

CHAPTER 108.

CROWN LANDS.

No. 7-1945. AN ORDINANCE TO CONSOLIDATE THE LAW RELATING TO THE
SURVEY AND DISPOSAL OF CROWN LANDS AND OF VACANT
LANDS.

[1st June, 1946.]

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

PART I.

CROWN LANDS.

Survey and Disposal of Crown Lands.

Vesting of
Crown Lands. 2 All power and authority in respect of the survey and
disposal of Crown Lands in this Colony shall be exclusively
vested in, and exercised by, the Governor in Council.

Appointment
of Commis-
sioner,
Assistants
and Clerks. 3. (1) The Governor may from time to time appoint
some fit and proper person to be Commissioner of Crown Lands
who shall hold office during Her Majesty's pleasure and shall
receive such emoluments as may be assigned to him by the
Governor with the consent of the Legislative Council.

(2) The Governor may also appoint Assistants and
Clerks to the said Commissioner, who shall receive such
salaries or other remuneration as may from time to time be
voted or approved of by the Legislative Council.

Duties of
Commis-
sioner. 4. Subject to any special provisions hereinafter con-
tained, the Commissioner shall be charged with the duties
and obligations following :—

(a) He shall make such surveys as the Governor shall direct.

(b) He shall take possession of, and may lease, and collect the rents of, all lands and immovables which may belong or escheat to, or otherwise become vested in, Her Majesty, and shall receive the proceeds that may arise from the sale of any Crown Lands.

(c) He shall account to the Treasurer quarterly for all monies coming into his hands under the provisions of this Ordinance.

(d) He shall have the charge and custody of all records, papers and documents relating to the lands of the Crown.

5. It shall be lawful for the Commissioner, between sunrise and sunset, with proper servants and assistants, to enter upon and survey any lands adjoining Crown Lands, for the purpose of ascertaining whether Crown Lands have been encroached upon: Provided that eight days' notice of his intention in that behalf shall be given to the owner or occupier of such lands, either personally or by leaving such notice at his residence. Prevention
of en-
croachments.

6. (1) The Commissioner shall have the custody of all maps, surveys, plans and diagrams of Crown Lands. Maps and
plans.

(2). It shall be lawful for any person, on payment of a fee of twenty-four cents for every plan or diagram, to inspect and, if he sees fit, to make a copy of any plan or diagram lodged with the said Commissioner.

7. The Governor in Council may make rules or regulations, — Regula-
tions.

(a) with regard to the sale, disposal, occupation, and allotment of Crown Lands;

(b) with regard to the price for such lands and the mode of payment thereof;

(c) with regard to the laying out and establishment of village lots ;

(d) for the care and preservation of all plans and diagrams and records in the custody of the Commissioner, and for the inspection, copying, or tracing of all such diagrams or records, and with regard to the fees payable in respect thereof ;

and the Governor in Council may in such rules and regulations provide for a penalty not exceeding ninety-six dollars in respect of the breach or neglect of any such rules or regulations, such penalty to be recovered before a District Court in the name and at the instance of the Commissioner or any of his Assistants or Clerks ; and the procedure in any such case shall be the same as the procedure for the time being in force in respect of offences punishable on summary conviction.

Registrations of Grant or Lease of Crown Lands.

Registration
of Crown
Lands.

8. Every grant or lease of Crown Lands under the Seal of the Colony signed by the Governor and countersigned by the Commissioner shall be accepted by the Registrar of Deeds and Mortgages for registration, and dealt with as in the case of ordinary deeds.

Validating
registration
of certain
grants.

9. All Crown Grants with the Diagrams therein referred to which were lodged under the Crown Lands Regulations in the office of the Registrar of Deeds before the twenty-seventh day of January, 1899, shall, for all intents and purposes, be deemed and taken to have been duly registered in the Registry of Deeds and Mortgages on the days on which and at the times at which they were respectively lodged as aforesaid, and shall have all the force and effect of registration as if they had been registered according to the formalities prescribed by the Civil Code and the Code of Civil Procedure.

Protection of Crown Lands.

Penalty for
surveying
Crown Lands

10. If any Surveyor surveys or commences to survey any Crown Lands without an order or licence in that behalf signed

by the Governor or the Commissioner, he shall forfeit a sum not exceeding ninety-six dollars.

without
licence.

11. (1) If in any case it is made to appear to any Magistrate, upon information, that any person is in possession of any Crown Land for a grant whereof a petition has been filed, but that no part of the purchase money of such land has been paid, or that some part of the purchase money of such land is in arrear and unpaid, such Magistrate may issue a summons calling on the person in possession of such land to appear before him and answer to such information.

Proceedings
against
person who
has not paid
purchase
money of
Crown Lands.

(2) If such person, having been duly summoned, does not appear, or after appearing, fails to satisfy the Magistrate that the whole of such purchase money has been paid, the Magistrate shall make an order for putting the person in possession of such land out of possession of the same, and for delivering possession thereof to the Commissioner : Provided that when in any case the person in possession of such land offers to pay the purchase money of such land, the Magistrate may, with the consent of the Commissioner and on such purchase money and the costs of the grant of such land, with such sum as the Magistrate may allow for the costs of the information, being paid to the Commissioner, make an order that no further proceedings be had on such information.

Schedule:
Form No. 1
and No. 2.

Schedule:
Form No. 3.

(3) The Magistrate shall in such case report to the Governor the fact of such purchase money having been paid, and a grant of the land shall thereupon issue to the person paying such purchase money.

12. (1) It shall be lawful for the Magistrate, if he sees fit, on making an order under this Ordinance for putting any person out of possession of any land, to make a 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 land shall be allowed to such person, and such sum shall be paid to such person by the Commissioner on possession of such land being given to the said Commissioner.

Repayment
of purchase
money paid.

(2) In any such case, where the money so paid on account of the purchase of any land has been paid into the Treasury, the money so repaid by the said Commissioner shall be allowed by the Treasurer and paid to the said Commissioner from the monies in the Treasury to the credit of the Casual Revenue of the Crown.

Person by
whom in-
formation is
to be laid.

13. Any information under this Ordinance may be laid by the Commissioner or by any person deputed by him ; and it shall not be necessary in any such information to state, 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.

Mode of
serving
summons
on informa-
tion.

14. Every summons issuing upon any information under this Ordinance 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 land mentioned in the information.

Evidence of
petition and
proceeding
thereon.

15. On the hearing of any information under this Ordinance, a copy of any petition to the Governor, and of any proceeding on such petition, which is certified under the hand of the Commissioner to be a true copy, shall be admissible in evidence of the fact of such petition having been filed and of the proceeding had thereon, without any further proof of the same.

Penalty for
molesting
Crown Sur-
veyor, etc.

16. Every person who molests or obstructs any surveyor, or his assistant, or any other person, in the performance of any duty under this Ordinance shall, on being convicted thereof, be liable to a penalty not exceeding forty-eight dollars, and in default of payment, to imprisonment with or without hard labour for any term not exceeding two months.

such land to be vested absolutely in Her Majesty : Provided that the Supreme Court may, for sufficient cause shown, extend the time for filing an appearance to the summons, and for lodging a written claim as aforesaid.

Hearing and
determina-
tion of
claim.

23. When any such claim has been duly lodged as aforesaid, the Registrar shall enrol the case, as between the Crown Attorney and the claimant, for the next ensuing sitting of the Supreme Court and the Supreme Court shall try the cause, and shall either confirm or disallow the claim, and declare the land to be vested absolutely either in Her Majesty or in the claimant, or make such other order on the merits, and such order as to costs, as justice may require.

SCHEDULE.

FORMS.

No. 1 — Section 11.

Information against Person who has not paid Purchase Money of Crown Land.

SAINT LUCIA.

District.

Be it remembered that on this day of 19
comes before me, the undersigned District Magistrate, (*name of Commissioner or Deputy*), Commissioner of Crown Lands (*or as the case may be*), and informeth me that one
of is in possession of certain
lands belonging to Her Majesty the Queen, situate in (*describe situa- tion*) and comprising (*extent of the lands*), and that a Petition to the Governor in Council for a Grant of the said lands was made by the said (*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*
of has been paid in part payment of the purchase money of the said lands, but the sum of
is in arrear and unpaid).

.....
Commissioner of Crown Lands.

Taken before me, the undersigned District Magistrate, this
day of 19

.....
Magistrate,

.....
District.

paid), And I, the said District Magistrate, thereupon issued my summons to the said 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 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 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, the said District Magistrate, 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 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 out of possession of the said lands, together with all buildings, if any, thereon, and all crops growing thereon, to the said Commissioner on behalf of Her Majesty.

(Where the Magistrate makes an order for the payment of any monies under Section 12 proceed) —

And I, the said District Magistrate, do hereby further order that the sum of which I find to have been paid in part payment of the purchase money of the lands mentioned in the said Information, be paid by the said Commissioner to the said, when and so soon as possession of the said lands shall have been given to the said Commissioner.

* *(Where the person informed against offers to pay the money, and the Commissioner of Crown Lands consents to accept the same, and the purchase money and the costs of the Grant and the costs of the Information are paid — proceed from the asterisk as follows:—*

AND WHEREAS the said appeared before me, and offered to pay to the Commissioner of Crown Lands 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 Commissioner having consented thereto, the said thereupon paid to the said Commissioner the said several sums, amounting together to the sum of I do hereby order that no further proceeding be had on the said Information.

Dated this day of 19

.....
Magistrate, District.