

## No. 21.—1869.

16th November.

AN ORDINANCE for the holding of Sessions of the Supreme Criminal Court, in the Town of San Fernando.

[L. S.] ARTHUR GORDON.

16th November, 1869.

**W**HEREAS it would greatly tend to the convenience and relief of jurors and witnesses from certain districts in the country, who are bound to attend the sittings of the Supreme Criminal Court held in the Town of Port of Spain, if provision were made for holding sittings of the Supreme Criminal Court in the Town of San Fernando: Be it enacted by His Excellency the Governor, with the advice and consent of the Legislative Council, as follows:—

Certain offenders to be tried in San Fernando.

1. All persons committed by any Stipendiary or other Justice of the Peace within any of the following counties, namely: the County of Victoria, the County of Saint Patrick, the County of Nariva, and the County of Mayaro, for trial for any offence not being treason or felony punishable with death, shall be tried by and before a single Judge of the Supreme Criminal Court in the Town of San Fernando, in such place as the Governor may from time to time appoint.

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*Section 2, Repealed by Ordinance No. 15 of 1881.*

Powers of Judge.

3. Every such Judge shall for the purpose of such trials have and exercise all the powers and authorities by law vested in the Supreme Criminal Court.

Power to Attorney-General in certain cases to enter for trial in Port of Spain any case triable under this Ordinance.

4. It shall be lawful for the Attorney General, whenever he shall be of opinion that the ends of public justice shall require that any case which would be triable under this Ordinance should not be tried in the Town of San Fernando, to enter such case for trial in the Town of Port of Spain.

Repealed by Ord. 12 of 1881

5. The Attorney-General or Solicitor-General, or in case of the absence or inability of such Attorney-General or Solicitor-General to act, such other Counsel as may from time to time be appointed by the Governor for the purpose, shall conduct all trials to be had under this Ordinance, and for that purpose such Solicitor-General or other Counsel shall have all the powers, rights and privileges which the Attorney-General hath in the conducting of criminal prosecutions.

Attorney-General, Solicitor-General or other counsel to conduct trials.

6. All indictments and other pleadings on behalf of the Crown in cases to be tried under this Ordinance shall be signed by the Attorney-General.

Indictments, &c., to be signed by the Attorney-General.

7. All such indictments shall be filed in the Supreme Criminal Court twelve days at the least before and exclusive of the first day of the Session at which the same shall be brought on for trial under this Ordinance, and the Registrar of the Court shall, eight clear days at least before the first day of the Session, serve a copy of such indictments and the names of the witnesses who may have been examined on the preliminary examination endorsed thereon, on the accused, by delivering the same to him personally or leaving the same at the place appointed in the recognizance entered into by the accused.

Indictments to be filed twelve days before session. Copy of indictment to be served on accused person eight days before session.

8. Every plea in writing by the accused shall be filed in the Supreme Criminal Court two days before the first day of any Session to be holden under this Ordinance, but the accused may plead the general issue *ore tenus* on being arraigned.

Accused to plead two days before session.

9. Where any person tried at any Session held under this Ordinance shall charge any matter in arrest of judgment, it shall be lawful for the Judge holding such Session, if he shall see fit, to reserve such matter for the consideration of the full Criminal Court at the Session to be next held in the Town of Port of Spain, and thereupon to make order for the detention, and imprisonment of such person in the meantime.

Where person tried shall charge any matter in arrest of judgment the Judge may reserve such matter for the consideration of the full criminal court in Port of Spain.

10. The Registrar of the Court at any time not less than four clear days before the first day of any Session

Registrar to issue subpoena

Repealed  
by  
Ord 12  
1884

Repealed  
by  
Ord 92  
1884

to witnesses  
on lists being  
filed four  
days before  
session.

to be holden under this Ordinance, on being furnished with the names and places of abode of any witnesses on behalf of the prosecution or defence whose attendance is required to be secured by subpoena, shall prepare and deliver to the Marshal for service a writ or writs of subpoena, directed to such witnesses, together with as many copies thereof as there may be witnesses named in such writ or writs, and when application is made to postpone any trial by reason of the absence of any witness stated to be material, it shall be taken as *prima facie* evidence, liable nevertheless to be rebutted that the party applying for such postponement has not exercised all due and necessary diligence to secure the attendance of such witnesses, if it shall appear that no subpoena to such witness was sued out four clear days at the least before the first day of the Sessions.

Præcipe to be  
issued for the  
return of  
jurors fifteen  
days before  
session.

11. That for the trial of all issues at the several sittings of the Court in the Town of San Fernando, one præcipe for the return of persons residing within the aforesaid Counties of Victoria, Saint Patrick, Nariva and Mayaro, according to the form now used in the Supreme Criminal Court shall be issued by the Registrar of the Supreme Criminal Court to the Marshal, fifteen days at the least before the first day of the Session to be holden at San Fernando under this Ordinance.

Precepts to be  
returned by  
marshal.

12. Every precept for the return of jurors under this Ordinance shall be returned by the Marshal at the opening of the Court on the first day of each Session to be holden under this Ordinance, and the Marshal shall annex to every such precept a panel containing the names alphabetically arranged, together with the places of abode and additions, of a competent number of jurors named in the jurors' book, and the number of jurors so returned shall not in any case be less than thirty-six or more than sixty.

Persons when  
to be sum-  
moned to  
serve as  
jurors.

13. The summons of every man to be summoned to serve on juries under this Ordinance shall be made ten days at the least before the first day of any Session to be holden under this Ordinance, at which he shall be required to attend, by delivering to him a notice in writing according to the form now in use, or by leaving the

same at his usual place of abode with some person there residing.

14. The several Stipendiary Justices of the Peace and Wardens shall, on a præcipe from the Marshal for that purpose, cause such summonses to be served on so many of the persons liable to serve as jurors under this Ordinance, and resident within their respective districts or wards, as the Marshal may by such præcipe direct, and shall return such præcipe with a list of the christian and surname, place of abode, and additions of the persons so summoned to the Marshal.

Stipendiary Justices and Wardens on a Præcipe from the Marshal to cause summonses to be served on jurors.

15. No person residing within any of the counties hereinbefore mentioned shall be liable to serve as a juror at any Session of the Supreme Criminal Court to be held in the Town of Port of Spain.

Persons liable to serve as jurors under this Ordinance to be exempt from serving as jurors at the Supreme Criminal Court in Port of Spain.

16. No person summoned under this Ordinance to serve as a juror shall be exempted from serving as juror on the ground of his having served as a juror more than twice in one and the same year.

No juror to be exempted from service on the ground of his having served more than twice in one year.

17. As soon as a gaol shall have been erected in the Town of San Fernando, and duly licensed by the Governor, the Court shall at the close of every Session discharge all such prisoners confined within such gaol as by law shall be entitled to be discharged, and the keeper of the said gaol shall, on the last day of each Session, deliver or cause to be delivered to the Court, under a penalty of ten pounds sterling in case of default or neglect, a list of all persons confined within such gaol, together with the date of commitment and the cause of imprisonment in each case, and the name of the committing authority.

Gaol to be delivered at close of session.

18. It shall be the duty of the Marshal, by himself or some sufficient deputy or assistant, to be in attendance during every Session to be held under this Ordinance, and to bring the prisoners before the Court, and during the continuance of the trial to have them under his charge and custody, and from time to time to remand them to prison by permission or order of the Court during the progress of the trial or of any adjournment thereof.

Marshal to attend at all sittings of the Court.

19. The Chief Clerk in the office of the Registrar of Chief Clerk of

Registrar to  
act as  
Registrar.

the Supreme Criminal Court shall act as Registrar at every Session to be held under this Ordinance; and it shall be the duty of such clerk to be in attendance in Court at all times whilst the same shall be sitting.

Payment to  
witnesses of  
expenses.

20. It shall be lawful for the Judge, before whom any trial shall be had under this Ordinance to order the payment of the costs and expenses, together with a reasonable compensation for the trouble or loss of time of any witness who shall appear on recognizance or subpoena to give evidence against any person, and also to order payment of the costs and expenses of any witness who shall appear on any subpoena to give evidence for the prisoner in any case where the Judge shall be satisfied of the inability of such prisoner to defray such costs and expenses, and the amount of such costs and expenses shall be certified by the Chief Clerk of the Registrar, and allowed by the Judge before whom such trial shall be had under his hand, and shall be paid to the persons entitled to receive the same by the Sub-Receiver at San Fernando.

Judges to  
make rules  
and regula-  
tions.

21. It shall be lawful for the Judges of the Supreme Criminal Court from time to time to make such rules and regulations, and such rules and regulations from time to time to alter, as they shall see fit, for the better carrying into effect the objects of this Ordinance.

Passed in Council this sixteenth day of November, in the year of our Lord one thousand eight hundred and sixty-nine.

A. C. ROSS,

*Clerk of the Council*

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