

acknowledged, doth by these presents bargain and sell unto the said _____ and his heirs, all and singular (*describe the premises.*)

To have and to hold the same with the appurtenances unto and to the use of the said _____ his heirs and assigns for ever. In witness whereof the Surveyor General hath hereunto put his hand at Port of Spain, in the Island of Trinidad, the day and year first herein written.

Signed and delivered }
in the presence of }

No. 1.—1869.

19th January.

AN ORDINANCE to improve the administration of the law so far as respects summary proceeding before Justices of the Peace.

(L. S.) ARTHUR GORDON.

25th January, 1869.

WHEREAS it is expedient that provision should be made for obtaining the opinion of the Supreme Civil Court in questions of law which arise in the exercise of summary jurisdiction by Justices of the Peace: Be it therefore enacted by His Excellency the Governor, by and with the advice and consent of the Council of Government, as follows:

Justice on application of a party aggrieved to state a case for the opinion of Supreme Civil Court.

1. After the hearing and determination by a Justice of the Peace of any information or complaint which he has the power to determine in a summary way, by any law now in force or hereafter to be made, either party to the proceeding before the said Justice who may be dissatisfied with the said determination as being erroneous in point of law may apply in writing, within seven days after the same, to the said Justice to state and sign a case, setting forth the facts and the grounds of such determination, for the opinion thereon of the Supreme Civil Court, and such party, hereinafter called the "Appellant," shall, within seven days after receiving such case, transmit the same to the Registrar of the

said Supreme Civil Court, first giving notice in writing of such appeal, with a copy of the case so stated and signed, to the other party to the proceeding in which the determination was given, hereinafter called the "Respondent."

2. The appellant, at the time of making such application, and before a case shall be stated and delivered to him by the Justice, shall in every instance enter into a recognizance before such Justice, or any other Justice exercising the same jurisdiction, with or without surety or sureties in the sum of twenty pounds, conditioned to prosecute without delay such appeal, and to submit to the judgment of the Supreme Civil Court, and pay such costs as may be awarded by the same; and the appellant shall, at the same time, and before he shall be entitled to have the case delivered to him, pay to the Clerk of the Peace the fees for and in respect of the case and recognizances, which fees shall be according to the Schedule to this Ordinance annexed, and the Appellant if then in custody shall be liberated upon his entering into a further recognizance with a sufficient surety or sureties in such sum as to the Justice shall seem meet conditioned for his appearance before the same Justice, or before some other Justice who shall be sitting at the police station where such determination may have been made, within ten days after the judgment of the Supreme Civil Court shall have been given, to abide such judgment, unless the determination appealed against be reversed.

Security and notice to be given by the appellant.

3. If the Justice be of opinion that the application is merely frivolous, but not otherwise, he may refuse to state a case, and shall, on the request of the Appellant, sign and deliver to him a certificate of such refusal; provided, that the Justice shall not refuse to state a case where application for that purpose is made to him by or under the direction of Her Majesty's Attorney General.

Justice may refuse a case where he thinks the application frivolous.

4. Where the Justice shall refuse to state a case as aforesaid, it shall be lawful for the appellant to apply to the Supreme Civil Court upon an affidavit of the facts for a rule calling upon such Justice and also upon the respondent to show cause why such case should not be

Where the Justice refuses, the Supreme Civil Court may, by Rule, order a case to be stated.

stated; and the said Court may make the same absolute or discharge it with or without payment of costs, as to the Court shall seem meet; and the Justice, upon being served with such rule absolute, shall state a case accordingly, upon the appellant entering into such recognizance or recognizances as hereinbefore provided.

Supreme Civil Court to determine the questions on the case. Its decisions to be final.

5. The Supreme Civil Court shall hear and determine the question or questions of law arising on such case, and shall thereupon reverse, affirm or amend the determination in respect of which the case has been stated, or remit the matter to the Justice with the opinion of the Court thereon, and may make such order as to the costs as to the Court may seem fit; and all such orders shall be final and conclusive on all parties. Provided always, that no Justice of the Peace who shall state and deliver a case in pursuance of this Ordinance shall be liable to any costs in respect or by reason of such appeal against his or their determination.

Case may be sent back for amendment.

6. The Supreme Civil Court shall have power, if they think fit, to cause the case to be sent back for amendment, and thereupon the same shall be amended accordingly, and judgment shall be delivered after it shall have been amended.

After the decision of the Supreme Civil Court, Justice may issue warrants.

7. After the decision of the Supreme Civil Court in relation to any case stated under this Ordinance, the Justice in relation to whose determination the case has been stated, or any other Justice of the Peace exercising the same jurisdiction, shall have the same authority to enforce any conviction or order which may have been affirmed, amended or made by the Supreme Civil Court, as the Justice who originally decided the case would have had to enforce his determination if the same had not been appealed against; and no action or proceeding whatever shall be commenced or had against the Justice for enforcing such conviction or order by reason of any defect in the same respectively.

Certiorari not to be required for proceedings under this Ordinance.

8. No writ of certiorari or other writ shall be required for the removal of any conviction, order or other determination in relation to which a case is stated under this Ordinance or otherwise, for obtaining the judgment or determination of the Supreme Civil Court on such case under this Ordinance.

9. In all cases where the conditions, or any of them, in any such recognizance shall not have been complied with, the Justice who shall have taken the same, or any other Justice, shall certify upon the back of the recognizance in what respect the conditions thereof have not been observed, and transmit the same to the Clerk of the Peace of the place or district within which such recognizance shall have been taken, to be proceeded upon in like manner as other recognizances forfeited may now by law be enforced, and such certificate shall be deemed sufficient *prima facie* evidence of the said recognizance having been forfeited.

Recognizances how to be enforced.

10. The Judges of the Supreme Civil Court may from time to time make and alter rules and orders to regulate the practice and proceedings in reference to the cases hereinbefore mentioned.

Judges of Supreme Court to make rules for proceedings.

11. The word "Justice" in this Ordinance shall include any Stipendiary or other Justice or Justices of the Peace having jurisdiction.

"Justice" to include Stipendiary Justice.

Passed in Council this nineteenth day of January in the year of our Lord one thousand eight hundred and sixty-nine.

A. C. ROSS,

Acting Clerk of the Council.

SCHEDULE.

FEES TO BE TAKEN BY CLERKS TO JUSTICES.

	s.	d.
For signing any case allowed by the Justice and copy thereof	5	0
For every recognizance to be taken in pursuance of this Ordinance	5	0
For every enlargement or renewal thereof	2	6
For Certificate of refusal of case	2	0