

THE QUIT RENTS ACT

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SCHEDULES

THE QUIT RENTS ACT

[11th April, 1896.]

Cap. 331.
Act
12 of 1985
Sch.

1. This Act may be cited as the Quit Rents Act.

Short title.

2. In this Act the term “quit rents” means a quit rent of five-sixths of a cent for each acre and for each fraction of an acre granted and paid as a certain established quit rent and acknowledged to Her Majesty by all persons who hold land within the Island on which the quit rents have not been redeemed.

Definition of
quit rents.

3. The Deputy Keeper of the Records shall, at the expiration of each quarter of every year, transmit, or cause to be transmitted, to the Commissioner of Inland Revenue a docket of every deed or patent of land which shall have been brought into his office to be recorded during the last preceding quarter, setting forth therein the name of the purchasers or patentees, grantor or grantors, the name of the parish, the quantity of land, and the boundaries thereof, to the intent that the Commissioner of Inland Revenue may know from whom the quit rents thereon shall thereafter be due and payable, in the form in the First Schedule, and such dockets shall be numbered from the commencement of each quarter in arithmetical succession and the Deputy Keeper of the Records shall be entitled to receive, from the party bringing any such deed to be recorded, the sum of fifteen cents.

Quarterly trans-
mission to
Commissioner of
Inland
Revenue of
dockets of
deeds and
patents
entered in
Record
Office.
12/1985
Sch.

First
Schedule.

4. In the alphabetical rolls of taxpayers kept by the several Collector of Taxes under authority of any enactment for the time being in force relating to or making provision for rolls of taxpayers, there shall be recorded—

Alphabetical
taxpayers.
roll of

QUIT RENTS

- (a) the names of the persons liable to pay quit rents, so far as they are known;
- (b) the names of the properties liable;
- (c) the name of the property of which the land liable is now or was formerly a part;
- (d) the acreage of the property liable to quit rent;
- (e) if the quit rent is in arrear, the number of years it is in arrear; and the Collector of Taxes shall record against each such last-mentioned entry, the payment of quit rent when made, distinguishing payments for current taxes from payments for arrears. At the termination of each year ending the thirty-first day of July, the Collector of Taxes shall declare to the correctness of the entries relating to quit rents before a Justice, in the form set forth in the Second Schedule, and such declaration shall be made and recorded at the end of the roll.

Second
Schedule.

Evidence.

5. The entries required to be made by section 4, shall be sufficient evidence upon which to found the certificate of the Collector of Taxes as to the payment of quit rents, or the non-payment thereof for the period, or any portion of the period comprised in such entries. And the book containing such entries produced from the custody of any Collector of Taxes, or the certificate of the Collector of Taxes of the facts shown by such entries, shall respectively and equally be *prima facie* evidence of the facts stated therein, and of the non-payment of moneys, which if paid, should appear as paid therein.

Land in
respect of
which quit
rents in
arrear for
five years
may be
proceeded
against as
forfeited.

6. In every case where it shall appear that the quit rents are in arrear, and have not been paid in respect of any land in this Island for the space of five years, such land may be proceeded against as forfeited to Her Majesty, her heirs and successors, in right of the Government of Jamaica, for non-payment of such quit rents.

7. Notwithstanding payment of any part of such quit rents may have been made, yet, if it shall be shewn that exclusive of the amount paid, there are quit rents in arrear and unpaid in respect of any land for the space of five years, such land may be proceeded against as forfeited as aforesaid.

Forfeiture notwithstanding part payment of quit rents.

8. All proceedings under this Act shall be free of stamp duty.

Proceedings exempt from stamps.

9. Where portions of an estate or property in respect of which no quit rents have been paid for five years or upwards have been for five years or upwards separate holdings, the lands comprised in such separate holdings shall be liable only for the quit rents due in respect of themselves, and shall not be liable for the quit rents due in respect of any other portion of the estate or property of which, before the commencement of such period of five years or upwards, they had formed part.

Portions of estate or property as separate holdings.

10. In the case of lands on which the quit rents have been in arrear for five years and upwards, or in respect of which no previous entry appears in the books of the Collector of Taxes, the quit rent payable for the preceding five years in respect of such lands or any portions thereof, shall not be accepted by the Collector of Taxes for the parish in which the land is situated, unless the party tendering such quit rent produces satisfactory evidence that he is or represents the owner of the land in respect of which such arrears are tendered.

Where quit rents in arrear for five years Collector not to receive same except from owner or his representative.

11. No quit rent shall be recoverable from any person except within ten years from the day when the same became or shall become due and payable, and at the end of such period of ten years the quit rent on any land shall cease to be a charge on such land, or to render the same liable to forfeiture for non-payment thereof.

Quit rents unpaid for ten years irrecoverable.

Mode of
commencing
proceedings
for
forfeiture.

Third
Schedule.

12. All proceedings for the forfeiture of land for non-payment of quit rents shall issue solely at the instance of the Crown, and shall be commenced by the Crown Solicitor filing in the office of the Registrar of the Supreme Court a writ in the form given in the Third Schedule :

Provided, that before any such proceedings shall issue, two notifications, at intervals of not less than one or more than two months each, shall be made in the *Gazette*, of the land intended to be proceeded against.

Such notifications shall describe the land with reasonable certainty, by giving its name and locality, boundaries and approximate extent, and by giving, when practicable, the names of the parties entitled, or believed to be or last known to be entitled thereto, and of the parties in possession or last known to have been in possession thereof, or the names of some of the persons aforesaid :

Provided, that no error or misdescription of the land, or omission to give any of the names aforesaid, shall vitiate the notifications aforesaid, or any of them, if the Court shall be of opinion that, notwithstanding such error, misdescription, or omission, the land was so described that any one knowing the land would have recognized it from the description.

Practice of
Supreme
Court.
Cap. 177.
(1953 Edn.
Omitted).

13. The provisions of the Judicature (Civil Procedure Code) Law or other enactment in force for the time being for regulating the practice and procedure in the Supreme Court, as to the preparation of writs of summons, their being sealed and filed, the procuring of copies of the same, their renewal, and as to the mode of service or substituted service, or notice in lieu of service, shall apply equally to writs issued under this Act.

Service
of writ.

14. The writ shall in all cases be served on the land sought to be affected thereby, by posting a copy thereof upon the

door of the dwelling-house or other conspicuous part of the property.

It shall further be served on the person, or some one or more of the persons, in possession of the said land or some part thereof:

Provided always, that it shall be lawful for the Court or a Judge to make an order dispensing with such last-mentioned service:

Provided further, that in any case of doubt, it shall be lawful for the Court or a Judge to dispense with any of the provisions of this section, and to direct how and on whom the writ shall be served.

15. Any person asserting title to the land or any part thereof may, without any leave, appear to the writ, though he has not been served with the same.

Appearance
by person
asserting title.

16. It shall be lawful for the bailiff, or other person charged with the service of any writs under this Act, to make one affidavit of service applicable to any number of such writs, such affidavit to show nevertheless how in the case of each writ such service was effected.

Affidavits
of service.

17. The writ shall be deemed to all intents and purposes to raise the issue whether the quit rents payable in respect of the land referred to were at the date of the writ in arrear and unpaid for the period of five years, and if so for what period, and what is the amount owing at the date of the writ in respect of such quit rents.

Issues raised
by writ.

18. There shall be no pleadings to any such writs; but the person served, and, with the leave of the Court or Judge, any other person asserting title to the land or any part thereof, may appear to defend for the whole or any part of the land comprised in the writ.

No pleading
to writ.

Appearance
within twenty
days.

Twenty days from the date of service shall be allowed for entering an appearance:

Provided that the Court or a Judge may allow an appearance to be entered after that period so long as final judgment has not been given.

Setting down
case for trial.

On an appearance being entered, the Crown and the defendant shall be deemed to be at issue as to the truth of the allegations contained in the writ, so far as regards the land in respect of which appearance is entered; and the Registrar shall take the like steps for setting the case down for trial as he is required to take in any ordinary suit in the Supreme Court on the close of the pleadings, and the issue raised as aforesaid shall be tried and determined in the same way as in any ordinary suit.

Appearance,
how entered.

An appearance may be entered by giving written notice to the Registrar of the Supreme Court to enter such appearance, and it shall be sufficient to give such notice to any Clerk of the Court for any parish, who shall forthwith forward the same to the Registrar of the Court.

Notice of
trial.

In such written notice as aforesaid the party giving the same shall furnish his name and his address for service. Any such appearance shall be free of stamp duty.

On the Registrar setting any case down for trial as aforesaid, the Director of State Proceedings shall cause notice to be served on any party who has entered an appearance at his address for service, so that the latter shall get the same eight clear days before the holding of the Court at which the trial is to take place.

Evidence at
trial.

19. At the trial of the said issue the Judge shall receive such legal evidence as shall be produced to the Court touching the premises; and a copy of the entry in any book by law heretofore, now, or hereafter required to be kept in respect to quit rents, certified by the Collector of Taxes for the

parish in which the land is situated as a true copy, or if no entry of the lands shall appear in such books, then a docket, certified by the Deputy Keeper of the Records, as a true docket so far as appears on record in the Record Office, of any deed relating to the land the subject of the writ, and the certificate of the Collector of Taxes for the parish in which the land is situated of the non-payment of the quit rents in respect of that land for the whole or any portion of the time mentioned in the writ, shall be *prima facie* evidence of such non-payment, and of the liability of the land to the said quit rent.

20. In the case of lands on which the quit rents are in arrear in respect of which no entry appears in the dockets forwarded to the Collector of Taxes for the parish in which the land is situated under section 3, or in respect of which there is no deed on record in the Record Office, or in respect of which if any deed is on record, no acreage is stated in such deed, the acreage of such lands shall be deemed to be that certified by the Commissioner of Inland Revenue as being to the best of his information the correct acreage, unless the party entering an appearance to the writ, can prove the incorrectness of such acreage, and also what is the correct acreage on which payment should be made.

Acreage,
how proved.

12/1985
Sch.

21. Whenever it shall be found by the verdict of the jury, that the quit rents payable in respect of the land comprised in the writ to which an appearance has been entered, are in arrear, and have not been paid for the space of five years or upwards before the date of the writ in respect of the land comprised in the writ, or any part thereof, the Clerk of the Circuit Court at which the issue shall have been tried shall transmit the said writ, together with the verdict of the jury to the office of the Registrar of the Supreme Court.

Verdict of
jury and
duty of
Clerk
thereon.

The Registrar shall cause a list of writs for forfeited lands to be kept in some public part of his office in the form in

Fourth
Schedule.

the Fourth Schedule, and shall include in such list all lands against which writs under this Act have been filed, in which no appearance has been entered within the time limited for the entrance of an appearance, or, if an appearance has been entered, in which the jury have found the quit rents to have been in arrear as aforesaid.

Procedure
on no
appearance
to writ as to
the whole or
a portion of
the lands.

22. In cases where no appearance has been entered to the writ, or where an appearance has been entered as to a portion only of the land described in the writ, upon reading the certificate of the Collector of Taxes for the parish in which the land is situated that the quit rents on the lands described in the writ, or any portion thereof, are in arrear and unpaid for the space of five years and upwards, the notifications required for section 12, the writ, the proof of service and the certificate of the Registrar of the Court, that although the time for entering an appearance has passed, no appearance has been entered, the Supreme Court shall, at any time on application by or on behalf of the Attorney-General, give interlocutory judgment in favour of the Crown for the forfeiture of the lands comprised in the writ as to which no appearance has been entered as aforesaid, or for the forfeiture of the remaining portion of the lands comprised in the writ in respect of which an appearance has been entered in respect of a portion only. Such application as aforesaid may be made to a Judge of the Supreme Court sitting in Court or in Chambers.

Entry of
judgment
after
verdict.

23. In cases where an appearance has been entered, upon reading the writ, and the finding of the jury that the quit rents in respect of the land in respect of which the appearance is entered were in arrear for five years, and had not been paid at the time of the issuing of the writ, the Supreme Court shall at any time, on application by or on behalf of the Attorney-General, give interlocutory judgment in favour of the Crown for the forfeiture of the lands comprised in

the writ as to which an appearance has been entered as aforesaid, and as to which the quit rents have been found to be in arrear as aforesaid. Such application as aforesaid may be made to a Judge of the Supreme Court sitting in Court or in Chambers.

24. An interlocutory judgment obtained under this Act shall, so long as no order shall have been made for a trial or a new trial, entitle the Crown to be put in possession of the land affected by such judgment, and to remove all parties found in possession of the land or any part thereof, and all necessary writs and proceedings shall be issued and had for the purpose aforesaid.

Effect of
inter-
locutory
judgment
and
proceedings
thereon.

25. No interlocutory judgment shall be made final unless the Court is satisfied that at least six weeks before the making of the motion for such final judgment, the Crown has been put in possession of the land to be affected thereby, and has either removed all parties in possession of the same or any part thereof, or has entered into agreements in writing with such parties, or such of them as it has not seen fit to remove, that they shall hold as tenants of the Crown.

Final judg-
ment not to
be made
until posses-
sion
obtained
under inter-
locutory
judgment.

26. If any person shall have been removed from possession of any land under any interlocutory judgment as aforesaid, and shall afterwards, on an order being made under section 28, succeed on a trial or a new trial of the issue raised by the said writ, he shall be entitled to recover from the Crown full compensation in respect of his removal from possession as aforesaid, and such compensation shall be assessed by the jury at such trial or new trial.

Persons dis-
possessed
under inter-
locutory
judgment
which is
reversed on
a new trial.

27. Any interlocutory judgment obtained under this Act shall be proclaimed at one sitting of the Circuit Court holden for the parish where the land comprised in the writ or any part thereof is situated, and also at one subsequent session

Proclamation
of inter-
locutory
judgment.

of the Supreme Court; and thereafter, if no order shall have been made for a trial or a new trial of the issue raised by the said writ in manner hereinafter provided, the Court shall, on motion made by or on behalf of the Attorney-General, give final judgment for the Crown in the terms of the interlocutory judgment aforesaid:

Provided, that one month shall have elapsed between the date of the last-named proclamation and the application for final judgment aforesaid. On final judgment being given as aforesaid such judgment shall be binding and conclusive on, and a perpetual bar to, all parties whomsoever claiming any estate or interest in the said land, and the said land shall be vested in the Crown in the same way to all intents and purposes as if no grant of the said land had ever been made, and all necessary writs and proceedings shall be issued and had to put the Crown in possession of the land, and to remove all parties found in possession of the land or any part thereof.

Application
for new trial.

28. It shall be lawful for any person, at any time before final judgment is given as aforesaid, to apply to the Supreme Court for an order calling on the Attorney-General to shew cause why a trial or a new trial (as the case may be) should not be had of the first issue raised by the said writ, and it shall be lawful for the Court to make such order absolute accordingly.

On such order being made a trial or a new trial shall be had on the said issue raised by the said writ.

If a verdict shall again be given for the Crown, the granting of such trial or new trial shall not in any way prejudice or affect the validity of the previous interlocutory judgment, or of any proclamation made thereof, or in any otherwise prejudice or delay the right of the Crown to final judgment of forfeiture:

Provided always, that final judgment shall in no case be given when an application for a trial or new trial has been made until either the application has been refused, or if granted, the trial or new trial shall have been had :

Provided also, that any application for such trial in respect of part of the lands comprised in any writ, shall not have any effect to defeat or delay the right of the Crown to final judgment in respect of the remaining part.

29. No person shall be entitled to an order under the preceding section without asserting and giving *prima facie* evidence of title to the land.

Applicant
for new
trial to give
prima facie
evidence of
title.

30. It shall be lawful for any person who has appeared to a writ under this Act, or who has obtained an order for a trial or a new trial of the issue raised by any such writ, to pay to the Collector of Taxes for the parish in which the land is situated the amount of the arrear of quit rents and the costs of the Crown in the proceedings; and thereupon the Attorney-General shall enter satisfaction on the said proceedings :

Payment of
quit rents
and effect
thereof.

Provided always, that no person shall be deemed to acquire any sort of legal or equitable right or title to the land by reason only of the payment of such arrears.

31. Any party appearing to any writ under this Act, or obtaining an order for a new trial under this Act, shall be deemed thereby to join issue on the issues raised by the writ. If an appearance, or if an order for a trial or a new trial, be as to part of the land, the appearance or the order, as the case may be, shall accurately describe the portion of the land claimed, by stating the number of acres and the abutments.

Effect of
appearing
to writ.

32. The issues raised by any writ under this Act shall be tried before a jury in the Circuit Court having jurisdiction in the parish where the land or some part of it lies.

Issues to be
tried before
jury in
Circuit.

Amount
payable to
Parish
Council on
sale after
final
judgment.

33. If any land in respect of which final judgment has been given for the Crown under the provisions of this Act is sold by the Crown, the Parish Council of the parish in which such land is situate or with reference to the parishes of Kingston and St. Andrew, the Kingston and St. Andrew Corporation shall receive out of the proceeds of the sale of such land such sum as may have been due to the Parish Council or the said Corporation for rates in respect of such land at the time of such final judgment :

Provided, however, that the Parish Council or Corporation shall only be entitled to receive such sum after there shall have been deducted from the proceeds of the sale of such land all amounts which were due to the Crown in respect of such land at the date of the final judgment together with the costs of forfeiture and sale of the said land :

And provided further that the Parish Council or Corporation shall not be entitled to any sum as aforesaid unless the sale of the land by the Crown takes place within a period of six years next after the date on which final judgment was given for the Crown.

Rules and
forms.

34. The Minister may make and from time to time may rescind, alter and amend all forms and rules which may be considered necessary for carrying into effect the objects and provisions of this Act.

Quit rents
appropriated
to Con-
solidated
Fund.

35. All moneys payable in respect of quit rents under this Act shall be appropriated to the Consolidated Fund.

QUIT RENTS

15

FIRST SCHEDULE

(Section 3)

*Dockets of Deeds recorded in the Record Office of this Island from the
day of to the day of 19 .*

No.	Title of deed and parties thereto	Parish	Name of property	Particulars, description and boundaries of land	Date of deed	Date of record	Number of acres

SECOND SCHEDULE

(Section 4
(e))

Declaration of Collector of Taxes

I, A. B., Collector of Taxes for the parish of
solemnly and sincerely declare that this Roll contains a full, just and
true statement of all moneys which have been paid to or received by
me, or which appear from the accounts, books and records of my office
to have been paid to or received at my office from any person whom-
soever, on account of the quit rents for the parish of
during the year from the day of 19 .
to the day of , 19 , distinguishing what
has been paid on account of the arrears for previous years; and I make
this solemn declaration conscientiously believing the same to be true,
and by virtue of the provisions of the Voluntary Declarations Act.
Taken and acknowledged, etc.

THIRD SCHEDULE

(Section 12)

Form of Writ

In the Supreme Court Suit No. 19 ,
Elizabeth the Second, by the Grace of God of Jamaica and of Her
other Realms and Territories, Queen, Head of the Commonwealth; To
the legal and beneficial owners and to the occupiers of and all persons
interested in all that (*describe the land as required by section 3*) or any
part thereof:

Whereas we are given to understand that the quit rents payable to us
in respect of the land above described for the space of years
before the issuing of this our writ have remained and been in arrear
and unpaid, so that there is now due and owing to us the sum of
\$ in respect of the said quit rents:

QUIT RENTS

And whereas we intend to proceed against the said land as forfeited to us under the Quit Rents Act, for non-payment of such quit rents:

These are to will and command such of you as assert any title to the said land or any part thereof, and deny our right to have such land forfeited to us, that you, within twenty days after service thereof on the said land, do cause an appearance to be entered for you in our Supreme Court to defend for such land or for such part as you may be advised; in default whereof judgment may be signed for the said land or part thereof, and the land may be declared forfeited to us, and all persons turned out of possession of the said land.

On payment of the abovementioned amount of \$
and \$ for costs within the aforementioned period of
twenty days, further proceedings shall be stayed.

Witness, etc.

Take notice that an appearance may be entered by giving written notice to the Registrar of the Supreme Court to enter an appearance, but no such notice will be entertained unless the person giving the same furnish his full name, address and occupation, and also an address at which papers and documents may be served on him. It shall be sufficient to give such notice to the Clerk of the Courts of the parish for transmission to the Registrar.

(Section 21)

FOURTH SCHEDULE***Writs for forfeited Lands***

Day writ issued	Name of owner or person in possession	Parish	Name of property	Quantity and abuttals	If default or verdict	When final judgment may be moved for