

TRINIDAD AND TOBAGO.

No. 34.—1898.

12th December.

AN ORDINANCE to provide for the exercise of the Jurisdiction of the Supreme Court in respect of matters arising in Tobago.

[L.S.]

HUBERT E. H. JERNINGHAM,

GOVERNOR.

22nd December, 1898.

WHEREAS in view of the Order in Council dated Twentieth day of October, 1898, it is expedient to provide for the holding of sittings of the Supreme Court in Tobago for the trial of Criminal and Civil Cases and for the hearing of appeals from the decisions of Magistrates in Tobago and for the appointment and regulation of such officers as are necessary for the purposes aforesaid and for other matters relating thereto: 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 shall be cited as the Judicature (Tobago) Ordinance, 1898, and shall be read together with and as part of the Judicature Ordinance, 1879.

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Sittings. 2. Sittings of the Supreme Court for the trial of Criminal and Civil cases and for hearing appeals from the decisions of Magistrates, shall be held in Tobago at least three times in every year, at such times and places as shall be appointed by Rules of the said Court made in pursuance of the Judicature Ordinance, 1879, or if and whenever there shall be no such Rules of Court appointing the times and place of such sittings, then, as shall be appointed by the Governor; such sittings shall be held by a single judge who shall, for the purpose of trials and appeals to be had thereat, have and exercise all the powers and authorities of the said Court. Provided that, except in cases of appeals from the decisions of Magistrates, there shall be a right of appeal from the decisions and judgments of such single Judge sitting as aforesaid to the Full Court, such appeals to be made, heard, and determined in the same manner as appeals from the decisions and judgments of a single Judge to the Full Court.

All indictments to be tried in Tobago.

3. The sittings of the Supreme Court in Tobago for the trial of Criminal cases shall be for the trial of all indictments in respect of offences committed in Tobago without exception. Provided however, that it shall in any case be lawful for a Judge of such Court, either before the trial or on the arraignment of any prisoner, if satisfied in any case that a fair trial cannot be had in Tobago, to order that the trial of any such person shall take place at the Criminal Sessions to be held in Port-of-Spain or at any special sessions appointed by virtue of Section 36 of the Judicature Ordinance, 1879.

Sub-Registrar. 4. There shall be a Sub-Registrar of the Supreme Court in Tobago, to be appointed by the Governor, who

shall subject to such Rules as in the sixth section hereof mentioned in the absence of the Registrar of the said Court from Tobago have such powers and perform such duties with respect to proceedings in the said Court in Tobago as the Registrar of the said Court has and performs in respect of proceedings in the said Court in Trinidad. The Sub-Registrar shall receive such salary as the Governor, with the sanction of the Legislative Council, shall appoint.

5. There shall be a Deputy Marshal of the Supreme Court in Tobago who shall be appointed by the Governor, and who shall have such powers and perform such duties as shall be prescribed by the Rules to be made under this Ordinance. He shall receive such salary as the Governor, with the sanction of the Legislative Council, shall appoint.

Deputy
Marshal.

6. It shall be lawful for the Judges of the Supreme Court under the provisions of the Judicature Ordinance, 1879, to make Rules and Regulations providing what (if any) judicial functions in addition to his duties as Registrar shall be from time to time exercised by the Registrar and in his absence by the Sub-Registrar of the Supreme Court in Tobago.

Rules as to
judicial powers
of Registrar.

7. The Supreme Court shall have and use, as occasion requires, a Seal for writs and processes issued in Tobago. Until such Seal has been provided the Seal heretofore used as the Seal in the sub-registry in Tobago may be used for such writs and processes as aforesaid, and shall be taken to be the Seal of the Supreme Court.

Seal.

8. Sittings for civil business of the Supreme Court shall be for the trial of civil cases within the Summary Jurisdiction of the Supreme Court under Sections 30

Civil business.

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and 31 of the Judicature Ordinance 1879 only; all actions and proceedings within the ordinary jurisdiction of such Court arising in Tobago shall be commenced by process issuing out of the principal registry and tried in Port-of-Spain, subject to the power of the Court to direct that any particular trial may be held before a Judge of such Court sitting in Tobago.

No Jury in
civil cases.

9. Civil causes to be heard in the summary jurisdiction of the Supreme Court in Tobago shall in all cases be tried before a judge alone without a jury.

Juries in
criminal cases.

10. Juries shall be summoned to attend each sessions for the hearing of Criminal Cases in manner provided by Section 9 of the Jury Ordinance, 1884. And the Warden of Tobago shall as soon as may be in the year 1899 make out a list of all persons qualified to serve as Jurors under the said Ordinance and until such list has been made out the persons appearing on The Jurors Book hitherto in force under the Jury Ordinance (Tobago) 1890 shall be the Jurors liable to be summoned to attend each Criminal Sessions to be held in Tobago. Provided that no juror resident in Tobago shall be summoned to serve on any jury elsewhere than in Tobago.

Passed in Council this Twelfth day of December, in the year of Our Lord one thousand eight hundred and ninety-eight.

C. J. ROOKS,
Acting Clerk of the Council.