

TRINIDAD AND TOBAGO.

No. 9—1932.

RESERVED FOR THE SIGNIFICATION
OF HIS MAJESTY'S PLEASURE.

[L.S.]

A. C. HOLLIS,

Governor.

30th December, 1931.

[Assented to by His Majesty—Proclamation No. 25 of
18th of April, 1932.]

AN ORDINANCE to amend the Judicature Ordinance
by giving the Supreme Court jurisdiction in matri-
monial causes and matters.

[On Proclamation.]

BE it enacted by the Governor of Trinidad and Tobago
with the advice and consent of the Legislative
Council thereof as follows:—

1. This Ordinance may be cited as the Judicature Short title.
(Amendment No. 2) Ordinance, 1931, and shall be read Construction.
as one with the Judicature Ordinance, hereinafter called the Cap. 35.
Principal Ordinance.

2. The Judicature (Amendment) Ordinance, 1927, is Repeal of
Ordinance 11
of 1927.
hereby repealed.

[Price 2d.]

Re-enactment
of s. 20 of
Cap. 35.

3. The following section shall be inserted in the Principal Ordinance as section 20 :—

General
jurisdiction of
the Court.

20. (1) There shall be vested in the Court all such jurisdiction as is now vested in or exercisable by the High Court of Justice in England including the jurisdiction in matrimonial causes and matters and in respect of suits to establish legitimacy and validity of marriages and the right to be deemed natural-born subjects, as is by the Supreme Court of Judicature (Consolidation) Act, 1925, vested in the High Court of Justice in England.

15 and 16
Geo. 5 c. 49.

(2) The jurisdiction hereby vested in the Court shall be exercised as nearly as possible in accordance with the law, practice and procedure for the time being in force in the High Court of Justice in England so far as such practice and procedure is not displaced by Rules of Court made in pursuance of this Ordinance, and whether the cause of action arose before or after the coming into operation of this Ordinance.

Attorney-
General to act
as King's
Proctor.

4. In the case of any petition for divorce or for nullity of marriage—

(1) The Court may, if it thinks fit, direct all necessary papers in the matter to be sent to the Attorney-General who may instruct counsel to argue before the Court any question in relation to the matter which the Court deems to be necessary or expedient to have fully argued, and the Attorney-General shall be entitled to be paid from the general revenue all reasonable costs and expenses incurred in the matter.

(2) Any person may at any time during the progress of the proceedings or before the decree *nisi* is made absolute give information to the Attorney-General of any matter material to the due decision of the case, who may thereupon take such steps as he may deem necessary or

expedient, and if from any such information or otherwise the Attorney-General shall suspect that any parties to the petition are or have been acting in collusion for the purpose of obtaining a decree, contrary to the justice of the case, he may by leave of the Court intervene in the petition, alleging such case of collusion, and retain counsel and subpoena witnesses to prove it; and it shall be lawful for the Court to order the costs of such counsel and witnesses and otherwise arising from such intervention to be paid by the parties, or such of them as it shall see fit, including a wife if she has separate property; but it shall not be lawful for the Court to order any costs arising from any intervention to be paid by the Attorney-General, and the Attorney-General shall be entitled to be paid from the general revenue all reasonable costs which he may have incurred arising from any such intervention after deducting any costs which may have been paid to him by either of the parties to the petition. Any rules and regulations for the time being for the High Court of Justice in England with respect to the King's Proctor shall, subject to the Rules of Court, apply to the Attorney-General.

5. (1) No. minister of the Christian religion shall be compelled to publish the banns of marriage or to solemnise the marriage of any person whose former marriage shall have been dissolved by a judicial decree, where the other party to such former marriage is still living, nor shall any such minister be compelled to permit the use of any church or chapel under his control for publishing any such banns or solemnising the marriage of any such person, nor shall any such minister be liable to any suit, proceeding or penalty for refusing to publish any such banns or for refusing to solemnise any such marriage or for refusing to permit the use of any such church or chapel for any such purposes aforesaid.

Re-marriage
of divorced
persons.

(2) No minister of the Christian religion shall be liable to any suits, proceedings or penalties for publishing any such banns or solemnising the marriage of any such person aforesaid or for permitting the use of any such church or chapel for any of the purposes aforesaid.

Provided that nothing in this Ordinance shall relieve any such minister from any ecclesiastical proceeding or censure to which by reason of his publishing any such banns or solemnising any such marriage or permitting the use of any such church or chapel for any of the purposes aforesaid he is or from time to time hereafter may be liable according to the doctrine, practice, usage or rules of any such religion.

Limitation of
jurisdiction
in divorce.

6. Nothing herein shall authorise the Court to make any decree of dissolution of marriage where the parties to the marriage have been married pursuant to the provisions of the Immigration Ordinance, Chapter 245.

Date of
coming into
operation.

7. This Ordinance shall not come into operation unless and until the Governor notifies by proclamation that it is His Majesty's pleasure not to disallow the same and thereafter it shall come into operation upon such day as the Governor shall notify by the same or any other proclamation.

Passed in Council this fourteenth day of December, in the year of Our Lord one thousand nine hundred and thirty-one.

J. W. DAY,
Clerk of the Council.