands being given to such Warden.

Removal of material from Crown lands.

Digging or removing material without licence.

26. Any person who digs or wins or removes, or is in anywise concerned in the digging, winning, or removing of, material on or from any Crown lands in the Colony without a licence in the prescribed form shall be liable—

(a) where the material dug, won, or removed is asphalt, for a first offence to a fine of forty-eight dollars, and for

a second or subsequent offence to a fine of two hundred and forty dollars;

(b) where material other than asphalt is dug, won, or removed, for a first offence to a fine of twenty-four dollars, and for a second or subsequent offence to a fine of forty-eight dollars.

27. (1) Any Warden or constable may without warrant—

Arrest
without
warrant.

(a) seize and detain any material which there shall be reasonable cause to suspect to have been dug, won, or removed from any Crown lands without the prescribed licence;

(b) seize and detain any vehicle, animal, or boat having, drawing, or carrying any such material;

(c) arrest and detain any person who may be reasonably suspected of having been employed or engaged in digging, winning, or removing such material.

(2) It shall be lawful to make such seizures, detentions, and arrests, as in this section mentioned whether such material, vehicle, animal, or boat, or the person suspected of being employed or engaged in such digging, winning, or removing as aforesaid, shall be found within or without the limits of any Crown land.

28. Unless the person—

Punishment
for unlawful
removal.

(a) from whom any material may have been seized and detained, or

(b) whose vehicle, animal, or boat having, drawing, carrying, or removing any material shall have been seized and detained, or the owner thereof, or

(c) who shall have been arrested as a person suspected of having been engaged or concerned in the digging, winning, or removing of material from Crown lands without the prescribed licence,

shall prove to the satisfaction of a Magistrate—

(d) that the material so seized and detained was not dug, won, or removed from Crown lands without a licence in the prescribed form; or

(e) that any material for the having, carrying, or removing of which such vehicle, animal or boat has been seized and

detained was not dug, won, or removed from Crown lands without a licence in the prescribed form; or

(f) that he was not in truth and in fact engaged or concerned in the digging or removing of material from Crown lands, or that he had a licence in the prescribed form, the proof of all which shall be on the person charged; such Magistrate shall declare—

(g) all such material, vehicles, animals, or boats forfeited to the Crown, and shall order the same to be sold by the Warden of the county; and the proceeds arising from such sale shall be paid into the Treasury for the use of the Colony; and

(h) that the person so arrested on suspicion as having been concerned in the digging, winning, or removing of material is guilty of an offence against this Ordinance;

and such person shall be punished accordingly as provided by section 26.

Form of
licence.

29. All licences authorising the digging, winning, or removing of material from Crown lands shall be in such form and issued by such persons as the Governor may from time to time prescribe.

No digging
of asphalt
pending
appeal.

30. When any order is made against any person by any Magistrate under the provisions of this Ordinance relating to asphalt, or when any person is convicted by any such Magistrate under section 26 of digging or winning asphalt or for being anywise concerned in the digging or winning or removing asphalt from Crown lands without a licence, then in any or either of such cases it shall not be lawful for any such person against whom any such order as aforesaid shall have been made, or who may have been convicted as aforesaid, or his agents or servants, or for any other person or persons claiming such lands by, through, or under them, at any time after the date of such order or conviction and before the Supreme Court, in the case of an appeal against such order or conviction, shall have pronounced final judgment in favour of the appellant, to dig or win or be in anywise concerned in the digging or winning or removing of asphalt on or from any of such lands.

31. Any person contravening the provisions of the last preceding section may be arrested without warrant by any Warden, or constable, and shall be liable to a fine of two hundred and forty dollars. Penalty.

32. No person arrested pursuant to the power of arrest contained in the last preceding section shall be admitted to bail save on his entering into his own recognizance with one surety in the sum of two hundred and forty dollars before a Magistrate, conditioned for his appearance at the time and place appointed for the hearing of the charge, and further conditioned that neither he, his agents or servants, nor any person claiming through, by or under him, shall dig or win asphalt or be in anywise concerned in the digging or winning or removing of asphalt on or from any such land as aforesaid— Recognizance.

(a) at any time after the date of such recognizance and before the actual hearing and determination of the case by a Magistrate;

and, in case of an order or conviction against him and appeal by him to the Supreme Court against such order or conviction,

(b) until the Supreme Court shall have pronounced a final judgment thereon in his favour.

33. If the accused party shall not afterwards appear at the time and place mentioned in such recognizance, or shall commit any breach of any or either of the conditions in the recognizance contained, then any Magistrate may thereupon and without any notice, by order in writing to be endorsed thereon, declare the same to be forfeited, and issue his warrant for the recovery of the amount mentioned in such warrant against the party accused making default and his surety. Forfeiture of recognizance.

General.

34. It shall be lawful for any Magistrate to hear and determine any case wherein any person may be charged with an offence under this Ordinance, notwithstanding that any question shall or may arise or be set up in any such case as to the title to any lands alleged to be Crown lands or any interest therein or accruing therefrom. Question of title.

Recovery of penalties.

35. (1) All offences under this Ordinance may be prosecuted, and all penalties and forfeitures under this Ordinance may be recovered, in the manner provided by the Summary Courts Ordinance.

Informations.

(2) Every information under sections 21, 22 and 24 may be preferred by the Sub-Intendant or by the Warden of the county in which the land mentioned in such information may be situate, and it shall not be necessary in any such information to charge, or on the hearing thereof to prove, when the possession of the land mentioned in such information by the person informed against, or those under whom he may claim title, commenced.

Summonses.

(3) Every summons to issue upon any such information shall specify a time and place at which the person informed against is to appear, and every such summons shall be served at least eight days next before the day appointed for such appearance, by delivering the same to the person summoned in person or by leaving the same at his usual place of abode, or if such abode is not known then by affixing the same to some building upon, or in some open and conspicuous part of, the lands mentioned in the information.

Forms.

(4) Informations, summonses, and orders under sections 21 and 22 may be in the forms set forth in the Schedule hereto.

SCHEDULE.

I.

Information under Section 21.

TRINIDAD AND TOBAGO.

Ward of .

BE it remembered that on this day of , in the year one thousand nine hundred and , comes before me the undersigned C. D. (Sub-Intendant of Crown Lands, or Warden of , as the case may be), and informs me that one R. J. of K. is without any probable claim or pretence of title in possession of certain lands belonging to His Majesty the King, situate in , and comprising [*describe situation and extent of the lands*].

(Signed)

C. D.

Taken before me this day of , 19 .

Magistrate.

II.

Information under Section 22.

TRINIDAD AND TOBAGO.

Ward of

BE it remembered that on the day of , in the year one thousand nine hundred and , comes before me the undersigned C. D. (Sub-Intendant or Warden of), and informs me that one *I. J.* is in possession of certain lands belonging to His Majesty the King, situate in the Ward of , and comprising [describe situation and extent of the lands] and that a petition for a grant of the said lands was made by the said *I. J.* [or by one , as the case may be], but that no part of the purchase money of the said lands has been paid [or that the sum of has been paid in part of the purchase money of the said lands, but the sum of is in arrear and unpaid].

(Signed)

C. D.

Taken before me this day of , 19 .

Magistrate.

III.

Summons under Section 21.

TRINIDAD AND TOBAGO.

To R. J. of

WHEREAS information has been preferred before me the undersigned by *C. D.*, that you are without any probable claim or pretence of title in possession of certain lands belonging to His Majesty the King [describe the situation and extent of the lands according to the information]. Now I, do hereby summon you to attend before me at at the hour of in the noon of the day of , 19 ., then and there to answer touching the matters of the said information; and in default of your so appearing, or if you shall fail to show to my satisfaction that you have some probable claim or pretence of title to such lands, then I shall forthwith make order for the putting you out of the possession of the said lands, and also shall, unless you shall show to my satisfaction that you hold such lands by inheritance, devise, or purchase from some other person, make order for your imprisonment.

Given under my hand at this day of , 19 .

Magistrate.

IV.

Summons under Section 22.

TRINIDAD AND TOBAGO.

To I. J. of

WHEREAS information has been preferred before me by *C. D.*, that you the said *I. J.* are in possession of certain lands belonging to His Majesty the King, situate in the Ward of [describe situation and extent of the lands according to the information], and that a petition for a grant of the said lands was made by you [or by one , or as the case may be],* but that no part of the purchase money of the said lands has been paid [or proceed from the asterisk as follows: that the sum of has been paid in part of the purchase money of the said lands, but that the sum of being the other part of the said purchase money is in arrear and unpaid]. Now I do hereby summon you to appear before me at at the hour in the noon of the day of , 19 ., then and there to answer touching the matter of the said information, and in default of your so appearing, or if you shall fail to show to my satisfaction that the said sum is not due, then I in default of your making immediate payment to me of the said sum of shall forthwith make order for the putting you out of the possession of the said lands.

Given under my hand this day of , 19 .

Take notice that on the hearing of the above information I shall be prepared to receive evidence of the value of the buildings and of the growing crops and cultivation on the lands mentioned in the information.

Magistrate.

V.

Order for Delivery of Possession and Imprisonment under Section 21.

TRINIDAD AND TOBAGO.

To A. B., Constable and to the Keeper of the [Place of Imprisonment].

WHEREAS an information was on the day of , 19 , preferred before me by C. D. that R. J. is in possession of certain lands belonging to His Majesty the King, situate in the Ward of and I thereupon issued my summons to the said R. J. to appear before me at on the day of , 19 , and answer touching the matter of the said information; and whereas the said summons was on the day of , 19 , duly served on the said R. J. by delivering the same to him personally [or by leaving the same at being his usual place of abode, or by fixing a copy of such summons on being an open and conspicuous part of the lands mentioned in the said information]; And whereas the said R. J. failed to appear before me on the said day of , 19 [or, did appear before me but failed to satisfy me that he had any probable claim or pretence of title to such lands]. Now I do hereby order and require you the said constable, taking such force as may be required for the purpose, to enter upon the said lands situate in the Ward of and comprising being the lands mentioned in the said information, or any part thereof in the name of the whole, and then and there to put the said R. J. out of possession of the said lands, and deliver possession of the said lands together with all buildings (if any) thereon, and all crops growing thereon, to the Warden of on behalf of His Majesty. And I do further command you the said constable to apprehend the said R. J. and him safely to convey to the [Place of Imprisonment] and there to deliver him to the Keeper thereof together with this precept, and I do hereby command you the said [Keeper of the Place of Imprisonment] to receive him and there to imprison him and keep him at hard labour for the space of months, to be computed from the day on which he shall be so delivered to your custody, and for your so doing this shall be your sufficient warrant.

Given under my hand at this day of , 19 .

Magistrate.

VI.

Order for Delivery of Possession under Section 22.

TRINIDAD AND TOBAGO.

To A. B., Constable.

WHEREAS an information was on the day of , 19 , preferred before me the undersigned by C. D., that I. J. is in possession of certain lands belonging to His Majesty the King, situate in the Ward of [describe situation and extent of the lands according to the information], and that a petition for the grant of the said lands was made by* [as the case may be], but that no part of the purchase money of the said lands has been paid; [or that the sum of \$ has been paid in part of the purchase money of the said lands, but that the sum of \$ being other part of the said purchase money is still in arrear and unpaid]; And I thereupon issued my summons to the said I. J. to appear before me at on the day of , 19 , and answer touching the matter of the said information;* and whereas the said summons was on the day of , 19 , duly served on the said I. J. by delivering the same to him personally [or by leaving the same at being his usual place of abode, or by affixing a copy of such summons on being an open and conspicuous part of the lands mentioned in the said information], and whereas the said I. J. failed to appear before me on the said day of , 19 [or did appear before me, but failed to satisfy me that the said sum is not due, and has not paid the said sum so in arrear and unpaid]. Now I do hereby order and require you the said constable, taking such force as may be required for the purpose, to enter the said lands situate in the Ward of and comprising [describe situation and extent of the lands according to the information] being the lands mentioned in the said information, or any part thereof in the name of the whole, and then and there to put the said I. J. out of possession of the

said lands, and to deliver possession of the said lands, together with all buildings thereon, and all crops growing thereon, to the Warden of _____ on behalf of His Majesty.

Magistrate.

[And where the Magistrate shall make order for the payment of any moneys under section 22, proceed:]

AND I do hereby further order that the sum of _____, which I find to have been paid in part of the purchase money of the lands mentioned in the said information, and (if the Magistrate shall see fit) the further sum of _____ which I find and allow to be the value of the buildings and the growing crops and cultivation on the said lands, be paid by the Warden of _____ to the said *I. J.* when and as soon as possession of the said lands shall have been given to the said Warden.

Given under my hand at _____, this _____ day of _____, in the year one thousand nine hundred and _____.

[In those cases where the person informed against shall offer to pay the purchase money and the Warden shall consent to accept the same, and the purchase money and the costs of the grant and the costs of the information shall be paid,—proceed from the asterisk as follows:]—

AND WHEREAS the said *I. J.* appeared before me and offered to pay to the Warden of _____, the sum of _____ being the sum due in respect of the purchase of the said lands, together with the further sum of _____ for the costs of the grant of the said lands and the sum of _____ allowed by me as the costs of the said information, and the said _____ having consented thereto, the said *I. J.* thereupon paid to the said _____ the said several sums amounting together to the sum of _____.

I do hereby order that no further proceeding be had on the said information.