

To be construed with Ord. 33 of 1930.
 Ord 36 of 1930, Ord 22 of 1932 9/2/1933.

CHAPTER 171.

CROWN LANDS.

[No. XXXII. of 1903.]

[26th September, 1903.]

Short title.

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

Interpretation.

2. In this Ordinance, and in the crown lands regulations, unless the context otherwise requires,—

“crown lands regulations” means any regulations made under the authority of section seventeen of this Ordinance;

“department” means the department of lands and mines;

“Commissioner” means the Commissioner of Lands and Mines, or, in the absence of the Commissioner, the officer of the department next in rank;

“officer” means any officer of the department, and any forest officer under the Forestry Ordinance;

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“mineral” means gold, silver, precious stones, and any valuable mineral to which the Mining (Consolidation) Ordinance applies;

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“vehicle” means anything used in conveying on land any substance or thing seized or liable to seizure under this Ordinance, and includes any animal attached to or used with the vehicle, together with all harness, tackle, and appurtenances;

“boat” means any vessel or craft, and includes the tackle, apparel, and furniture belonging thereto or used therewith.

Ord 22 of 1932.

2. In this Ordinance the expression ‘canal’ includes ‘trunk’
 GRANTS, LEASES AND LICENCES.

Issue of grants, leases and licences:

3. Subject to the provisions of this Ordinance, or the Forestry Ordinance, the Governor in the name and on behalf of His Majesty, may,—

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(a) make absolute or provisional grants of any crown lands or forests of the colony, subject to such conditions (if any) as he thinks fit or as are provided by the regulations for the time being in force;

- (b) grant leases of any crown lands or forests of the colony for such terms, and subject to such conditions (if any) as he thinks fit or as are provided by those regulations, or the Forestry Ordinance or any regulations made thereunder; Chapter 176 :
- (c) authorise the Commissioner to issue licences to occupy any crown lands for any of the following purposes, namely, agriculture, cutting wood in the crown forest thereon, or taking or obtaining any substance or thing found in those lands or forests, or any other purpose beneficial to the occupier; or
- (d) authorise the Commissioner to give permission to occupy any of those lands for any of those purposes, or to take or obtain any substance or thing found therein without giving any exclusive right to occupy any specified part thereof :

Provided that no grant, licence or permission, shall be issued under this Ordinance authorising anyone to take or obtain from crown lands any mineral, but all licences to take or obtain minerals shall be issued under the Mining (Consolidation) Ordinance. Proviso. Chapter 175.

4. Wherever the Governor in Council deems it expedient that any crown lands should be acquired by the colony, the Governor, in the name and on behalf of His Majesty, may issue a grant of those lands, subject to such conditions (if any) as he deems meet, to the Commissioner and his successors in office for and on behalf of the colony, and thereupon those lands shall vest in the colony : Grant of crown lands to the colony :

Provided that any minerals in any land so granted shall remain the property of His Majesty. Proviso.

CONDITIONS AND LIMITATIONS.

5. No grant or sale of any crown lands made under this Ordinance shall be deemed to confer any right to any mineral therein, and all minerals, notwithstanding the grant or sale, shall be deemed to remain, and shall remain the absolute property of His Majesty. Reservation of minerals.

6.—(1) The Governor, in any case in which he deems it expedient to do so, may direct that any grant, licence, or permission shall be exposed to public competition at auction. Where grant or licence is to be set up for sale at auction.

(2) Unless the Governor in any case otherwise directs, when two or more applications are made in respect of the same tract of crown land, all being for a grant thereof, or all for a licence of occupancy thereof, for the same purposes, and more than one of the applications are received before notice of any one of them has been published, the grant or licence of occupancy for which application is made shall be exposed to public competition at auction.

(3) When two or more applications are made in respect of the same tract of crown land, some being for a grant and some for a licence of occupancy for a stated purpose, or all being for licences of occupancy but not all for the same purpose, and more than one of the applications are received before notice of any one application has been published, the Governor shall direct that a grant, or (if it appears to him expedient) a licence of occupancy for any of the said purposes he deems best, shall be exposed to public competition at auction.

(4) In all cases other than those hereinbefore specified, no grant or licence of occupancy for which application is made shall be exposed to public competition at auction unless the Governor in any case otherwise directs.

Where grant
or licence
put up to
auction.

7. Where a grant, licence, or permission, is exposed to public competition, the following regulations shall be observed, namely,—

- (a) public notice of the time and place at which the grant, licence or permission will be exposed to public competition shall be given for at least twenty-one days before the day on which it is so exposed to public competition;
- (b) the Commissioner, or any officer of the department authorised by the Commissioner, shall expose to public competition at auction the grant, licence, or permission which the Governor has sanctioned being so exposed at auction;
- (c) where application is made under this Ordinance, for any grant, licence, or permission, the land proposed to be comprised in the grant, licence, or permission may be exposed to public competition at auction as a whole, or may be divided and separately exposed to public competition, as appears to be most advantageous to the public interest; and

(d) the person offering the highest sum at the public competition shall, if a grant, licence, or permission is issued to him, pay the auction duties payable by the purchaser on sales at public auction.

8. Where a grant, licence, or permission is exposed to public competition, the person offering the highest sum (if the highest sum is equal to or above any upset price fixed) shall be deemed to have a preferent claim to the grant, licence, or permission if the Governor deems it expedient to issue it, but nothing herein contained shall be deemed to give anyone a right thereto.

Right of highest bidder.

9. Anyone claiming any interest in land proposed to be included in a grant, licence, or permission under this Ordinance, or having any reason to oppose the issue of a grant, licence, or permission, may lodge in the office of the Commissioner his reasons for opposition, which must be in writing, and the grant, licence, or permission so opposed shall not be issued until the Governor has decided on the validity of the opposition.

Objection to grant or licence.

10. In no case whatsoever shall it be compulsory on the Governor to grant, sell, or dispose of any portion of the crown lands or forests of the colony, or to issue any licence or permission under this Ordinance.

No right to issue of grant or licence.

11. The Governor may at any time direct that any land specified in a licence or permission shall be taken and used for public purposes, on payment of such compensation as, having regard to all the circumstances of the case he deems reasonable.

Power to resume for public purposes lands licensed.

12. Any officer of the department and any forest officer under the Forestry Ordinance may, with his assistants, if any, at any reasonable time, enter upon any vessel, wharf, or premises, and search for, and if found inspect, any article which he has any reasonable ground to believe has been illegally obtained from the ungranted or unlicensed crown lands of the colony.

Power of entry and search.

Chapter 176.

13. Anyone who by any transport, conveyance, or devolution of any kind or description, becomes the owner of any crown lands whereof a grant, subject to conditions,

Continuance of conditions of grant notwithstanding sale or mortgage.

has been made, during the period for which those conditions are framed to subsist, shall, notwithstanding any of the regulations for the time being in force authorising the transfer or mortgage of those lands, during the subsistence of the conditions as private lands, and, notwithstanding any Ordinance or law to the contrary, hold those lands subject to the same terms and conditions as if he had been the original grantee thereof.

FORFEITURE AND DETERMINATION OF GRANT, LICENCE, OR PERMISSION.

When grants determine.

14. Where any condition of any grant, licence, or permission is not fulfilled, or where any regulation is not observed, the grant, licence, or permission may be revoked by the Governor, and it shall thereupon cease and determine.

Effect of determination.

15. Where any grant, licence, or permission in any way determines, all buildings and erections on the land at the time when it determines, shall belong absolutely to His Majesty.

Unpaid rent may be recovered by parate execution on determination of grant.

16. Where any grant, licence, or permission determines in consequence of non-compliance with any condition or any of the regulations, the unpaid portion of any rent to be paid in respect of the unexpired portion of the term mentioned in the licence or permission shall fall due and become payable and may be recovered by parate execution against the licensee or holder of the permission and his sureties.

GENERAL REGULATIONS.

Regulations.

17.—(1) The Governor and Legislative Council may from time to time make regulations, and when made may alter, amend, or revoke them for any of the purposes of this Ordinance.

(2) The regulations may prescribe the fees, royalties, and rents payable or chargeable for or in respect of all matters under this Ordinance.

(3) Any regulation may provide that—

(a) anyone not complying therewith shall be liable to a penalty not exceeding two hundred and forty dollars;

(b) in the event of non-compliance therewith, any grant, licence, or permission shall be revoked in addition to any other penalty;

(c) the holder of any grant, licence, or permission shall be liable for any penalty for a breach thereof committed by any member of his family, or by anyone living with or employed by him.

(4) The regulations shall be published in the Gazette, and shall have the force of law.

REGULATIONS AS TO RUPUNUNI CATTLE TRAIL.

(5) (a) The Governor in Council may prescribe by regulation the payment of tolls for the passage of cattle over the trail or path made through the Crown savannahs and forests extending from Annai on the Rupununi river by way of Kurupukari on the Essequibo river to terminal points at Takama on the Berbice river, and Hyde Park on the Demerara river, including any extensions or deviations of the path hereafter made.

Rupununi cattle trail.

(Ord. 16 of 1929)
(Ord. 36 of 1930)

(b) The Governor may make regulations—

(i) as to the tolls which may be charged in respect of the passage of cattle over the trail and the collection thereof; and

(ii) generally, for carrying into effect the provisions of this sub-section.

(6) Ord 22 of 1932.

18. Everyone who does not comply with any of the regulation for the breach of which no special penalty is provided shall on conviction of the breach be liable to a penalty not exceeding forty-eight dollars.

Penalty where no special penalty imposed.

OFFENCES.

19. Everyone who trespasses on or unlawfully occupies any of the crown lands of the colony shall be guilty of an offence and on conviction thereof shall be liable to a penalty not exceeding twenty-four dollars, or to imprisonment with or without hard labour for any term not exceeding two months:

Trespass on crown lands:

Penalty:

Provided that—

Proviso.

(a) no one shall be deemed a trespasser on, or to have unlawfully occupied, any of the crown lands under this section who proves, to the satisfaction of the magistrate before whom he is brought—

(i) that he was travelling and reasonably occupied or used the lands for the purposes of his journey; or

- (ii) that he was authorised to occupy or use the lands by competent authority; or
- (iii) that he, or those through whom he claims, occupied the lands under a bonâ fide claim of right; and

(b) where anyone is convicted for a first time under this section he shall not be liable to imprisonment, whether in default of paying any penalty or otherwise if he thereupon surrenders peaceable possession of all the crown lands occupied by him, with all the crops growing thereon, and all buildings and erections thereupon or affixed thereto.

Taking anything from crown lands.

Penalty.

Exceptions.

20.—(1) Save as hereinafter excepted, everyone who takes any substance or thing from or off the crown lands or forests shall be guilty of an offence and on conviction thereof shall be liable to a penalty not exceeding forty-eight dollars, or to imprisonment with or without hard labour for any term not exceeding two months; and the substance or thing shall be deemed to be forfeited and condemned.

(2) The following are the exceptions, that is to say, where the person—

- (a) holds a grant of the lands from or off which the substance or thing was taken, and is authorised by the grant to take it;
- (b) holds a licence or permission under this Ordinance to take the substance or thing from or off the lands;
- (c) is the servant or agent of anyone holding the grant, licence, or permission, referred to in the two previous paragraphs, and is acting within the privileges conferred by the grant, licence or permission;
- (d) is travelling, and reasonably takes the substance or thing to enable him to support life or to continue his journey;
- (e) is lawfully travelling, and takes the substance or thing for any purpose other than the purpose of profit or gain; and
- (f) has applied for a grant, licence or permission, and the Commissioner in pursuance of any regulation made in that behalf, grants permission to take any substance or thing from the land for which application has been made.

21.—(1) Everyone who wilfully causes any impediment to the free use or navigation of any river or navigable creek, shall be guilty of an offence and on conviction thereof shall be liable to a penalty not exceeding five hundred dollars, unless he has previously obtained permission under this Ordinance or the Forestry Ordinance to cause the impediment.

Impeding navigation of river and creek :

Penalties : Chapter 176.

(2) Everyone who negligently allows anything to fall into a river or navigable creek, whereby the free use or navigation of the river or creek is impeded, or who, by any negligent act or omission, causes the free use or navigation of the river or creek to be impeded, shall be guilty of an offence and on conviction thereof shall be liable to a penalty not exceeding two hundred dollars.

(3) Anyone who blasts any rock in the bed of a river or navigable creek, or who removes any stone or other material therefrom without permission under this Ordinance or the Forestry Ordinance, shall be guilty of an offence and on conviction thereof shall be liable to a penalty of five hundred dollars.

(4) The Commissioner of Lands and Mines or the Conservator of Forests, may sanction the temporary placing of any impediment in a river or creek, for such time as may be expedient and on such conditions as to the Commissioner of Lands and Mines or the Conservator of Forests may seem proper :

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Provided that the construction, by anyone authorised to cut wood, or to search or mine for minerals, of a temporary stop-off or obstruction, made for the purpose of raising the water in a creek to facilitate his business, shall not be deemed to be an offence under this section.

Proviso.

22. Everyone who obstructs any officer or person acting under the provisions of this Ordinance shall be guilty of an offence and on conviction thereof shall be liable to a penalty not exceeding fifty dollars, or to imprisonment with or without hard labour for any term not exceeding two months.

Obstruction of officer.

Penalty.

23. If the holder of a licence or permission issued under this Ordinance unlawfully causes or procures, or incites or aids, anyone to commit trespass on crown lands, or to remove anything seized under this Ordinance, he shall be guilty of an offence, and on conviction thereof shall be liable to a penalty not exceeding fifty dollars, or to imprisonment with or without hard labour for any term not exceeding two months, and shall in addition forfeit his licence or permission.

Incitement by holder of licence to commit offence.

Penalty.

SEIZURES.

Seizure of thing illegally taken from crown lands.

24.—(1) Any officer of the department, forest officer under the Forestry Ordinance, commissary of taxation, member of the police force or rural constable, if that constable is authorised in writing by the Inspector General of Police to make seizures, may seize and take possession of any substance or thing illegally taken from or off the crown lands, together with any boat or vehicle used in the removal thereof, and all tools and implements found with or in the possession of the person having the substance or thing, and every article so seized under this Ordinance shall be deemed and taken to be forfeited and condemned.

(2) Before seizing any article under the last preceding sub-section the officer, commissary, or constable, may take and detain the article for so long as may be reasonably necessary to make inquiries respecting it.

Notice of seizure.

25. Where any article is so seized, the magistrate of the district in which the article was seized shall advertise it for four successive Saturdays in the Gazette, for sale on a specified day at some convenient place, and, on the day appointed, ~~sell it publicly by himself or by some person authorised by him in writing, to the highest bidder, unless the person claiming it, or someone authorised by him in writing, gives notice in writing to the magistrate on or before the third Saturday that he intends to claim it.~~ *sell it publicly by himself or by some person authorised by him in writing, to the highest bidder, unless the person claiming it, or someone authorised by him in writing, gives notice in writing to the magistrate on or before the third Saturday that he intends to claim it.*

See Ord. 33 of 1930. S. 2.

Claim to article seized.

26. No claim to any article seized under this Ordinance shall be entertained unless the claim is entered in the name of the person who removed the article, or in the name of someone who in the claim states himself to be at the time of making it the person bonâ fide entitled to the article, and unless the sum of twenty-four dollars is deposited with the magistrate in security to pay any costs that may be awarded in the event of judgement being given against the claimant.

Burden of proof to be on claimant.

27. The proof of the illegality of any seizure made under this Ordinance shall be on the claimant of the article seized, and the proof of the legality thereof shall not be on the seizing officer; and if, upon any trial or proceeding, a question arises whether anyone acting as a seizing officer under this Ordinance is that officer, evidence of his so acting shall be deemed sufficient, and he shall not be required to produce his commission, warrant, or authority.

28. Any claim made under this Ordinance shall be proceeded with before the magistrate at some time to be fixed by him, and the magistrate shall adjudicate upon the claim, and if condemned the article shall be sold publicly by, or by the order of, the magistrate after advertisement of the day of sale for four successive Saturdays in the Gazette :

Adjudication
on claim :

Provided that the Governor, by general regulation or special order, may direct that an upset price shall be fixed, and if at any sale where the upset price is fixed a sum equal thereto, or larger, is not offered for any of the articles so exposed for sale, they shall become the property of His Majesty.

Proviso.

See Ord. 33
§ 19 30 S. 3.

29. Where any article is seized, the Attorney General may authorise the release thereof on sufficient security being given to pay the value thereof if it is condemned, and thereupon the proceedings shall continue in all respects as if the article had not been released, except that on final sentence of condemnation the amount so secured shall become payable and may be recovered at the instance of the Attorney General, by parate execution.

Release of
article
seized, on
security
given.

30.—(1) If, on the trial of any claim in respect of any detention or seizure made under this Ordinance, the decision is in favour of the claimant and the magistrate in case of there being no appeal, or the judge or court in case of there being an appeal, certifies on the record that there was a probable cause of detention or seizure, the claimant shall not be entitled to any costs; nor shall any action, suit, indictment, or other prosecution in respect of the detention or seizure be thereafter commenced or further carried on against the person who made it.

Protection
to officer
where
probable
cause of
detention
exists.

(2) Where any action, suit, indictment, or other prosecution against anyone in respect of a detention or seizure made under this Ordinance is brought to trial, and judgement or sentence is given against the defendant, and the judge or court before whom or which the trial takes place certifies on the record that there was a probable cause of detention or seizure, the plaintiff in the action or suit, besides the articles detained or seized or the value thereof, shall not be entitled to more damages than four cents or to any costs of suit, and the defendant in the indictment or prosecution shall not be liable to any punishment beyond a fine of twenty-four cents.

Collusive seizure or non-seizure, or abandonment of seizure.

Penalty.

Bribing officer.

Penalty.

Illegal removal.

Penalty.

Application of proceeds of seizure.

Repealed by Act. 98 1933, Sec. 4.

Power to restore article seized or to mitigate penalty or forfeiture.

31.—(1) If any officer authorised by this Ordinance to seize an article makes a collusive seizure, or delivers up, or makes any agreement to deliver up, or not to seize, an article liable to forfeiture, or takes a bribe, gratuity, recompense, or reward, for neglect or non-performance of his duty, the officer shall forfeit for each offence the sum of five hundred dollars, and be rendered incapable of serving His Majesty in any office whatever in the colony.

(2) Everyone who gives or offers, or procures to be given or offered, any bribe, recompense, or reward to, or makes any collusive agreement with, any officer aforesaid to induce him in any way to neglect his duty, or to do, conceal, or connive at any act whereby any of the provisions of this Ordinance may be evaded, shall forfeit the sum of five hundred dollars.

32. Everyone who unlawfully removes or attempts to remove, anything seized or detained by any officer authorised to make a seizure, or wilfully defaces or removes any notice affixed by that officer under the provisions of this Ordinance, shall be guilty of an offence, and on conviction thereof shall be liable to a fine not exceeding one hundred dollars, or to imprisonment with or without hard labour for any term not exceeding six months, or to both fine and imprisonment; and if the person convicted is the holder of a wood-cutting licence or permission, or of a licence or permission of occupancy, he shall in addition forfeit his licence or permission.

33.—(1) Subject to the provisions of the next succeeding section, the proceeds of any seizure and forfeiture of articles under this Ordinance, after payment of all expenses, and all fines and penalties levied under this Ordinance, shall be paid to the Colonial Treasurer for the use of the colony.

(2) In any case of forfeiture, the balance realised by the sale of the article seized, after payment of all expenses, shall be deemed the amount of the forfeiture.

34.—(1) The Governor may order any article seized or forfeited under or by virtue of the provisions of this Ordinance to be restored in any manner, and on any terms and conditions he thinks fit to direct, and may also remit or mitigate any fine, penalty, or forfeiture incurred under this Ordinance.

(2) Every fine, penalty, or forfeiture so mitigated shall be appropriated and divided in accordance with the terms of the order of the Governor.

MODE OF DEALING WITH OFFENDERS.

35. Every officer of the department and every police officer or constable may arrest anyone wilfully trespassing on, or unlawfully occupying, any of the crown lands or forests, or who illegally takes therefrom any substance or thing. Arrest.

36. Wherever under this Ordinance a right of arrest is given, it shall be lawful to proceed by way of summons instead of arrest, at the discretion of the complainant or officer. Proceeding
by summons.

RIGHT OF ENTRY.

37. Any officer of the department, any forest officer under the Forestry Ordinance, and any commissary of taxation, by himself or with any servants and assistants he desires may enter on any crown lands held under a grant which has been issued subject to any conditions, or held under any licence, and may inspect the lands. Power of
entry given
to certain
officers.

38. The Commissioner may authorise in writing any public officer to exercise all or any of the powers conferred on an officer of the department under the provisions of sections twelve, twenty-four, thirty-five and thirty-seven of this Ordinance or any of the regulations. Commissioner
may
authorise
public officer
to exercise
powers.

SAVINGS.

39. All rent, fees, and other moneys payable under this Ordinance or the regulations shall be paid to the Colonial Treasurer for the use of the colony, so long as the Legislature of the colony makes due provision, to the satisfaction of His Majesty, for maintaining the civil establishment of the colony. Monetary
dues to be
paid for use
of colony so
long as civil
list remains.

40. Nothing in this Ordinance shall extend to abridge or affect the prerogative of the Crown in relation to the crown lands and forests of the colony; and, in the event of Reservation
of rights of
the Crown.

the legislature of the colony at any time hereafter failing to grant a civil list to and to the satisfaction of His Majesty, the Governor, in the name and on behalf of His Majesty, may issue such regulations with respect to the crown lands and forests, and charge such fees and sums of money for grants and licences thereof and otherwise, as he thinks fit, anything in this Ordinance to the contrary notwithstanding.

Protection
of rights of
aboriginal
Indians :

41. Nothing in this Ordinance shall be construed to prejudice, alter, or affect any right or privilege heretofore legally possessed, exercised, or enjoyed by any aboriginal Indian in the colony :

Proviso.

Provided that the Governor may, from time to time, by publication in the Gazette, make any regulations to him seeming meet defining the privileges and rights to be enjoyed by aboriginal Indians, in relation to the crown lands and forests and the rivers and creeks of the colony.

Appointment
of govern-
ment stations.

42. The Governor may appoint government stations in any places he thinks fit for the purpose of this Ordinance, and of the regulations, and each appointment shall be notified in the Gazette.

PROCEDURE.

Prosecutions
of offences :

43.—(1) Any offence created or penalty imposed by this Ordinance or by the regulations may be prosecuted or recovered under the Summary Jurisdiction Ordinances.

(2) A complaint for an offence against this Ordinance or the regulations shall be made within twelve calendar months from the time when the matter of the complaint arose, and when the offence has been committed within the jurisdiction of one magistrate, and the Commissioner certifies in writing that in his opinion the complaint for it can be more conveniently or fairly heard before the magistrate of any other district in the colony, the last-mentioned magistrate may, and he is hereby required to hear and determine the complaint as if the offence had been committed within his jurisdiction :

Proviso.

Provided that the venue shall not be changed except with the approval of the Attorney General.

44. The Governor and Legislative Council may direct what forms shall be used in any proceedings under this Ordinance, and those forms when published in the Gazette may be used for and in respect of the several matters therein mentioned.

Forms.

45. Every magistrate, officer, or person acting under this Ordinance shall be entitled to the benefit of the Justices Protection Ordinance.

Protection of officer acting under the Ordinance. Chapter 254.