

TRINIDAD AND TOBAGO.

No. 47.—1895.

18th December.

AN ORDINANCE to consolidate and amend the Laws relating to Procedure in respect of Offences punishable on Summary Conviction.

[L.S.]

F. NAPIER BROOME,

GOVERNOR.

13th February, 1896.

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 Summary Con- Short title.
viction Offences (Procedure) Ordinance, 1895:

2. In this Ordinance unless the context otherwise Interpretation.
requires,

“Justice,” and “Justice or Justices,” includes any Stipendiary or other Justice and Justices of the Peace having jurisdiction under this Ordinance or under any Ordinance or Law, past or future or by the common law.

- “Stipendiary Justice” means a Stipendiary Justice of the Peace appointed pursuant to the provisions of this Ordinance.
- “Receiver-General” includes the Treasurer of Tobago.
- “Clerk” means any clerk or assistant clerk of the Peace appointed pursuant to this Ordinance.
- “Colony” means the Colony of Trinidad and Tobago.
- “Court” or “Summary Court,” unless the same is expressly or by implication qualified, means any Stipendiary or other Justice or Justices of the Peace when sitting in open Court to hear and determine all matters within his or their power and jurisdiction either under the provisions of this Ordinance, or under the provisions of any other Ordinance or Law, past or future, and such Stipendiary or other Justice or Justices of the Peace when so sitting as aforesaid shall be and be deemed to be a “Court” or “Summary Court” within the meaning of this Ordinance.
- “Open Court” means any room or place appointed as hereinafter provided in which any court as hereinbefore defined shall be sitting to hear and determine all matters within its jurisdiction and to which room or place the public may have access so far as the same can conveniently contain them.
- “Summary Conviction Offence” means any offence punishable on Summary Conviction before the Court and includes any matter in respect of which the Court can make an order in the exercise of its Summary Jurisdiction.

- “Order” includes any conviction in respect of a summary conviction offence.
- “Penalty” includes any pecuniary fine, forfeiture, or compensation recoverable or payable under an order.
- “Complainant” means the person who lays, or swears to, the information or complaint.
- “Defendant” means the person against whom the information is laid or sworn, or the complaint made.
- “Keeper” means the keeper, or other officer having the charge of any prison in the Colony.
- “Vessel” includes every kind of ship, boat or craft whether propelled by steam, sails, oars or other motive powers.
- “Oath” includes affirmation in the case of Quakers, and any solemn affirmation which by law may be made instead of an oath.
- “Police Officer” means any commissioned or non-commissioned officer of police or police constable.
- “Child” means any person who, in the opinion of the court before whom he appears or is brought, is above seven and under twelve years of age.
- “Guardian” in relation to a child, means the parent or other lawful guardian of such child and includes any person who, in the opinion of the Court having cognizance of any case in which

such child is concerned, has for the time being the custody, control, or charge of such child.

“Auditor General” includes the Auditor in Tobago.

“Prescribed” means prescribed by Rules of the Supreme Court or by Rules made under the authority of this Ordinance.

PART I.

GENERAL PROVISIONS.

Stipendiary
Justices.

3. Her Majesty may from time to time by Warrant under the hand of the Governor and the Seal of the Colony appoint Stipendiary Justices of the Peace, and in case of the death, retirement, removal from office or absence on leave, of any Stipendiary Justice may appoint some other person to be or to act as a Stipendiary Justice in his place, and every such Stipendiary Justice shall hold office during Her Majesty's pleasure.

Districts and
Jurisdiction.

4. The Governor may from time to time assign to each of such Stipendiary Justices a district within the Colony, and appoint places and times for their attendance for the hearing of all cases which they are competent to hear and determine; but every such Stipendiary Justice shall have jurisdiction throughout the Colony.

Justices of the
Peace.

5. Her Majesty may from time to time by Warrant under the hand of the Governor appoint any number of persons being residents within any town or district to be Justices of the Peace for such town or district: and may by a like Warrant remove any such person from the office of Justice of the Peace.

Any such Justice on being adjudicated a Bankrupt shall be so removed.

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6. The Governor may from time to time appoint Clerks, ^{Clerks.} and such Clerks shall act for such districts, and shall attend at such places and times as the Governor shall from time to time appoint.

7. There shall be paid to the Stipendiary Justices and ^{Salaries.} Clerks such salaries as the Governor, with the consent of the Legislative Council, may from time to time allow.

The several persons actually in office as Stipendiary Justices and Clerks at the commencement of this Ordinance shall continue to discharge the duties of their respective offices subject to the provisions of this Ordinance.

8. Every Stipendiary Justice shall have authority to ^{Offences on high Seas.} hear and determine any complaint of an offence punishable on summary conviction committed by any person whether within the Colony or on any British vessel on the high seas which vessel shall after such offence has been committed come to the Colony.

9. Every Stipendiary Justice shall have and exercise ^{Powers, etc., of Stipendiary Justices.} all powers, privileges, rights and jurisdiction which may have been or may be by this Ordinance or by any Ordinance or law, past or future, or by common law vested in one Justice, or in two or more Justices.

10. Any Justice or clerk who shall, directly or indirectly, ^{Improper demand of fees an offence.} ask for or receive upon any pretence whatever any fee, reward, gratuity or recompense beyond the fees specified in the First Schedule to this Ordinance, or such fees ^{Schedule I.} as may from time to time be fixed by the Governor in manner provided by this Ordinance, for any act done, or to be done by him in the execution of his office or in anywise relating to any complaint, matter, or proceeding before any Court or Justice, shall be guilty of an offence

against this Ordinance and on conviction thereof before any Stipendiary Justice may be fined any sum not exceeding Fifty Pounds and in default of payment shall be imprisoned with or without hard labour for any term not exceeding six months.

Fees to be
paid by
stamps.

Schedule I.

Suspension of
fees.

11. In every proceeding had before any Court or Justice, except such as are hereinafter specified, the fees set forth in the First Schedule to this Ordinance, or such fees as the Governor may from time to time determine in pursuance of this Ordinance, shall be allowed and taken, and in some conspicuous part of every police office there shall be affixed a table of such fees: Provided always that any Stipendiary Justice shall have power in any proceeding in which good cause appears to him for so doing, to suspend payment of any fees payable therein until the conclusion of such proceeding, and he may then direct such fees to be paid as costs by any party to the proceeding by whom he has power to order costs to be paid.

Rules: Power
to make.

12. The Governor may from time to time make, alter or rescind rules in relation to the following matters, or any of them, that is to say:—

- (a.) The fees payable to the Justices or Clerks with respect to any matter arising under this Ordinance.
- (b.) The form of the accounts to be rendered by such Justices or Clerks of fines, fees and other sums received by them, and providing for the discontinuance of any existing account or accounts rendered unnecessary by the aforesaid accounts.

Any rules purporting to be made in pursuance of this section shall be laid before the Legislative Council as soon as may be after they are made, and shall have no force or effect until approved by such Council and published in the *Royal Gazette*.

13. No fees shall be taken on any information, complaint, or other proceeding before any Court or Justice brought by any Police Officer acting as such or by any other officer in the public service in his official capacity ; and any Clerk charging, claiming or taking any fee from such Police or public officer shall be guilty of an offence against this Ordinance ; and on conviction thereof before any Stipendiary Justice shall be fined any sum not exceeding Ten Pounds, and in default of payment shall be imprisoned either with or without hard labour for any term not exceeding six months.

Public Officers,
exemption of
from fees.

14. All fees received, and all penalties and forfeitures, and shares of penalties and forfeitures recovered before any Court or Justice, and payable for the use of Her Majesty or the Colony, shall be paid to the Stipendiary Justice of the district.

Fees recovered
payable to Sti-
pendiary
Justice.

15. If any person pays, by virtue of this Ordinance to any Police Officer any penalty, fine, fee or sum of money, such Officer shall forthwith pay the same to the Stipendiary Justice for the district in which the information or complaint was laid or made. If any person committed to prison by virtue of this Ordinance, upon any order by reason of the non-payment of any penalty, fee or sum of money, pays the same and any costs, charges or expenses to the Keeper of the prison ; the Keeper shall forthwith pay the same to the Stipendiary Justice for the district or county in which the information or complaint

Payment of
fees, etc., by
Officers to Sti-
pendiary
Justice.

was laid or made. All sums so received by the Stipendiary Justice shall forthwith be paid by him to the party to whom the same are to be paid according to the directions of the law or Ordinance on which the information or complaint was framed ; or if such law or Ordinance contains no directions for payment thereof, into the Treasury, and in case such sums as aforesaid are not paid to such Justice by the person aforesaid the said Justice may proceed for the recovery of the said sums in manner herein provided.

Neglect to pay fees, etc., recovered to Stipendiary Justice, etc.

16. If any Justice other than a Stipendiary Justice, or if any Clerk or Police Officer or other person having received any such fee, or having levied or recovered any penalty or forfeiture, shall neglect to pay the same forthwith to the Stipendiary Justice of the district, such neglect shall be deemed an offence against this Ordinance, and in addition to the penalties for such offence the money so received may be sued for by the Stipendiary Justice in the Supreme Court ; and the plaintiff in such action, if successful, shall be entitled to his costs as between solicitor and client, although the sum recovered be within the Jurisdiction of an inferior Court of Civil Jurisdiction.

Audit.

17. Every Stipendiary Justice shall keep a true account of all fees, penalties and forfeitures, and parts of penalties and forfeitures taken, recovered, levied, or received by him ; and shall at such times during the year as the Governor may appoint, transmit to the Receiver-General a transcript of such account.

Payment of fees, etc., to Receiver-General.

Neglect so to do an offence.

18. Every Stipendiary Justice shall at such time as the Governor may direct, pay the amount of all such fees, penalties and forfeitures, or parts of penalties and forfeitures, to the Receiver-General or to the Treasurer of Tobago as the case may be, and if he shall neglect so to do he shall be

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deemed to have committed an offence against this Ordinance, and on conviction thereof shall be fined any sum not exceeding Ten Pounds, and in default of payment shall be imprisoned either with or without hard labour for any term not exceeding six months: Provided that where he has fraudulently misappropriated such moneys he shall be deemed to have embezzled the same and may be indicted accordingly.

19. Every Stipendiary Justice in the Colony shall keep or cause to be kept a record of all informations, complaints and charges brought in the district to which he is assigned, distinguishing the nature thereof, and the mode in which, and the name of the Justice or Justices by whom the same shall have been disposed of.

Record to be kept by Stipendiary Justice.

Such record when signed by the Stipendiary Justice keeping the same shall be conclusive evidence of the several matters and things therein set forth and contained.

20. Every Stipendiary Justice or Clerk, so long as he shall hold such office, shall be exempted from serving as a Juror in any Court of Justice.

S. J. P. and Clerk exempt from serving on jury.

21. Where any summary conviction offence shall be committed in or upon any vessel within any of the waters of this Colony, the same may be dealt with and determined either by the Stipendiary Justice of the district within which any such ship or vessel shall then be, or of the district within which such vessel shall first arrive after the commission of such offence.

Offences on Vessels within the waters of the Colony.

22. The Clerks shall, if competent, in the opinion of the Stipendiary Justice, act as Interpreters, but whenever the Governor shall think fit he may appoint

Interpreters.

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Interpreters to be attached to the Courts of the various districts.

Such last mentioned Interpreters shall be paid by such salary or fees as may be allowed by the Governor with the consent of the Legislative Council.

Public Officers
may conduct
certain cases.

23. It shall be lawful for the Head of any department of the Government or any clerk of such department authorized in writing by the Head of the department, or any Warden, or any Supervisor, or Assistant Supervisor, the Protector, Sub-Protector or any Inspector of Immigrants, or any Sanitary Inspector or Assistant Sanitary Inspector, or any commissioned or non-commissioned Police Officer to conduct any proceedings in which he or any Police constable or other person in the service of the Police department is a complainant before any Court.

Pending cases.

24. Unless the contrary is expressly provided by any Ordinance relating to such proceedings, the provisions of this Ordinance shall extend and apply to all proceedings which may be taken after the commencement of this Ordinance in respect of summary conviction offences, whether such offences are constituted or committed before, or at the time of, or after the commencement of this Ordinance.

PART II.

INSTITUTION OF PROCEEDINGS.

Making of Complaint.

Mode of instituting proceedings.
Schedule III,
Form 1.
Form 2.

25. Every proceeding in the Court for the obtaining of an order against any person in respect of a summary conviction offence shall be instituted by a complaint made before a Justice.

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26. It shall be lawful for any person to make a complaint against any person committing a summary conviction offence, unless it appears from the Ordinance on which the complaint is founded that any complaint for such offence shall be made only by a particular person or class of persons.

General right
of making
complaint.

27. In every case where no time is specially limited for making a complaint for a summary conviction offence in the Ordinance relating to such offence, such complaint shall be made within three months from the time when the matter of such complaint arose, and not after.

Limitation of
period for
making Com-
plaint.

28.—(1.) It shall not be necessary that any complaint shall be in writing, unless it is required to be so by the Ordinance on which it is founded, or by some other Ordinance: Provided that, if a complaint is not made in writing, the Clerk shall reduce it into writing.

Form and
requisites of
complaint.

(2.) Subject to the provisions of section 34 every complaint may, unless some Ordinance otherwise requires, be made without any oath being made of the truth thereof.

(3.) Every such complaint may be made by the complainant in person, or by his counsel or solicitor, or by any person authorized in writing in that behalf.

(4.) Every such complaint shall be for one offence only, but such complaint shall not be avoided by describing the offence or any material fact relating thereto in alternative words according to the language of the statute constituting such offence.

(5.) The description of any offence in the words of the Ordinance creating the offence, or in similar words,

with a specification, so far as may be practicable, of the time and place when and where the offence was committed, shall be sufficient in law.

Rule as to
statement of
exception, etc.

29. Any exception, exemption, proviso, condition, excuse or qualification, whether it does or does not, in any Ordinance creating an offence, accompany in the same section the description of the offence may be proved by the defendant, but need not be specified or negatived in the complaint, and, if so specified or negatived, no proof in relation to the matter so specified or negatived shall be required on the part of the complainant.

Search Warrants.

Cases in which
search warrant
may be issued
and proceed-
ings there-
under.

30.—(1.) Any Justice who is satisfied by proof upon oath, that there is reasonable ground for believing that there is, in any building, ship, vessel, carriage, box, receptacle or place,—

- (a.) Anything upon or in respect of which any summary conviction offence has been or is suspected to have been committed for which according to any statute for the time being in force the offender may be arrested without warrant ;
- (b.) Anything which there is reasonable ground for believing will afford evidence as to the commission of any such offence ; or
- (c.) Anything which there is reasonable ground for believing is intended to be used for the purpose of committing any offence against the person punishable on summary conviction for which, according to any Ordinance for the time being in force, the offender may be arrested without warrant,

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may at any time issue a warrant under his hand authorizing some Police Officer named therein to search such building, ship, vessel, carriage, box, receptacle, or place for any such thing, and to seize and carry it before the Justice issuing the warrant or some other Justice, to be by him dealt with according to law.

Schedule III.
Form 58.

(2.) Any search warrant may be issued and executed at any time, and may be issued and executed on a Sunday.

(3.) When any such thing is seized and brought before any Justice, he may detain or cause it to be detained, taking reasonable care that it is preserved till the conclusion of the case; and if any appeal is made, he may order it further to be detained for the purpose of or pending an appeal. If no appeal is made the Justice shall direct such thing to be restored to the person from whom it was taken, except in the cases hereinafter mentioned unless he is authorized or required by law to dispose of it otherwise.

(4.) If, under any such warrant, there is brought before any Justice any forged banknote, banknote paper, or instrument, or any thing the possession of which, in the absence of lawful excuse, is an indictable offence according to any Ordinance for the time being in force, the Justice may direct such thing to be detained for production in evidence or to be otherwise dealt with as the case may require.

(5.) If, under any such warrant, there is brought before any Justice any counterfeit coin or other thing, the possession of which, with knowledge of its nature and without lawful excuse, is a summary conviction offence or an indictable offence according to any Ordinance for the time being in force, every such thing shall be delivered up to the Attorney-General and Public Prosecutor or to

any person authorized by him to receive the same, as soon as it has been produced in evidence, or as soon as it appears that it will not be required to be so produced.

(6.) If the thing to be searched for is gunpowder or any other explosive or dangerous or noxious substance or thing, the person making the search shall have the same powers and protections as are given by any Ordinance for the time being in force to any person lawfully authorized to search for any such thing, and the thing itself shall be disposed of in the same manner as directed by any such Ordinance or, in default of such direction, as the Attorney-General and Public Prosecutor may direct.

Enforcing Appearance of Defendant.

Issue of summons to defendant upon complaint or information.
Schedule III,
Form 3.

31.—(1.) In every case where a complaint is made before a Justice that any person has committed, or is suspected to have committed, any summary conviction offence within the Jurisdiction of such Justice, it shall be lawful for such Justice to issue his summons directed to such person, stating concisely the substance of such complaint, and requiring him to appear at a certain time, being not less than forty-eight hours after service of such summons, and at a certain place, before the Court of such Justice to answer the said complaint, and to be further dealt with according to law: Provided that the Court may, if it thinks fit, with the consent of parties, hear and determine a complaint notwithstanding that the said period of forty-eight hours may not have elapsed.

(2.) Nothing herein contained shall oblige any Justice to issue any such summons in any case where the application for an order may by law be made *ex parte*.

32.—(1.) Every such summons shall be served by a Police Officer upon the defendant either by delivering a copy of it to him personally, or, if he cannot be found, by leaving a copy of it with some person for him at his usual or last known place of abode.

Service of summons on defendant, and proof thereof.

(2.) The police officer by whom the summons is served shall attend at the time and place specified therein, in order, if necessary, to prove the service: Provided that the Court may, in its discretion, receive proof of such service by affidavit in the manner hereinafter mentioned.

33.—(1) If the defendant does not appear before the Court at the time and place mentioned in the summons, then, after proof upon oath, to the satisfaction of the Court, that the summons was duly served, or that the defendant wilfully avoids service, the Court may in its discretion, either—

Hearing *ex parte* or issue of warrant on non-appearance of defendant.

(a.) Unless the Ordinance on which the complaint is founded otherwise directs, proceed *ex parte* to the hearing of the complaint, and adjudicate thereon as fully and effectually to all intents and purposes as if the defendant had personally appeared before it in obedience to the summons; or

(b.) Adjourn such hearing to some future day; or

(c.) Upon oath being made by or on behalf of the complainant, substantiating the matter of the complaint to the satisfaction of the Court, issue a warrant to apprehend the person so summoned or avoiding service, and to bring him before the Court to answer the said complaint, and to be further dealt with according to law.

Schedule III., Form 4.

Issue of warrant for defendant in first instance.
Schedule III.
Form 5.
Form 24.

34. Upon a complaint, in writing, being made before a Justice for any summary conviction offence, the Justice may, upon oath being made before him substantiating the matter of such complaint to his satisfaction, instead of issuing a summons, issue in the first instance a warrant to apprehend the person against whom such complaint has been made and to bring him before the Court of such Justice to answer the said complaint, and to be further dealt with according to law.

PART III.

WITNESSES.

Enforcing attendance of Witnesses.

Issue of summons for witness.

35. If, either before or on the hearing of any complaint, it appears to the Justice on the statement of the complainant or of the defendant or otherwise, that any person is likely to give material evidence for the complainant or for the defendant, the Justice may issue a summons for such person, requiring him to attend at a time and place to be mentioned therein, before the Court of such Justice to give evidence respecting the case, and to bring with him any specified documents or things and any other documents or things relating thereto which may be in his possession, or power, or under his control.

Schedule III.
Form 6.

Service of summons on witness.

36.—(1.) Every such summons shall be served by a Police Officer upon the person to whom it is directed, either by delivering a copy of it to him personally, or if such person cannot be met with, by leaving a copy of it with some person for him at his usual or last known place of abode.

(2.) The Police Officer by whom the summons is served shall attend at the time and place specified therein,

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in order if necessary, to prove the service : Provided that the Court may, in its discretion, receive proof of such service by affidavit.

37. If the person to whom any such summons is directed does not attend before the Court at the time and place mentioned therein, and no reasonable excuse is offered for such non-attendance, then after proof upon oath, to the satisfaction of the Court, that the summons was duly served or that the person to whom the summons is directed wilfully avoids service, the Court on being satisfied that he is likely to give material evidence may issue a warrant to apprehend such person, and to bring him, at a time and place to be mentioned in the warrant, before the Court in order to testify as aforesaid.

Warrant for witness after summons.

Schedule III. Form 7.

38. If the Justice is satisfied in the first instance by proof upon oath, that any person likely to give material evidence, either for the complainant or for the defendant, will not attend to give evidence without being compelled so to do, then, instead of issuing a summons, he may issue a warrant in the first instance for the apprehension of such person.

Issue of warrant for witness in first instance. Schedule III. Form 8.

39.—(1.) Every witness arrested under a warrant issued in the first instance shall, if the hearing of the case for which his evidence is required is appointed for a time which is more than twenty-four hours after the arrest, be taken before a Justice, and the Justice may, on his furnishing security by recognizance to the satisfaction of the Justice for his appearance at such hearing, order him to be released from custody, or shall, on his failing to furnish such security, order him to be detained for production at such hearing.

Mode of dealing with witness arrested under warrant.

(2.) A witness arrested or detained under this Section shall not be kept in the same room or place as the defendant, if the defendant is in custody.

Non-attendance of witness on adjourned hearing.

40. Every witness who is present when the hearing or further hearing of a case is adjourned, or who has been duly notified of the time and place to which such hearing or further hearing is so adjourned, shall be bound to attend at such time and place, and, in default of so doing, may be dealt with in the same manner as if he had failed to attend before the Court in obedience to a summons to attend and give evidence.

Refractory Witness.

Mode of dealing with witness refusing to be sworn, etc.

41.—(1.) Where any person, attending either in obedience to a summons, or by virtue of a warrant, or being present in Court and being verbally required by the Court to give evidence in any case—

- (a.) Refuses to be sworn as a witness ; or
- (b.) Having been so sworn, refuses to answer any question put to him by the sanction of the Court ; or
- (c.) Refuses or neglects to produce any documents which he is required by the Court to produce ;

Schedule III.
Form 9.

without in any such case offering any sufficient excuse for such refusal or neglect ; the Court may, if it thinks fit, adjourn the hearing of the case for any period not exceeding eight days, and may in the meantime, by warrant, commit such person to prison, unless he sooner consents to do what is so required of him.

(2.) If such person, upon being brought before the Court at or before such adjourned hearing, again refuses

to do what is so required of him, the Court may, if it thinks fit, again adjourn the hearing of the case, and commit him for the like period, and so again from time to time until such person consents to do what is so required of him.

(3.) Nothing herein contained shall affect the liability of any such person to any other punishment or proceeding for refusing or neglecting to do what is so required of him, or shall prevent the Court from disposing of the case in the meantime, according to any other sufficient evidence taken by it.

PART IV.

HEARING AND ORDER.

Hearing of Complaint.

42.—(1.) On the day and at the place mentioned in the summons, or on the day and at the place on and at which the defendant is brought before the Court under a warrant, as the case may be, the case with respect to which the complaint has been made shall be called for hearing in the Court. Time and place of hearing.

(2.) The room or place in which the Court is held for the purposes of such hearing shall be deemed an open Court to which the public may have access, so far as the same can conveniently contain them ; Public to have access.

Provided always that the Justice may on special grounds of public policy, decency or expediency, in his discretion exclude the public at any stage of the hearing ; Public may be excluded.

Provided that he shall record in every such case at the time on the proceedings the grounds on which such order has been made.

43. Both the complainant and the defendant shall be entitled to conduct their respective cases in person or by counsel or solicitor, and any person may by leave of the Mode of conducting case.

Justice assist his son, daughter, father, mother, brother, sister or wife or any person in his permanent employment as a servant, either domestic or in husbandry, in conducting his case.

Procedure on
non-appear-
ance of com-
plainant.

44. If, when the case is called, the defendant appears voluntarily in obedience to the summons or is brought before the Court under a warrant, and the complainant having had due notice of the time and place of hearing (which shall be proved to the satisfaction of the Court) does not appear in person or by counsel or solicitor, the Court shall dismiss the complaint, unless the Court, having received a reasonable excuse for the non-appearance of the complainant, or for other sufficient reason, thinks fit to adjourn the hearing of the same to some future day, upon such terms as the Court may think just.

Procedure on
non-appear-
ance of defen-
dant.

45.—(1.) If, when the case is called, the defendant does not appear, the Court may, if the case comes within the provisions of section 33 proceed as therein directed.

(2.) If service of the summons is not proved to the satisfaction of the Court, or if a warrant is issued for the apprehension of the defendant, the Court may adjourn the hearing of the case to some future day, in order that proper service may be effected, or until the defendant is apprehended, as the case may be.

(3.) If the defendant is afterwards apprehended on a warrant as aforesaid, he shall be brought before the Justice, who shall thereupon commit him, by warrant, to prison or to such other safe custody as he may think fit, and order him to be brought at a certain time and place before the Court; and of such time and place the complainant shall by direction of the justice be served with due notice.

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46. If, when the case is called, neither the complainant nor the defendant appears, the Court shall make such order as the justice of the case requires. Procedure on non-appearance of both parties.

47. If, when the case is called, both the complainant and the defendant appear, the Court shall proceed to hear and determine the complaint. Procedure on appearance of both parties.

48.—(1.) At the commencement of the hearing, the Court shall state or cause to be stated to the defendant the substance of the complaint, and shall ask him whether he is guilty or not guilty. Manner of hearing.

(2.) If the defendant says that he is guilty, and shows no cause, or no sufficient cause, why an order should not be made against him, the Court shall make such order against him as the justice of the case requires.

(3.) If the defendant says that he is not guilty, the witnesses on both sides shall, unless the Court in any instance otherwise expressly orders, be called, and placed out of Court and out of hearing, under the charge of the proper officer of the Court or of some other person appointed by the Court for that purpose.

(4.) The Court shall then proceed to hear the complainant and such witnesses as he may examine, and such other evidence as he may adduce, in support of his complaint, and also to hear the defendant and such witnesses as he may examine, and such other evidence as he may adduce, in his defence, and also, if the Court thinks fit, to hear such witnesses as the complainant may examine in reply, if the defendant has examined any witnesses or given any evidence.

Evidence of
defendant, and
of husband and
wife.

(5.) The defendant and the wife or husband of the defendant, as the case may be, shall be competent but not compellable witnesses on the hearing of any complaint for a summary conviction offence, and may be cross-examined by the complainant or prosecutor, and if tendering themselves as witnesses shall be liable to the same penalties for perjury as any witness is by law liable to.

Notes by Jus-
tice or clerk.

(6.) The Justice shall, in every case, take or cause to be taken notes in writing of the evidence, or of so much thereof as he considers is material, in a book to be kept for that purpose, and such book shall be signed by the Justice at the conclusion of each day's proceeding.

Mode of deal-
ing with cross
complaints.

49. Where cross-complaints are made by the same parties with reference to the same matter, the Court may, if it thinks fit, hear and determine such complaints at one and the same time.

Addresses.

50. The complainant, his counsel or solicitor, shall be entitled to address the Court at the commencement of his case; the defendant, his counsel or solicitor, shall be entitled to address the Court at the commencement or the conclusion of his case, as he or they may think fit; and if any witnesses for the defence have been examined or any evidence given the Justice may in his discretion allow the complainant, his counsel or solicitor to reply on the conclusion of the case.

Adjournment of Hearing.

Power of ad-
journment and
proceeding
thereon.

51.—(1.) At any time before or during the hearing of a complaint, it shall be lawful for the Court, in its discretion, to adjourn the hearing of the same to a certain time and place to be then appointed and stated in the presence

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and hearing of the party or parties, or his or their respective counsel or solicitor.

(2.) Upon any such adjournment, the Court may—

(a.) Suffer the defendant to go at large; or

(b.) Commit him to prison or to such other safe custody as it thinks fit; or

(c.) Discharge him upon his entering into a recognizance, with or without a surety or sureties, conditioned for his appearance at the time and place to which such hearing or further hearing is so adjourned.

(3.) If, at the time and place to which such hearing or further hearing is so adjourned, either or both of the parties does or do not appear, the Court may proceed to such hearing or further hearing as if such party or parties was or were present; or, if the complainant does not appear, the Court may dismiss the complaint.

Transfer of Case.

52.—(1.) If upon the hearing of any complaint, it appears that the cause of complaint arose out of the limits of the jurisdiction of the Court before which such complaint has been made, the Court may direct the case to be transferred to the Court having jurisdiction in the Colony where the cause of complaint arose.

(2.) If the defendant is in custody and the Justice directing such transfer thinks it expedient that such custody should be continued, or if he is not in custody, that he should be placed in such custody, the Justice shall direct the defendant to be taken by a Police Officer before the Justice having jurisdiction where the cause of complaint arose, and shall give a warrant for that purpose to such

Police Officer, and shall deliver to him the complaint and recognizance, if any, taken by such Justice under the provisions of this Ordinance, to be delivered to the Justice before whom the defendant is to be taken; and such complaint and recognizance, if any, shall be treated to all intents and purposes as if they had been taken by such last-mentioned Justice.

(3.) If the defendant is not continued or placed in custody as aforesaid, the Justice shall inform him that he has directed the transfer of the case as aforesaid, and thereupon the provisions of the last preceding sub-section of this section, respecting the transmission and use of the documents in the case, shall apply.

Power to reduce charge from indictable to summary conviction offence.

53. Where, upon the holding of any preliminary inquiry on a charge of an indictable offence, the Justice is of opinion that the evidence establishes, or appears likely to establish, the commission of a summary conviction offence of a like kind to the offence charged, or an abetment of, or an attempt or incitement to commit, such summary conviction offence, the Justice may if he thinks fit and unless the Attorney-General and Public Prosecutor otherwise directs, inform the accused person accordingly, and all further proceedings in the case thereafter shall be the same as if a complaint had been made against such person for such latter offence or abetment, attempt or incitement.

Procedure where charge appears to be one proper for indictment.

54. If, upon the hearing of any complaint, it appears to the Court that the case ought to be tried as an indictable offence before the Supreme Court, or if the Attorney-General and Public Prosecutor intimates to the Court his opinion in writing to that effect, all further proceedings in

the case as for a summary conviction offence shall be stayed, and depositions shall be taken, and the case shall in all other respects be dealt with, as if the charge had been originally one for an indictable offence.

Making of Order.

55.—(1.) Upon the conclusion of the hearing, the Court shall, either at the same or at an adjourned sitting, give its decision on the case, by either dismissing the complaint or making such order as the justice of the case requires against the defendant.

Giving of decision upon conclusion of hearing.
Schedule III.
Form 18.

(2.) If the complaint is dismissed on the merits, the Court shall, upon being required by or on behalf of the defendant at any time within six months after such dismissal, make a formal order of dismissal and give to the defendant a certificate thereof; and such certificate shall, upon production, without further proof, be a bar to any subsequent complaint for the same matter against the defendant.

Form 54.

(3.) If an order is made against the defendant, a concise minute or memorandum thereof shall be forthwith entered in a book to be kept for that purpose; and, if necessary, an order in proper form may be drawn up at any time thereafter.

Provided that any defendant who desires to have the order in his case formally drawn up may, at any time within five days from the date of adjudication require the Justice to draw up formally such order; and thereupon it shall be the duty of the Justice, within two days from the date of his being so required, to draw up formally such order, and the defendant shall be entitled to have a copy thereof, without any fee being charged for the same.

General power
of awarding
imprisonment
in default of
payment of
penalty.

Schedule III.
Form 10.
Form 11.
Form 14.

56. Where by any Ordinance the Court is empowered to impose a penalty for a summary conviction offence, it may, in the absence of express provision to the contrary in the same or any other Ordinance, order a defendant who is convicted of such offence, in default of payment of the sum of money adjudged to be paid by the order, either forthwith or at the time specified in the order, as the case may be, to be imprisoned, with or without hard labour in accordance with the scale set forth in the next succeeding Section.

Scale of imprisonment for non-payment of money adjudged to be paid by order.

57. Subject in every case to the provisions of the Ordinance on which the order is founded, the period of imprisonment, whether with or without hard labour, which is imposed by the Court in respect of the non-payment of any sum of money adjudged to be paid by an order shall be such period as, in the opinion of the Court, will satisfy the justice of the case and be according to the following scale, that is to say :—

Where the sum of money adjudged to be paid by an order

Does not exceed Five Shillings	...Three days.
Exceeds Five Shillings but does not exceed Ten Shillings	...Seven days.
Exceeds Ten Shillings but does not exceed One Pound	...Fourteen days.
Exceeds One Pound but does not exceed Five Pounds	...One month.
Exceeds Five Pounds but does not exceed Ten Pounds	...Three months.
Exceeds Ten Pounds but does not exceed Twenty-five Pounds	...Four months.

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Exceeds Twenty-five Pounds but
does not exceed Forty Pounds...Five months.

Exceeds Forty Pounds ...Six months.

The Court by whose conviction or order any sum is adjudged to be paid shall have power to allow time for the payment of the said sum.

58. Where the complete commission of the offence charged is not proved, but the evidence establishes an attempt to commit the offence, the defendant may be convicted of such attempt and punished accordingly: Provided that, after conviction for such attempt, the defendant shall not be liable to be prosecuted again for the same offence which he was charged with committing.

Case of full offence charged—attempt proved.

59. Where an attempt to commit an offence is charged, but the evidence establishes the commission of the full offence, the defendant shall not be entitled to have the complaint dismissed, but he may be convicted of the attempt, and punished accordingly: Provided that, after conviction for such attempt, the defendant shall not be liable to be prosecuted again for the offence which he was charged with attempting to commit.

Case of attempt charged—full offence proved.

60. Every complaint shall be deemed divisible; and if the commission of the offence charged, as described in the Ordinance creating the offence or as charged in the complaint, includes the commission of any other offence, the defendant may be convicted of any offence so included which is proved, although the whole complaint charged is not proved, or he may be convicted of an attempt to commit any offence so included.

Case of full offence charged—part proved.

61.—(1.) Where embezzlement, or the fraudulent application or disposition of anything, is charged, and the evidence establishes the commission of larceny of any kind,

Embezzlement charged, larceny proved, and vice versa.

the defendant shall not be entitled to have the complaint dismissed, but he may be convicted of such larceny, and punished accordingly.

(2.) Where larceny of any kind is charged, and the evidence establishes the commission of embezzlement or the fraudulent application or disposition of anything, the defendant shall not be entitled to have the complaint dismissed, but he may be convicted of such embezzlement or fraudulent application or disposition, and punished accordingly.

(3.) No person so convicted of embezzlement, fraudulent application or disposition, or larceny as aforesaid shall be liable to be afterwards prosecuted for larceny, fraudulent application or disposition, or embezzlement upon the same facts.

Power of the Court in trifling case to discharge defendant without punishment.

62. If, upon the hearing of any complaint, it appears to the Court that, although the complaint is proved, the offence was, under the particular circumstances of the case, of so trifling a nature that it is inexpedient to inflict any punishment, or any other than a nominal punishment,—

Schedule III.,
Form 19.

(1.) The Court may, without proceeding to a conviction, dismiss the complaint and may, if it thinks fit, order the defendant to pay such damages, not exceeding two pounds, and such costs of the proceedings, or either of them, as it thinks reasonable; and such damages shall be payable to such person as the Court may direct; or

Form 13.

(2.) The Court may, upon convicting the defendant, discharge him conditionally on his giving security, with or without a surety or

sureties, to appear for sentence when called upon or to be of good behaviour, and either without payment of damages and costs or subject to the payment of such damages and costs, or either of them, as the Court thinks reasonable.

Costs and Compensation.

63.—(1.) In every case where the complaint is dismissed, the Court may order that the complainant shall pay to the defendant such sum for costs as to the Court may seem just and reasonable, and, if the Court is of opinion that the complaint was frivolous or vexatious, it may also order the complainant to pay to the defendant a reasonable sum, not exceeding five pounds, as compensation for the trouble and expense to which the defendant may have been put by reason of such complaint, in addition to his costs. Provided that the acceptance of any such order for compensation by the defendant shall be a bar to any subsequent civil proceedings for false imprisonment or malicious prosecution by him against the complainant, and provided also that the defendant be at liberty to refuse to accept any such order for compensation.

Making of orders as to costs and compensation.

(2.) In every case where an order is made against the defendant, the Court may order that the defendant shall pay to the complainant such costs, and shall also, subject to the provisions of any Ordinance in that behalf, pay to the complainant or any other person such compensation, as to the Court may seem just and reasonable: Provided that this section shall not affect the procedure of the Court under any Ordinance making express provision with respect to such compensation.

(3.) Any such order for payment of costs made against a defendant may include any costs of and attendant upon his apprehension.

(4.) No such order for payment of costs shall include any fees to counsel or solicitor.

Schedule, III.
Form 32.

(5.) Any sum so allowed for costs, or for costs and compensation, shall in every case be specified in the order of dismissal or order, as the case may be, and payment thereof may be enforced in the same manner as payment of a penalty.

Liability of
guardian of
convicted child
for costs, etc.

64. The guardian of any child who is convicted of a summary conviction offence may be ordered by the Court to pay costs, or costs and compensation, to the complainant; and if such costs, or costs and compensation, are not paid by such guardian within the time fixed by the Court, a warrant of distress may be issued against him for the recovery of the same.

PART V.

ENFORCEMENT OF ORDER.

Powers of the
Court as to
mode of pay-
ment of money
adjudged to be
paid by order.

65.—(1.) The Court by whose order any sum of money is adjudged to be paid may, if it thinks fit, do all or any of the following things, namely:—

- (a.) Allow time for payment of the said sum; or
- (b.) Direct payment of the said sum to be made by instalments; or
- (c.) Direct that the person liable to pay the said sum shall be at liberty to give, to the satisfaction of the Court, security, either with or without a surety or sureties, for the payment of the said sum or of any instalment thereof.

(2.) Where a sum of money is directed to be paid by instalments and default is made in the payment of any one

instalment, the same proceedings may be taken as if default had been made in the payment of all the instalments then remaining unpaid.

Provided that the Court may accept a deposit of money from or on account of any person in lieu of a surety or sureties, and, on any breach of the condition of his recognition, such deposit shall be forfeited and shall be dealt with in the manner hereinafter mentioned.

Power to the Court to accept deposit of money in lieu of surety.

Warrant of Distress.

66.—(1.) Any sum of money adjudged to be paid by an order shall, if the Ordinance or enactment on which the order is founded so directs, but subject to the provisions hereafter in this section contained, and may, in the discretion of the Court, in other cases, be levied upon the movable property of the defendant by distress and sale thereof.

Issue of distress warrant in certain cases.

(2.) In any such case the Court shall, but subject as aforesaid, or may, as the case may be, issue its warrant of distress for the purpose of levying the same, and such warrant shall be in writing and shall be signed by the Justice.

Schedule III.
Form 12.
Form 15.
Form 20
Form 21

(3.) If it appears to the Court, when application is made to it to issue any such warrant, that the defendant has no movable property whereon to levy the distress, or that, in the event of a warrant of distress being issued, his movable property will be insufficient to satisfy the sum of money adjudged to be paid by the order, or that the levy of the distress will be more injurious to him or his family than imprisonment, the Court may, if it thinks fit, instead of issuing such warrant of distress, order the defendant, on non-payment of the said sum, to be imprisoned, with or without hard labour, for any term not ex-

ceeding the term hereinbefore prescribed in respect of a like sum in the scale of imprisonment in default of payment of sums of money adjudged to be paid by orders.

(4.) The wearing apparel and bedding of a person and his family, and, to the value of three pounds, the tools and implements of his trade, shall not be taken under a warrant of distress issued by the Court.

Commitment or security until return made to distress warrant.

Schedule III., Form 29.

67. Where a warrant of distress is issued against the defendant, the Court may either suffer the defendant to go at large or, by a warrant in that behalf, order him to be kept and detained in safe custody until return has been made to the warrant, unless the defendant gives sufficient security, by recognizance or otherwise, to the satisfaction of the Court, for his appearance before the Court at the time and place appointed for the return of the warrant.

Imprisonment in default of distress.

Schedule III., Form 55.
Form 30.

68. Where a warrant of distress is issued against the defendant, and a return is made by the Police Officer charged with the execution of the warrant to the effect that no sufficient movable property of the defendant can be found whereon to levy the distress, the Court may order the defendant, on non-payment of the sum of money adjudged to be paid by the order and all costs and charges of the distress and of the commitment, to be imprisoned, with or without hard labour, for any term not exceeding the term hereinbefore prescribed in respect of a like sum in the scale of imprisonment in default of payment of sums of money adjudged to be paid by orders.

General provisions with respect to distress warrants.

69. The following provisions shall have effect with respect to the execution of warrants of distress issued by the Court, namely :—

- (1.) A warrant of distress shall be executed by or under the direction of a Police or other Constable.
- (2.) If the Constable charged with the execution of the warrant is prevented from executing the same by the fastening of doors or otherwise, the Justice may, by writing under his hand endorsed on the warrant, authorize him to use such force as may be necessary to enable him to execute the warrant.
- (3.) Except so far as the person upon whose movable property the distress is levied otherwise consents in writing, the distress shall be sold at public auction, and three days at least shall intervene between the making of the distress and the sale, but where consent in writing is so given as aforesaid the sale may be in accordance with such consent.
- (4.) Subject as aforesaid, the distress shall be sold within the time fixed by the warrant, and, if no time is so fixed, then within the period of fourteen days from the date of the making of the distress, unless the sum for which the warrant was issued, and also the charges of taking and keeping the distress, are sooner paid.
- (5.) If any person charged with the execution of a warrant of distress wilfully retains from the produce of any property sold to satisfy

the distress, or otherwise exacts, any greater costs or charges than those to which he is for the time being entitled by law, or makes any improper charge, he shall, on being convicted thereof, be liable to a penalty not exceeding Ten Pounds : Provided that nothing herein contained shall affect the liability of any such person to be prosecuted and punished for extortion.

Schedule III,
Form 56.

- (6.) A written account of the costs and charges incurred in respect of the execution of any warrant of distress shall, as soon as practicable, be delivered by the Police Officer charged with the execution of the warrant to the Justice ; and it shall be lawful for the person upon whose movable property the distress was levied, at any time within one month after the making of the distress, to inspect such account, without payment of any fee or reward, at any time during office hours, and to take a copy of such account.
- (7.) A Police Officer charged with the execution of a warrant of distress shall sell the distress or cause the same to be sold, and may deduct out of the amount realized by such sale all costs and charges actually incurred in effecting such sale, and shall pay to the Justice, or to some person specified by him, the remainder of such amount, in order that the same may be applied in payment of the sum for which the warrant was issued and of the proper costs and charges

of the execution of the warrant, and that the overplus, if any, may be rendered to the person upon whose movable property the distress was levied.

70. Where any person against whom a warrant of distress is issued pays or tenders to the Police Officer having the execution of the same the sum or sums in such warrant mentioned or produces to him the receipt for the same of the Clerk of the Court, and also pays the amount of the costs and charges of such distress up to the time of such payment or tender, the Police Officer shall cease to execute the warrant.

Payment of amount of distress warrant.

Commitment of Defendant, etc.

71. In every case where an order is made against any person for the payment of a sum of money, and such person is liable to be imprisoned, or imprisoned and kept to hard labour, for a certain term, unless such sum shall be sooner paid, if such person does not pay the same, either forthwith or at the time specified in such order for the payment of the same, as the case may be, it shall be lawful for the Court to issue its warrant of commitment, under the hand of the Justice, requiring the Police Officer to whom the same is directed to take and convey such person to prison and there deliver him to the Keeper, and requiring the Keeper to receive such person into the prison, and there to imprison him, or to imprison him and keep him to hard labour, as the case may be, for such time as may be directed and appointed by the warrant of commitment, unless the sum of money adjudged to be paid by the order, and also all other costs, charges, and expenses, shall be sooner paid.

Power of the Court to commit defendant in certain cases.

Schedule III.
Form 26.

Where amount
of penalty
paid to consta-
ble or keeper
of gaol.

72. In all cases where any person against whom a warrant of commitment for non-payment of a penalty or any sum of money only is issued pays or tenders to the constable having the execution of the same the sum or sums in such warrant mentioned together with the amount of the expenses of such warrant up to the time of such payment or tender, the constable shall cease to execute such warrant. In all cases in which any person is imprisoned for non-payment of any penalty or any sum of money he may pay or cause to be paid to the Keeper the sum in the warrant of commitment mentioned together with the amount of the costs charges and expenses (if any) therein also mentioned, and such Keeper shall receive the same and shall thereupon discharge such person if he be in his custody for no other matter.

Power of the
Court to post-
pone issue of
warrant of
commitment.

73. Where application is made to the Court to issue a warrant for committing a person to prison for non-payment of any sum of money adjudged to be paid by an order, the Court may, if it deems it expedient so to do, postpone the issue of such warrant until such time and on such conditions, if any, as to the Court may seem just.

Commence-
ment of impri-
sonment.

74. Where any person is brought by a Police Officer to any prison to be imprisoned by virtue of a warrant of commitment, the Police Officer shall indorse on such warrant the day on which such person was arrested by virtue thereof, and the imprisonment shall be computed from such day and inclusive thereof.

Varying or dis-
charging of
order for
sureties.

75. Where any person has been committed to prison by the Court for default in finding a surety or sureties, the Court may, on application made to it by such person or by some person acting on his behalf, inquire into the case of

such person, and if, upon new evidence produced to the Court or proof of a change of circumstances, the Court thinks, having regard to all the circumstances of the case, that it is just so to do, the Court may reduce the amount for which it was ordered that the surety or sureties should be bound, or dispense with the surety or sureties, or otherwise deal with the case as the Court may think just.

76. Where any person has been committed to prison by the Court for non-payment of any sum of money adjudged to be paid by an order, such person may pay or cause to be paid to the Keeper the sum mentioned in the warrant of commitment, together with the amount of the costs, charges, and expenses, if any, also mentioned therein, and the Keeper shall receive the same and thereupon discharge such person, unless he is in his custody for some other matter.

Right of person imprisoned in default to be released on paying sum, etc.

77. Where the defendant, having been convicted of the offence with which he was charged, has paid the sum of money adjudged to be paid by the order, or has been discharged therefrom by the Crown, or has undergone imprisonment for non-payment thereof or imprisonment adjudged in the first instance, or both, or has been discharged from his conviction in manner aforesaid, he shall be released from all other criminal proceedings for the same matter: Provided that nothing in this section shall affect the further liability of any person in respect of any continuing or recurring offence.

Determination of liability of defendant on satisfaction of, or discharge from order.

Summary Order.

78.—(1.) Where a power is by any statute or Ordinance given to the Court of requiring any person to do or to

Summary order to do specific act.

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Schedule III.
Form 16.
Form 28.

abstain from doing any act or thing, other than the payment of money, or of requiring any act or thing to be done or left undone, other than the payment of money, and no mode is prescribed of enforcing such requisition, the Court may exercise such power by an order, and may annex to any such order any condition as to time or mode of action or otherwise which the Court may think just, and may suspend or rescind any such order on such undertaking being given, or such condition being performed, as the Court may think just, and generally may make such arrangements for carrying into effect such power as to the Court may seem fit.

Form 14.
Form 31.

(2.) Every person who makes default in complying with an order of the Court in relation to any matter arising under a statute, other than the payment of money, shall be punished in the manner prescribed by such statute, or, if no punishment is so prescribed, may, in the discretion of the Court, be ordered to pay a sum not exceeding One Pound for every day during which he is in default or to be imprisoned, with or without hard labour, until he has remedied his default: Provided that a person shall not, for non-compliance with the requisition of the Court, whether made by one or more orders, to do or to abstain from doing any act or thing, be liable under this section to the payment of any sums amounting in the aggregate to more than twenty-five pounds or to imprisonment for any periods amounting in the aggregate to more than two months.

(3.) In making any such order as aforesaid, it shall be lawful for the Court to order that, in default of compliance with the order, the defendant shall pay to the complainant such sum as the Court may award as a fair compensation to him for such default, and to direct that, in

default of the payment of such sum, the defendant shall be imprisoned for any term not exceeding the term hereinbefore prescribed in respect of a like sum in the scale of imprisonment in default of payment of sums of money adjudged to be paid by orders.

PART VI.

SUMMARY TRIAL OF INDICTABLE OFFENCES.

Summary Trial of Child.

79.—(1.) Where a child is charged before the Court with any indictable offence, other than homicide, the Court, if it thinks it expedient so to do, and if the guardian of the child so charged when informed by the Court of his right to have the child tried by a jury, does not object to the child being dealt with summarily, may deal summarily with the offence, and, in case of conviction, inflict the same description of punishment as might have been inflicted if the case had been tried on indictment: Provided that—

Summary trial of child for indictable offence unless objected to by guardian. Schedule III., Form 43.

Form 44.

- (a.) Where a penalty is awarded, the amount shall not in any case exceed Two Pounds ;
- (b.) Where imprisonment is awarded, the term shall not in any case exceed three months ;
- (c.) When the child is a male, the Court may, either in addition to or in lieu of any other punishment, order the child to be whipped, or to be sent to a Reformatory or Industrial School, or other similar institution established by law, or to be both whipped and sent as aforesaid ;

(d.) When the child is a female, the Court may, either in addition to or in lieu of any other punishment, order the child to be sent to a Reformatory or an Industrial School established by law.

(2.) For the purpose of a proceeding under this section, the Court shall, at any time during the hearing of the case at which it becomes satisfied by the evidence that it is expedient to deal with the case summarily, cause the charge to be reduced into writing, (if this has not been already done), and read to the guardian of the child, and then address a question to such guardian to the following effect:—"Do you desire the child to be tried by a jury, and object to the case being dealt with summarily by this Court?" with a statement, if the Court thinks such statement desirable for the information of such guardian, of the meaning of the case being dealt with summarily, and of the sitting of the Supreme Court at which the child will be tried, if tried by a jury.

Form 42.

(3.) Where the guardian of a child is not present when the child is charged with an indictable offence before the Court, the Court may, if it thinks it just so to do, remand the child for the purpose of causing notice to be served on such guardian, with a view of securing, so far as may be practicable, his attendance at the hearing of the charge, or the Court may, if it thinks it expedient so to do, deal with the case summarily.

(4.) Nothing in this section shall render punishable for an indictable offence any child who is not, in the opinion of the Court before which he is charged, of or above the age of seven years and of sufficient capacity to commit crime.

Summary Trial of Adult.

80.—(1.) Where a person who is an adult is charged before the Court with any indictable offence which is specified in the first column of the second schedule to this Ordinance, and is not comprised in the second column of the said schedule, and the Court, at any time during the hearing of the case, becomes satisfied that the evidence is sufficient to put the person charged on his trial for the said offence, and further is satisfied (either after such a remand as is provided by this Ordinance or otherwise) that the case is one which, having regard to the character and antecedents of the person charged, the nature of the offence, and all the circumstances of the case, may properly be dealt with summarily and may be adequately punished by virtue of the powers of this Ordinance, then the Court shall cause the charge to be reduced into writing, (if this has not been already done), and read to the person charged, and shall then ask him whether he is guilty or not of the charge; and if such person says that he is guilty, the Court shall thereupon cause a plea of guilty to be entered, and adjudge him to be imprisoned, with or without hard labour, for any term not exceeding six months.

Summary conviction, or plea of guilty, of adult.

Schedule II.

Schedule III,
Form 45,
Form 47.

(2.) The Court, before asking, in pursuance of this section, the person charged whether he is guilty or not, shall explain to him that he is not obliged to plead or answer, and that if he pleads guilty he will be dealt with summarily, and that if he does not plead or answer, or pleads not guilty, he will be dealt with in the usual course; with a statement, if the Court thinks such statement desirable for the information of the person to whom it is addressed, of the meaning of the case being dealt with sum-

marily or in the usual course, and of the sitting of the Supreme Court at which he will be tried, if tried by a jury. The Court shall further state to such person to the effect that he is not obliged to say anything unless he desires so to do, but that whatever he says will be taken down in writing and may be given in evidence against him upon his trial.

(3.) If the person charged does not plead guilty, whatever he says in answer shall be taken down in writing and read over to him and signed by the Justice and kept with the depositions of the witnesses and transmitted with them in manner required by law, and afterwards upon the trial of the person charged may, if necessary, be given in evidence against him without further proof thereof, unless it is proved that the Justice purporting to have signed the same did not in fact sign the same.

Summary trial
with consent
of adult.

Schedule II,
second column.

Schedule III,
Form 46.
Form 47.

81.—(1.) Where a person who is an adult is charged before the Court with any indictable offence specified in the second column of the Second Schedule to this Ordinance, the Court, if it thinks it expedient so to do, and if the person charged with the offence, when informed by the Court of his right to be tried by a jury, consents to be tried summarily, may summarily try the offence, and adjudge such person, if found guilty of the offence, either to pay a penalty not exceeding Twenty Pounds or to be imprisoned, with or without hard labour, for any term not exceeding six months.

(2.) For the purpose of a proceeding under this section, the Court shall, at any time during the hearing of the case at which it becomes satisfied by the evidence that it is expedient to deal with the case summarily, cause the

charge to be reduced into writing, (if this has not been already done,) and read to the person charged, and then address a question to him to the following effect:—"Do you desire to be tried by a jury, or do you consent to the case being tried summarily by this Court?" with a statement, if the Court thinks such statement desirable for the information of the person to whom the question is addressed, of the meaning of the case being tried summarily, and of the sitting of the Supreme Court at which he will be tried, if tried by a jury.

Summary Trials generally.

82.—(1.) Where a person is charged before the Court with an indictable offence with which the Court has or may have, under the circumstances mentioned in this Ordinance, power to deal summarily, the Court, without prejudice to any other power which it may possess, may, for the purpose of ascertaining whether it is expedient to deal with the case summarily, either before or during the hearing of the case, adjourn the case and remand the person charged.

(2.) A person may be remanded under this section in like manner in all respects as a person accused of an indictable offence may be remanded.

83. Where an indictable offence is, under the circumstances mentioned in this Ordinance, authorized to be dealt with summarily,—

General provisions as to dealing summarily with indictable offences.

- (1.) The procedure shall, until the Court assumes the power to deal with the offence summarily, be the same in all respects as if the offence were to be dealt with throughout as an indictable offence, but when and so soon

as the Court assumes the power to deal with such offence summarily, the procedure shall be the same, from and after that period, as if the offence were a summary conviction offence and not an indictable offence, and the provisions of this Ordinance shall apply accordingly : Provided that nothing herein contained shall be construed to prevent the Court from dealing thereafter with the offence as an indictable offence, if it thinks fit so to do ;

- (2.) The evidence of any witness taken before the Court assumed the power to deal with the offence summarily need not be taken again, but every such witness shall, if the defendant so requires it, be recalled for the purpose of cross-examination ;
- (3.) The conviction for any such offence shall be of the same effect as a conviction on a trial on indictment for the offence ;
- (4.) Where the Court has assumed the power to deal with the offence summarily, and dismisses the complaint on the merits, it shall, if required, deliver to the person charged a copy, certified under the hand of the Justice, of the order of dismissal, and such dismissal shall be of the same effect as an acquittal on a trial on indictment for the offence ;
- (5.) The conviction shall contain a statement either as to the plea of guilty of an adult,

or, in the case of a child, as to the consent or otherwise of his guardian, and, in the case of an adult, of the consent of such adult to the offence being dealt with summarily by the Court.

PART VII.

MISCELLANEOUS PROVISIONS.

Ownership of Property.

84.--(1.) Where, in any document in any proceeding under this Ordinance, it is necessary to state the ownership of any property whatsoever, whether movable or immovable, which belongs to or is in the possession of more than one person, it shall be sufficient to name one of such persons, and to state such property to belong to the person so named and another or others, as the case may be.

Mode of stating ownership of property of partners, etc.

(2.) Where, in any such document, it is necessary to mention, for any purpose whatsoever, any partners or other joint owners or possessors, it shall be sufficient to describe them in manner aforesaid.

(3.) The provisions of this section shall be construed to extend to all joint stock companies and associations, societies, and trustees, but property may be described as belonging to any joint stock company or association by its legal or registered title.

(4.) Where any property is in any such document described as being in any joint stock company, association or society by its registered title, proof of the registration of the company, association or society may at the discretion of the Court be required or dispensed with, and if the Court decides that such proof shall be given the further hearing shall be adjourned for the purpose on such terms

as the Court may direct ; or the Court may in its discretion amend the proceedings by substituting the name of some person or persons for the name of such society, company or association ; and no appeal shall lie from the exercise of such discretion.

Mode of stating
ownership of
church, etc.

85. Where, in any document in any proceeding under this Ordinance, it is necessary to state the ownership of any church, chapel, or building set apart for religious worship or of anything belonging to or being in the same, it shall be sufficient to state that such church, chapel, or building, or such thing, is the property of any Clergyman, or Minister officiating therein or of the Churchwarden or Churchwardens of such church, chapel, or building, without its being necessary to name him or them.

Mode of stating
ownership of
public pro-
perty.

86. Where in any document in any proceeding under this Ordinance it is necessary to state the ownership of any moneys or other properties whatsoever in the charge, custody, or under the control of any public officer and which is alleged to have been stolen, embezzled or otherwise misappropriated or in respect of which any offence punishable on summary conviction is alleged to have been committed, it shall be sufficient to state such money or property to be the money or property of the Government : and where in any document in any proceeding under this Ordinance, it is necessary to state the ownership of any work or building made, erected, or maintained, either wholly or in part, at the expense of the inhabitants of this Colony or of any city, town, or village thereof, or of anything belonging to or being in or used in relation to the same, or of anything provided for the use of the poor or of any public institution or establishment, or of any materials or tools provided or used for repairing any

such work or building or any public road or highway, or of any other property whatsoever, whether movable or immovable, of such inhabitants as aforesaid, it shall be sufficient to state that such property is the property of the inhabitants of the Colony, or of the city, town, or village, as the case may be, without naming any of such inhabitants.

87.—(1.) Every married woman, whether married before or after the commencement of this Ordinance, shall have in her own name against all persons whatsoever, including her husband (subject as regards her husband to the proviso hereinafter contained) the same remedies and redress by way of criminal proceedings for the protection and security of her own separate property as if such property belonged to her as an unmarried woman.

Criminal remedies of married woman against her husband and others in respect of property.

(2.) In any complaint or other proceeding under this section, it shall be sufficient to allege the property to which the complaint or other proceeding relates to be the property of the married woman: Provided that no proceeding shall be taken by any wife against her husband by virtue of this section, while they are living together, as to or concerning any property claimed by her, nor, while they are living apart, as to or concerning any act done by the husband while they were living together, concerning property claimed by the wife, unless such property has been wrongfully taken by the husband when leaving or deserting, or about to leave or desert, his wife.

88. A wife who does any act with respect to any property of her husband, which, if done by the husband with respect to property of the wife would make the husband liable to criminal proceedings by the wife under the last preceding section, shall in like manner be liable to criminal proceedings by her husband.

Criminal liability of wife to husband.

Arrest.

Arrest of offender in certain cases.

89. Any person who is found committing any offence against the person or against property which is punishable on summary conviction may be taken into custody, without warrant, by any Police Officer, or may be apprehended by the owner of the property on or with respect to which the offence is committed, or by his servant or any other person authorized by him, and shall in the latter case be delivered as soon as possible into the custody of any Police Officer to be dealt with according to law.

Procedure where offender is taken into custody without warrant.

90. A person taken into custody without warrant for a summary conviction offence shall be brought before a Justice as soon as practicable after he is so taken into custody, and if it is not or will not be practicable to bring him before a Justice within twenty-four hours after he is so taken into custody, any Police Officer in charge of any Police Station shall inquire into the case, and, except where the offence appears to such Police Officer to be of a serious nature, shall discharge the prisoner, upon his entering into a recognizance, with or without a surety or sureties, for a reasonable amount, to appear before the Court at the time and place specified in the recognizance.

Forms and requisites of warrant of apprehension.

91.—(1.) Every warrant of arrest issued under this Ordinance, or, unless the contrary is expressly provided, under any other Ordinance relating to summary conviction offences, shall bear the date of the day of issue, and shall be signed by the Justice by whom it is issued.

(2.) No such warrant shall be signed in blank.

(3.) No such warrant shall be issued without an information or other statement in writing and upon oath.

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(4.) Every such warrant shall be directed to all Police Officers.

(5.) Every such warrant may be executed by any Police Officer.

(6.) Every such warrant shall state concisely the offence or matter for which it is issued, and shall name or otherwise describe the person to be arrested, and it shall order the Police Officer to whom it is directed to apprehend such person, and bring him before the Court to answer the said information or statement, or to testify, or otherwise, according to the circumstances of the case, and to be further dealt with according to law.

(7.) It shall not be necessary to make any such warrant returnable at any particular time, but the same shall remain in force until it is executed.

92.—(1.) Every such warrant of apprehension may be issued and executed on a Sunday. Execution of warrant.

(2.) The Police Officer executing any such warrant must, before making the arrest, inform the person to be arrested that there is a warrant for his apprehension, unless there is reasonable cause for abstaining from giving such information on the ground that it is likely to occasion escape, resistance, or rescue.

(3.) Subject to the provision hereafter in this section contained, it shall not be necessary for the Police Officer executing any such warrant to have the same in his possession; but if he has it, he must, upon request, show it to the person arrested or to be arrested.

(4.) Every person arrested on any such warrant shall be brought before the Court as soon as is practicable after he is so arrested.

(5.) Any Police Officer authorized to execute any such warrant may, for the purpose of executing it, either with or without assistance from any other person or persons, break open and enter any house, building, or enclosed place, if admittance cannot otherwise be obtained: Provided that in such case he must be in possession of the warrant, and before so doing he must, as far as practicable, notify his possession of the warrant.

Handcuffing,
etc., of person
arrested.

93. A person arrested, whether with or without warrant, shall not be handcuffed or otherwise bound, except in case of necessity, or of reasonable apprehension of violence, or of attempt to escape, or by order of the Court or of a Justice.

Police Station
to be lock-up.

94. Every police station shall be deemed to be a lock-up house where persons charged with summary conviction offences may be received and detained according to law.

Seizure and Restitution of Property.

Seizure of
property the
proceeds of
summary con-
viction offence.

95. The Court may order the seizure of any property which there is reason to believe has been obtained by, or is the proceeds of, any summary conviction offence, or into which the proceeds of any summary conviction offence have been converted, and may direct that the same shall be kept or sold, and that the same, or the proceeds thereof, if sold, shall be held as it directs, until some person establishes, to its satisfaction, a right thereto. If no person establishes such a right within twelve months from the seizure, such property, or the proceeds thereof, shall become vested in the Receiver-General for the public uses of the Colony, and shall be disposed of accordingly.

Seizure of
things in-
tended to be

96. The Court may order the seizure of any instruments, materials, or things which there is reason to believe

are provided or prepared, or being prepared, with a view used in commission of summary conviction offence, and may direct the same to be held and dealt with in the same manner as property seized under the last preceding section.

97. Any order made under either of the two last preceding sections may be enforced by a search warrant under this Ordinance. Enforcement of order of seizure.

98. If, upon the apprehension of any person charged with a summary conviction offence, any property is taken from him, a report shall be made by the Police to the Court of the fact of such property having been taken from such person and of the particulars of such property, and the Court shall, if it is of opinion that such property, or any portion thereof, can be returned consistently with the interests of justice and the safe custody of the person charged, order such property, or any portion thereof, to be returned to the person charged or to such other person as he may direct. Return of property found upon person apprehended.

99. If, upon the apprehension of any person charged with a summary conviction offence, any money is taken from him, the Court may, in its discretion, in case of the conviction of such person, order such money, or any part thereof, to be applied to the payment of any costs, or costs and compensation, directed to be paid by such person. Application of money found on person apprehended.

100. --(1.) Subject as hereinafter provided, where any person is convicted of a summary conviction offence, any property found in his possession, or in the possession of any other person for him, may be ordered by the Court to be delivered to the person who appears to the Court to be entitled thereto. Restitution of property in case of conviction. Schedule III., Form 57.

(2.) Where any person is convicted before the Court of having stolen or dishonestly obtained any property, and

it appears to the Court that the same has been pawned to a pawnbroker or other person, the Court may order the delivery thereof to the person who appears to the Court to be the owner, either on payment or without payment to the pawnbroker or other person of the amount of the loan or any part thereof, as to the Court, under all the circumstances of the case, may seem just. If the person in whose favour any such order is made pays the money to the pawnbroker or other person under such order, and obtains the property, he shall not afterwards question the validity of the pawn; but, save to that extent, no order made under this section shall have any further effect than to change the possession, and no such order shall prejudice any right of property or right of action in respect to property existing or acquired in the goods either before or after the offence was committed.

(3.) Nothing in this section shall prevent the Court from ordering the return to any person charged with a summary conviction offence, or to any person named by the Court, of any property found in the possession of the person so charged or in the possession of any other person for him, or of any portion thereof, if the Court is of opinion that such property or portion thereof can be returned consistently with the interests of justice and with the safe custody or otherwise of the person so charged.

Probation of First Offenders.

Power of the Court to release first offender on probation of good conduct.

101.—(1.) Where any person is convicted of a summary conviction offence, or of an indictable offence triable by a Justice under the provisions of Part VI. hereof and no previous conviction is proved against him, if it appears to the Court that, regard being had to the youth, character,

or antecedents of the offender, to the trivial nature of the offence, or to any extenuating circumstances under which the offence was committed, it is expedient that the offender be released on probation of good conduct, the Court may, instead of at once adjudicating any punishment against him, direct that he be released on his entering into a recognizance, with or without a surety or sureties, and during such period as the Court may direct, to appear for adjudication of punishment, when called upon, and in the meantime to keep the peace and be of good behaviour.

Schedule III.
Form 48.
Form 49.

(2.) In any such case the Court may, if it thinks fit, order the offender to pay such compensation, not exceeding Ten Pounds, and such costs of the proceedings, or either of them, as the Court may think reasonable, and such compensation shall be payable to such person as the Court may direct.

102.—(1.) If, in any such case, the Court having power to deal with the offender in respect of his original offence, or any other Summary Court, is satisfied, by information in writing and upon oath, that the offender has failed to observe any of the conditions of his recognizance, it may issue a warrant for his apprehension.

Procedure in case of offender failing to observe conditions of recognizance.

(2.) An offender, when apprehended on any such warrant, shall, if not brought forthwith before the Court having power to deal with his original offence, be brought before some other Summary Court, and that Court may either remand him, by warrant, until the sitting of the Court having power to deal with his original offence, or may direct him to be released upon his entering into a recognizance, with or without a surety or sureties, conditioned for his appearance to receive adjudication of punishment.

Schedule III.
Form 50.
Form 51.
Form 52.
Form 53.

(3.) An offender, when remanded on any such warrant, may be committed to a prison, either for the place in or for which the Court remanding him acts, or for the place where he is bound to appear to receive adjudication of punishment, and the warrant of remand shall order that he be brought before the Court before which he was bound to appear to receive adjudication of punishment, or to answer as to his conduct since his release.

Conditions as to abode of offender, etc.

103. The Court, before directing the release of an offender, under section 101, shall be satisfied that the offender and his surety or sureties, if any, have fixed places of abode or regular occupation in the place for which the Court acts, or in which the offender is likely to live during the period specified for the observance of the conditions.

Keeping of the Peace.

Procedure in case of articles of the peace. Schedule III. Form 17. Form 36.

104 --(1.) In any case where a complaint is made by any person against some other person to the effect that there is reason to fear that the defendant will do the complainant some bodily injury, the Court may, in its discretion if the complaint is established, order the defendant to enter into a recognizance, with or without a surety or sureties, to keep the peace and be of good behaviour towards the complainant.

(2.) The provisions of this Ordinance shall apply to the hearing of any such complaint, and the complainant and the defendant and the witnesses may be called and examined and cross-examined, and the complainant and the defendant shall respectively be liable to the payment of costs, or of costs and compensation, as in the case of any other complaint.

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(3.) The Court may order the defendant, in default of compliance with the order, to be imprisoned for any term not exceeding six months.

105. The Court shall have power, in any complaint made for a summary conviction offence, whether the complaint be dismissed or the defendant be convicted, to bind both the complainant and the defendant, or either of them, to be of good behaviour, and may order the complainant or the defendant, in default of compliance with the order, to be imprisoned for any term not exceeding three months.

Power to bind parties to be of good behaviour.

106. Every person imprisoned under either of the two last preceding sections shall be brought before the Supreme Court whenever the prison in which he is confined is delivered.

Bringing up of person imprisoned for want of sureties.

107. The Court may, in any case of breach of the peace, sanction any compromise which it may deem just and right between the parties to the complaint.

Sanction of compromise.

Saving of Validity of Process.

108. The following provisions with respect to certain proceedings in the Court shall have effect, that is to say,—

Provision as to certain proceedings in the Court.

- (1.) A warrant of commitment shall not be held void by reason only of any defect therein, if it is therein alleged that the offender has been ordered to do or to abstain from doing any act or thing required to be done or left undone, and there is a good and valid order to sustain the same;
- (2.) A warrant of distress shall not be held void by reason only of any defect therein, if it is therein alleged that an order has been made,

and there is a good and valid order to sustain the same; and a person acting under a warrant of distress shall not be deemed a trespasser from the beginning by reason only of any defect in the warrant or of any irregularity in the execution of the warrant; but this enactment shall not prejudice the right of any person to satisfaction for any special damage caused by any defect in, or irregularity in the execution of, a warrant of distress, so however, that, if amends are tendered before action brought, and, if the action is brought, are paid into Court in the action, and the plaintiff does not recover more than the sum so tendered and paid into Court, the plaintiff shall not be entitled to any costs incurred after such tender, and the defendant shall be entitled to costs, to be taxed as between solicitor and client;

- (3.) A summons or warrant or other process shall not be held void by reason of the Justice who signed the same dying or ceasing to hold office.

109. It shall not be competent for any person to impeach, in any proceeding or in any other manner whatever, any order made by the Court on the hearing of a complaint on the ground that the Court had no jurisdiction to make the order, unless such objection was taken on the hearing of the complaint or at the time of the making of the order.

110.—(1.) In any case in the Court, no variance between the complaint, or summons, or warrant, and the evidence adduced in support thereof, as to the time at

Barring of objection to jurisdiction unless taken at hearing, etc.

Effect of variance or defect in proceedings.

which the cause of complaint is alleged to have arisen shall be deemed material, if it is proved that such complaint was in fact made within the time limited by law for making the same; and no variance between such complaint, or summons, or warrant, and the evidence adduced in support thereof, as to the place in which the cause of complaint is alleged to have arisen, shall be deemed material.

(2.) No objection shall be taken or allowed, in any proceeding in the Court, to any complaint, summons, warrant, or other process for any alleged defect therein in substance or in form, or for any variance between any complaint or summons and the evidence adduced in support thereof.

(3.) If any variance or defect mentioned in this section appears to the Court at the hearing to be such that the defendant has been thereby deceived or misled, it shall be lawful for the Court to make any necessary amendments, and, if it is expedient so to do, to adjourn, upon such terms as it may think fit, the further hearing of the case.

Proof of Process.

111.—(1.) In every proceeding in the Court in which it is necessary to prove the service of any summons, notice, order, or other process whatsoever of the Court upon any person, it shall be deemed to be sufficient proof of such service if the person by whom such process has been served is duly sworn, by and before any Justice, to an affidavit of such service.

Proof of service
of summons,
etc.

Schedule III.
Form 60.

(2.) Any such affidavit shall be received in evidence in any proceeding in any Court without proof of the signature or of the official character of the person making the same or of the person before whom it is made; and the

onus of showing that any service referred to in any such affidavit was not made in accordance with the tenor of the affidavit shall be on the party objecting.

(3.) All such affidavits shall be numbered by the clerk of the Court consecutively in the order in which they are received, and shall be filed as of record in the Court in which they are entitled; and, in every case in which any such affidavit is used, it shall be sufficient to note on the proceedings the number of such affidavit and the Court in which it is filed.

Proof of
previous con-
viction.

112. Where, upon the hearing of any complaint, it is proposed to prove against the defendant the fact of a former conviction, a copy of the order of any Magistrate's Court in respect of the former offence, certified by the clerk of such Court, shall, upon proof of the identity of the defendant, be deemed sufficient evidence of such former conviction.

Enforcement of Recognizance.

Mode of en-
forcing recog-
nizance.

113.—(1.) Where a recognizance is conditioned for the appearance of any person before the Court or for his doing some other act or thing to be done in, to, or before the Court or in a proceeding in the Court, the Court, may, if the recognizance appears to the Court to be forfeited, declare the same to be forfeited, and order the sum due thereunder to be levied upon the movable property of the person liable thereunder, in the same manner as if the sum were a penalty adjudged by the Court to be paid, and were ascertained by an order: Provided, however, that the Court may at any time cancel or mitigate the forfeiture, upon the person liable under the recognizance applying and giving security, to the satisfaction of the Court, for the future performance of the condition of the recognizance, and paying, or giving security for the pay-

Schedule III.,
Form 37.
Form 22.

Form 40.
Form 41.

ment of, the costs incurred in respect of the forfeiture, or upon such other conditions as the Court may think just : Provided also that, if it appears to the Court that a warrant of distress should not, under the provisions hereinbefore contained, be issued against the person liable under the recognizance, but that such person has immovable property, the Court may, if it thinks fit, postpone the issue of a warrant of commitment against such person, and transmit the recognizance to the Attorney-General in order that it may be put in suit against such person.

(2.) Where a recognizance to keep the peace and to be of good behaviour, or not to do or commit some act or thing, has been entered into by any person as principal or as surety before the Court, the Court may, upon proof of the conviction of the person bound as principal by such recognizance of any offence which is by law a breach of the condition of the same, by order, adjudge such recognizance to be forfeited, and adjudge the persons bound thereby, whether as principal or as sureties, or any of such persons, to pay the sums for which they are respectively bound ; and such recognizance shall be dealt with in the manner hereinbefore mentioned.

Form 33.
Form 39.
Form 23.

(3.) All sums paid or recovered in respect of any recognizance declared or adjudged by the Court in pursuance of this section to be forfeited shall be paid to the Clerk and shall be paid over and accounted for in the manner in which penalties imposed by the Court are paid over and accounted for.

Appropriation of Penalties, etc.

114. Subject to the provisions of this or any other Ordinance, every penalty recovered in the Court in respect

Appropriation
of penalties
and seizures.

of a summary conviction offence, and also the proceeds of any seizure or forfeiture made or incurred subject to the process of the Court, shall be paid by the Officer into whose hands the same may come to the Receiver-General for the uses of the Colony : Provided as follows :—

Subject to the provisions of any other Ordinance the Governor may award an amount not exceeding one-half of the net proceeds of any such penalty, seizure, or forfeiture, after the deduction of all costs, charges, and expenses whatsoever, to or among any person or persons who may have been concerned in seizing, prosecuting, or giving information or assistance in the matter, and if there are more persons than one, in such proportions as he may think fit.

Mode of dealing with forfeiture not pecuniary.

115. Subject to the express provisions of any Ordinance relating thereto, every forfeiture not pecuniary which is incurred in respect of a summary conviction offence, or which may be enforced by the Court, may be sold or disposed of in such manner as the Court may direct, and the proceeds of such sale shall be applied in the like manner as if the proceeds were a penalty imposed under the Ordinance on which the proceeding for the forfeiture is founded.

Power of the Governor as to remission of penalties, etc.

116.—(1.) It shall be lawful for the Governor to remit, in whole or in part, any sum of money which may be imposed as a penalty and as costs, charges, and expenses in connexion with such penalty, on any person convicted of a summary conviction offence, although such money may be, in whole or in part, payable into the Treasury for the public uses of the Colony, or to some

party other than the Crown; and to extend the Royal Mercy to any person who may be imprisoned for non-payment of any sum of money so imposed, although the same may be, in whole or in part, payable into the Treasury for the public uses of the Colony, or to some party other than the Crown.

(2.) It shall be lawful for the Governor to order the restoration of anything seized or detained in connexion with a summary conviction offence.

(3.) Every such remission or restoration may be made in such manner and subject to such terms and conditions as the Governor may see fit to direct.

117. Every person who accepts or acquiesces in any such remission or restoration as aforesaid shall be thereby debarred from having, maintaining, or continuing any action or suit in respect of any matter to which such remission or restoration may relate, and no further proceedings shall be taken against any such person in relation to any such matter.

Effect of acquiescence in remission, etc.

118. Where any person who is committed to prison upon any order for non-payment of any sum of money adjudged to be paid by such order desires to pay the same and costs before the expiration of the time for which he has been so ordered to be imprisoned by the warrant for his commitment, he shall pay the same to the Keeper and the Keeper shall forthwith pay the same to the Justice who issued the warrant of commitment.

Payment of sum adjudged to be paid by order by person imprisoned in default of payment.

119. Every Justice and every Keeper of a prison shall keep a true and exact account of all moneys received by him under this Ordinance, and shall, within the first seven

Keeping of account of moneys received.

Schedule III,
Form 61.

days of every month, transmit a fair copy of every such account for the preceding month to the Receiver-General.

Taking of
recognizance.

120. Where a Justice has made an order directing or allowing any recognizance to be taken, and it is not practicable or convenient for him to attend at the time and place where the recognizance is to be taken, it shall be lawful for any other Justice to attend and take the recognizance, which shall thereafter have effect and be dealt with in the same manner as if it had been taken by such first-mentioned Justice.

PART VIII.

APPEALS AND SPECIAL CASES.

Right of
appeal.

121. Either of the following parties (that is to say) :—

- (1.) Where a Court refuses to make a conviction or order, the complainant ; or,
- (2.) Where a Court makes a conviction or order ordering any of the following things (that is to say) :—
 - (a.) Payment of a penalty not less than Five Pounds ; or,
 - (b.) The doing or not doing of some act other than the payment of money, and that in case of default in the doing or not doing of such act the defendant be imprisoned or be imprisoned and kept to hard labour ; or,
 - (c.) Imprisonment with or without hard labour,

the party against whom the conviction or order is made may appeal to the Supreme Court against such decision.

122. Where a right of appeal is given by any Ordinance passed before the commencement of this Ordinance to any person whomsoever whether in respect of the conviction or order of any Justice against such person or in respect of any refusal by any Justice to convict or make an order against any defendant then and in every such case an appeal shall lie under this Ordinance and the proceedings upon such appeal shall be according to this Ordinance.

Right of appeal under former Ordinances.

123. An appeal shall be commenced by the Appellant giving to the Clerk notice of such appeal, which may be verbal or in writing, and if verbal shall be forthwith reduced to writing by the Clerk and signed by the appellant, or his counsel or solicitor if he has appeared by a counsel or solicitor, and such notice shall specify the grounds on which the appellant appeals.

Notice of appeal to be given.

The notice of appeal shall be given in every case before the expiration of the third day after the day on which the Court has made the order or given the refusal appealed against.

Such notice shall be as in Forms 1 or 2 in Schedule IV. to this Ordinance.

124. Within six days after the conviction or refusal the appellant shall, unless he elects to remain in custody under the provisions of section 127 hereof, enter into a recognizance with one or more sureties acknowledged before a Justice and conditioned to appear and prosecute the appeal and abide by the judgment of the Supreme Court thereupon and pay such costs as may be by the Supreme Court awarded.

Recognizance to be entered into.

Such recognizance shall be as in Form 3 in Schedule IV. to this Ordinance.

Grounds of
appeal.

125. It shall be deemed a sufficient ground of appeal for an appellant if a defendant to allege that he is not guilty of the offence, and if a complainant to allege that the defendant is guilty of the offence with which he stood charged.

But either party may allege any special ground in law, and the appellant shall not be permitted to rely on any special ground of appeal unless such ground is set forth in the notice of appeal, or unless the appellant shall have given seven days previous notice to the respondent of such special ground of appeal.

Appellant to
be liberated on
entering into
recognizance.

Clerk to send
copy of pro-
ceedings to
Registrar.

126. Upon notice of appeal being given and such recognizance as aforesaid being entered into, the Justice before whom the recognizance is entered into shall liberate the appellant if in custody, and the Clerk shall with all convenient despatch transmit to the Registrar of the Supreme Court a copy of the record of the proceedings, and the notes of evidence taken by him duly certified under his hand. On receipt thereof the Registrar shall cause the appeal to be entered for the next convenient sittings of the Supreme Court in Appeal and shall notify the Clerk thereof.

Where recog-
nizance not
entered into.

127. A defendant who shall have given notice of appeal at the hearing and is unable to find the necessary surety or sureties may prosecute his appeal without entering into a recognizance providing he remains in custody pending the hearing of the appeal, and in such case the Justice shall by warrant under his hand direct the appellant to be detained in custody accordingly, and shall in such warrant intimate to the Keeper that notice has been given of appeal.

No. 47.

1895.

And the appellant shall in such case be detained in custody and may be taken without any fresh order or warrant in custody of a Police Officer to the Supreme Court to attend the hearing of the appeal.

128. The Clerk shall in the prescribed manner transmit to or cause to be served upon the respondent or his solicitor a copy certified under his hand of the notice of appeal, and shall when ascertained from the Registrar notify the appellant and respondent or their solicitors of the day on which the appeal will in the ordinary course of business be on the list for hearing before the Supreme Court.

Copy of notice to be sent to respondent.

129. All appeals shall if from a decision of a Court of Summary Jurisdiction in Trinidad be heard in the Town of Port-of-Spain, and notwithstanding anything to the contrary contained in any Ordinance, the Supreme Court shall sit for the hearing of such appeals twice in every month, on such days as such Court may from time to time, by Rules, appoint. Appeals from Tobago shall be heard at the Court House in the Town of Scarborough by the Judge sitting at the Criminal Session there on any day not less than three days after the day of the conviction or order appealed against.

Where and when appeals heard.

130. Upon every appeal it shall be lawful for the Supreme Court if the appellant be present, but not otherwise, to consider the evidence according to the notes thereof, and also where it appears that through want of advice or other reasonable cause any material evidence was not adduced in the Court below, the Supreme Court may, if it shall think fit, examine any further or other evidence adduced by either party, and the Supreme Court may reverse or confirm in whole or in part the judgment appealed against or give such new or different judgment

Court may consider evidence on notes and further evidence.

as it thinks just, but except by order of the Court on such special grounds as aforesaid and except on such terms as to adjournment, costs, and otherwise as the Court shall deem just, no witnesses shall be examined on the appeal nor shall the expense of the attendance of any such witness be allowed. Provided that if the appellant shall fail to appear personally when called upon to appear upon his recognizance by the Registrar or officer of the Court on the hearing of the appeal, he shall be deemed to have abandoned his appeal, and the Court shall confirm such conviction or order with costs and the recognizance shall be declared forfeited.

Provided that if it shall be made to appear to the satisfaction of the Court that the absence of the appellant is due to illness or other reasonable cause it shall be lawful for the Court to adjourn the hearing of such appeal to such day, and subject to such terms and conditions as to the payment of costs, or otherwise as to the Court shall seem just. Provided that if the conviction against the appellant, whether he shall have entered into a recognizance or not, be affirmed, the term of imprisonment shall be deemed to commence from the date on which such conviction is affirmed.

131. If upon the hearing of any appeal it appears that there is any defect in form in the information or complaint, or in the drawing up of the conviction or in any other part of the proceedings or in the record thereof, such defect may be amended. And the Supreme Court may make such amendments to any complaint, conviction, notice or other document as shall be necessary for the due determination of the matter in question and save as hereinafter excepted may enlarge or shorten the time for the

Defect in
form may be
amended.

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doing of any act necessary to enable the appeal to be heard : Provided always that no complaint or conviction shall be held void on the ground that any offence is therein described in alternative language. Provided also that the Court shall not extend the time prescribed by Sections 123 and 124 hereof for the giving of notice of appeal and for the entering into the recognizance.

132. No objection on account of any defect in the form of setting forth any ground of appeal shall be allowed unless the Supreme Court is of opinion that the ground of appeal is so imperfectly or incorrectly stated as to be insufficient to enable the party receiving the same to enquire into the subject matter thereof or to prepare for trial : Provided always, that in all cases where such Court is of opinion that any objection to any ground of appeal or to the reception of evidence in support thereof ought to prevail, it shall be lawful for such Court, if it thinks fit, to cause the ground of appeal forthwith to be amended by the Registrar on such terms as to payment of costs and postponement as to such Court shall appear just and reasonable.

No objection
on account of
defect in form.

133. If on the hearing of an appeal the Supreme Court adjudges such appeal to have been frivolous and vexatious, the solicitor who has given notice of appeal shall be personally liable to pay the taxed costs of the respondent, and in such case upon proof to the satisfaction of a Judge in chambers that execution against the appellant and his sureties if any has not produced sufficient to realise the amount of such taxed costs then the Judge shall on summons to be served on such solicitor make an order for the payment by such solicitor of the balance of such costs remaining unpaid.

Frivolous and
vexatious
appeals.

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Neglecting or
refusing to
appear when
summoned.

134. Every person who, being duly summoned to appear and give evidence upon any appeal, neglects or refuses without lawful excuse to appear at the time and place specified in the summons, or who, having appeared, refuses without lawful excuse to give evidence or to answer any question put to him by the Supreme Court, shall for every such offence forfeit such sum not exceeding Twenty Pounds as to the Supreme Court seems fit.

Costs.

135. Upon any appeal the Supreme Court may, if it thinks fit, order the party against whom the same is decided to pay to the other party such sum for his costs and charges as to the Supreme Court appears just and reasonable, such costs to be recoverable in the manner in this Ordinance provided.

Enforcing
costs.

136. At any time after an appeal against any conviction or order has been decided any Judge of the Supreme Court or any Justice of the Peace having jurisdiction over the matter of the information or complaint may issue such warrant as is required for the execution of the judgment or order of the Supreme Court. If upon any appeal the Supreme Court orders either party to pay costs, such order shall direct such costs to be paid to the Registrar to be by him paid over to the party entitled to the same, and shall state within what time such costs are to be paid, and if the same are not paid within the time so stated, the Registrar, upon application of the party entitled to such costs or his solicitor, shall grant a certificate that the costs have not been paid. Upon production of such certificate to any Justice of the Peace having jurisdiction over the matter of the information or complaint, it shall be lawful for such justice by memorandum endorsed upon the

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recognizance, if any, given in respect of the appeal, to declare such recognizance to be forfeited.

The Registrar's certificate shall be as in the Form 4 in Schedule IV to this Ordinance.

137. Where in respect of any appeal no recognizance has been entered into, any Justice having jurisdiction over the matter of the information or complaint may upon production to him of the Registrar's certificate that the costs have not been paid, issue a warrant of commitment against any person liable for such costs for any time not exceeding one month unless the amount of such costs and the costs of commitment and conveying the party to prison, if such Justice thinks fit so to order (the amount thereof being ascertained and stated in the commitment) be sooner paid.

Enforcing costs
where no
recognizance.

The warrant of commitment shall be as in the form 5 of Schedule IV. of this Ordinance.

138. A Justice may in his discretion on the application of either party to a complaint or his own motion without such application state a case for the opinion of the Supreme Court. The statement of facts in such case so stated shall for the purpose of the determination thereof be conclusive.

Statement of
case.

The case so stated shall be transmitted to the Registrar of the Supreme Court in a similar manner and with the same notice to the parties as a case on appeal under section 126 hereof.

Nothing herein contained shall be construed to prevent either party in such a case appealing as to any determination of fact or any question of law not raised in the case stated by the Justice; but such appeal shall be in such event independent of the case stated.

The Attorney-General may by notice in writing under his hand require a Justice to state a case on any point of law, and on receipt of such notice the Justice shall state such case accordingly.

The Supreme Court may remit any case stated under the provisions of this Section to the Justice stating the same for further information from such Justice.

Rules.

139. It shall be lawful for the Judges of the Supreme Court to make and from time to time alter or revoke such rules as to them seem meet for the regulation and practice of the Supreme Court with regard to appeals and special cases, and also to frame and from time to time to alter or revoke a table of the fee stamps to be affixed to the proceedings or otherwise and also of the costs that may be allowed to any party to any appeal, and all such rules or tables, shall be transmitted under the seal of the Court to the Governor, and shall be published in at least four issues of the *Royal Gazette* and shall take effect so soon as they have been so published and approved of by the Governor and the Legislative Council but not otherwise.

PART IX.

OFFENCES.

Offences.

140. The following shall be deemed offences under this Ordinance and be dealt with as hereinafter provided :

Language.

- (1.) Indecent, violent, insulting, abusive or threatening language used in Court or addressed to any Justice in Court, or in going to or returning from the Court, or used against any party to any matter in the course of hearing, or to any witness or other person then lawfully being in the

Court room or within the precincts of the Court.

- (2.) Violent, indecent or unbecoming gestures Gestures. or conduct in Court while the Court is actually sitting.
- (3.) Any assault or battery committed on a Justice Assault. in Court or in going to or returning from the Court, or on any officer or servant of the Court or on any party to any matter or witness or other person in Court.
- (4.) Wilfully interrupting or obstructing any Interruption and obstruction. proceedings of the Court, or other misbehaviour in the Court.
- (5.) Actual and express disobedience in Court to Disobedience. any ruling or order of the Justice made in the course of the hearing.
- (6.) Any resistance to or obstruction of any Resistance. officer or servant of the Court in the discharge of his duty whether in the service of any process of the Court, or in obedience to or in the execution of any warrant or command of the Justice in Court.
- (7.) The writing or uttering to the Justice whether in Court or otherwise of any abusive, Abusive, etc., letters. indecent or threatening letter or language or sending to such Justice any threatening message relating to any pending matter or information or of any letter calculated or intended to prejudice the mind of the Justice in relation to any information or matter then pending, or in relation to any person about to give evidence before him in any such information or matter.

Offender to be
taken into
custody.

141. If in the opinion of the Justice any such offence as in the last section mentioned is committed by any person whomsoever, it shall be lawful for any Police Officer on the verbal order of such Justice to take such offender into custody, and thereupon it shall be lawful for such Justice if he thinks fit :—

- (1.) To admonish and discharge such person ; or
- (2.) To order the offender to be removed from the Court ; or
- (3.) To order the offender to pay a fine not exceeding Five Pounds ; or
- (4.) If he think fit without the imposition of any fine by warrant under his hand to commit such offender to the Royal gaol without hard labour for any term not exceeding fourteen days.

If any fine imposed under this section shall not be paid by the offender within such time as the Justice may prescribe it shall be lawful for the Justice on such default by warrant to commit the offender to the Royal gaol with or without hard labour for any term not exceeding fourteen days.

Provided always that if any such offender shall be a practitioner before the Court, it shall be incumbent on such Justice to report the matter in writing to the Judges of the Supreme Court.

Provided also that nothing in this section contained shall be construed to be in derogation of the provisions of any other Ordinance prescribing penalties for any assault or battery committed on any Justice so that no person shall be twice punished for the same offence.

142. If any person ordered by any Justice to pay a ^{Appeal.} fine or to be imprisoned under the authority of the last preceding section shall be dissatisfied with such order, such person may at the time of such order give notice in writing to the committing Justice of his intention to appeal to the Supreme Court against such order.

The giving of such notice signed by the Appellant or his Solicitor shall operate as a stay of such order; provided, but not otherwise, that the appellant shall within two days after the giving thereof enter before the Justice into a recognizance with one surety in the sum of £25 acknowledged before the Justice and conditioned that the appellant do personally appear and do not depart the Court without leave and abide by the Judgment of the Supreme Court thereupon and pay such costs as may be by such Court awarded.

Upon such notice being given and such recognizance being entered into the Justice before whom such recognizance is entered into shall liberate the appellant if in custody, and thereupon the appeal shall be proceeded with in the manner hereinbefore provided.

143. The committing Justice shall within seven days after the making of the recognizance sign and transmit to the Registrar of the Supreme Court a full statement of the case specifying fully the causes of such committal. ^{Justice to state cause of committal.}

The Supreme Court shall consider the statement by the Justice of the causes of committal and also such grounds of appeal as may be set forth by the appellant.

144. If the Supreme Court shall confirm the order of the committing Justice, any Stipendiary Justice may on ^{If confirmed order to be enforced.}

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receipt of a certificate of such confirmation proceed to enforce such order as if there had been no appeal against the same.

Protection.

145. No action shall be brought against any Justice for any act or order done or made by him acting under the authority of section 141 hereof, or against any officer or servant of the Court or against any Police Officer for any act done by him or them in obedience to the command of any Justice acting thereunder.

Compensation where order quashed.

146. If upon any appeal from an order made under the provisions of section 141 hereof the order of any Justice shall be quashed by the Supreme Court, and the person alleged to have offended has been actually in custody, it shall be lawful for but not imperative on the Supreme Court to award to the appellant such sum of money by way of compensation and satisfaction in respect of the committal by such Justice as to the Supreme Court may seem reasonable and proper, and such award shall be a bar to any Civil proceedings whatever in respect of such order.

Justice not liable to pay compensation.

147. The Justice whose order shall be quashed shall not, unless the Governor shall otherwise order, be made personally liable to pay any compensation or costs which the Supreme Court may award to the appellant, but the same shall be paid to the appellant from the Colonial Treasury on the warrant of the Governor.

148. The provisions of this part of this Ordinance shall apply to the Courts held by Coroners in the Colony, and to a Justice sitting to take depositions on the hearing of a charge of any indictable offence, and to a Justice exercising jurisdiction in respect of any civil matter lawfully before him, and to any Judge of a District Court or Petty Civil Court in the Colony.

PART X.

PROTECTION OF JUSTICES FROM VEXATIOUS ACTIONS AND
PROCEEDINGS.

149. Every action to be brought against any Justice for any act purporting to have been done by him in the execution of his office shall be brought in the Supreme Court.

Action to be brought in Supreme Court.

150. The endorsement of the writ of summons in every such action shall allege either that such act was done maliciously, and without reasonable and probable cause; or that it was done in a matter not within the jurisdiction of such Justice; otherwise the writ shall be set aside on summons; and if the plaintiff shall fail at the trial to prove such allegation, a verdict shall be given for the defendant.

If plaintiff fail to prove malice or want of jurisdiction he shall be non-suited.

151. Any person injured by any act done by a Justice in a matter not within his jurisdiction, or in excess of his jurisdiction, or by any act done in any such matter under any conviction or order made or warrant issued by him may maintain an action against such Justice without alleging that the act complained was done maliciously and without any reasonable and probable cause, but no such action shall be brought for anything done under such conviction or order or for anything done under any warrant which shall have been issued by such Justice to procure the appearance of such party, and which shall have been followed by a conviction or order in the same matter, until after the conviction shall have been quashed by the Supreme Court.

Where act is done without jurisdiction, malice need not be alleged, but no action shall be brought until conviction is quashed.

152. Where a warrant of distress or of commitment shall be granted by a Justice upon a conviction or order,

No action shall be brought in respect of a

conviction affirmed upon appeal.

which either before or after the granting of the warrant shall have been or shall be affirmed upon appeal, no action shall be brought against him for anything which may have been done under it, by reason of any defect in such conviction or order.

Defendant may give special matter in evidence.

153. In any such action as mentioned in section 149 hereof the defendant shall be allowed without any special plea or defence or notice of defence to give any special matter of defence, excuse or justification, in evidence under such plea, at the trial.

Actions to be brought within three months, and notice to be given.

154. No such action as is mentioned in section 149 hereof shall be brought, unless it be commenced within three months after the commission of the act complained of, nor unless one month at least before the issue of the writ the plaintiff shall have given to the defendant notice in writing of the intended action by delivering the same to him, or leaving the same for him at his usual or last known place of abode.

Compensation may be tendered.

155. After notice of action shall be given, and before its commencement, the Justice receiving such notice may tender to the party complaining, or to his solicitor, such sum of money as he may consider just as amends for the injury complained of.

Amount tendered as compensation may be paid into Court.

156. After the commencement of any action, and at any time before notice of trial has been given therein, the defendant, if he has not made such tender, or in addition to any tender made, may pay into the Supreme Court such sum of money as he may consider just, and such tender and payment into such Court, or either of them, may afterwards be given in evidence at the trial, and if the judge or jury shall be of opinion that the plaintiff is not

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entitled to damages beyond the sum tendered or paid into the Supreme Court, he or they shall give a verdict for the defendant, and the plaintiff shall not be at liberty to elect to be non-suited; and any sum of money paid into such Court, or as much of it as shall be sufficient to pay the defendant's costs, shall be paid out of such Court to him, and any residue shall be paid to the plaintiff.

157. No action shall in any case be brought against any Justice for anything done under any warrant, which shall not have been followed by a conviction or order, or if, being a warrant upon an information for an alleged indictable offence, a summons was issued previously thereto, and served upon such person personally, or by its being left for him with some person at his usual or last known place of abode, and he shall not have appeared in obedience thereto.

No action to be brought unless there has been a conviction or if there has been a summons.

158. No action shall be brought against any Justice who shall have granted a warrant of distress against any person for enforcing the payment of any rate made, allowed and published by reason of any irregularity or defect in such rate, or of such person not being liable to be rated.

Nor for granting warrant for enforcing rate.

159. Where a conviction or order shall be made by a Court and a warrant of distress or of commitment shall be granted thereon by some other Justice *bonâ fide*, and without collusion, no action shall be brought against such last mentioned Justice by reason of any defect in such conviction or order, or for any want of jurisdiction in the Court that made the same, but the action may be brought against the Court or Justice who made such conviction or order.

Nor against a Justice for warrant made by him upon the conviction of another Justice.

Nor for
exercise of any
discretionary
power.

160. No action shall be brought against any Justice for the manner in which he shall have exercised any discretionary power given to him by law.

Remedy where
Justice shall
refuse to do
his duty.

161. Where any Justice shall refuse to do any act relating to his duties as a Justice, the party requiring such act to be done may apply to the Supreme Court, upon an affidavit of the facts, for a rule calling upon such Justice, and also the party to be affected by such act, to show cause why such act should not be done; and if after due service of such rule good cause shall not be shewn against it, the said Court may make it absolute, with or without costs, and such Justice upon being served with such rule absolute, shall obey it, and do the act required, and no action nor proceeding whatsoever shall be brought against him for having obeyed such rule and done such act so required.

In what cases
plaintiff shall
not recover
substantial
damages.

162. Where the plaintiff in any such action shall be entitled to recover, and he shall prove the levying or payment of any penalty or sum of money under any conviction or order as parcel of the damages he seeks to recover, or if he prove that he was imprisoned under such conviction or order, and shall seek to recover damages for such imprisonment, he shall not be entitled to recover the amount of such penalty or sum so levied or paid, or any sum beyond one farthing as damages for such imprisonment, or any cost of suit whatsoever, if it shall be proved that he was guilty of the offence of which he was convicted, or that he was liable by law to pay the sum he was so ordered to pay, and that he had undergone no longer imprisonment than that assigned by law for the offence of which he was convicted, or for non-payment of the sum he was ordered to pay.

163. In any action against a Justice for anything ^{Costs.} done by him in the execution of his office, if he obtains a judgment upon verdict or otherwise, he shall be entitled to his full costs, as between solicitor and client.

164. The forms contained in the Third Schedule to ^{Forms.} this Ordinance may with such variations and additions as the circumstances of the particular case may require be used in the cases to which they respectively apply, and when so used shall be good and sufficient in law.

Provided that nothing in this section shall affect the use and validity of any special forms of process in respect of summary conviction offences which may be given by any Ordinance relating to such offences.

165. Where by any Ordinance heretofore passed it is provided that the procedure in respect of any offence against such Ordinance punishable on Summary Conviction shall be according to the provisions of such Ordinance or according to the provisions of the Ordinance 5 of 1868, intituled "An Ordinance respecting the Summary Administration of Justice," in all such cases the procedure shall be according to the provisions of this Ordinance, or according to the provisions of any future Ordinance regulating the summary administration of justice.

166. There shall be repealed as from the commence- ^{Repeals.} ment of this Ordinance :—

- (a.) The Ordinances mentioned in the Fifth Schedule to this Ordinance to the extent mentioned in the third column of such Schedule.
- (b.) So much of any other Ordinance or Law as is inconsistent with this Ordinance.

Saving.

Provided that this repeal shall not affect :—

- (1.) Anything duly done or suffered before the commencement of this Ordinance under any enactment hereby repealed ; or,
- (2.) Any right or privilege acquired, or any liability incurred before the commencement of this Ordinance under any enactment hereby repealed ; or,
- (3.) Any imprisonment, fine, forfeiture or other punishment incurred or to be incurred in respect of any offence committed before the commencement of this Ordinance under any enactment hereby repealed ; or,
- (4.) The institution or prosecution to its termination of any investigation or legal proceeding, or any other remedy for prosecuting any such offence, or ascertaining, enforcing or recovering any such liability, imprisonment, fine, forfeiture, or punishment as aforesaid, and any such investigation, legal proceeding and remedy may be carried on as if this repeal had not been enacted.

167. This Ordinance shall come into operation on the First day of May, 1896.

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

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

SCHEDULES.

SCHEDULE I.

TABLE OF FEES.

		s.	d.
1. For a Summons or Warrant where there is only one Defendant	5	5	0
For every Defendant after the first	1	1	0
2. For every Summons to a Witness... ..	1	1	0
3. For a Warrant of Distress exclusive of the cost of taking and keeping the distress	1	1	0

Also a charge of Five per cent. on the proceeds for selling the goods.

SCHEDULE II.

INDICTABLE OFFENCES FOR WHICH ADULTS MAY BE SUMMARILY TRIED.

Sections 80
and 81.

FIRST COLUMN. Adults pleading guilty.	SECOND COLUMN. Adults consenting.
1. Larceny.	1. Simple larceny, where the value of the whole of the property alleged to have been stolen does not, in the opinion of the Court, exceed twenty pounds.
2. Offences declared by any statute for the time being in force to be punishable as larceny.	2. Offences declared by any statute for the time being in force to be punishable as larceny, where the value of the whole of the property alleged to have been stolen, destroyed, injured, or otherwise dealt with by the offender does not, in the opinion of the Court, exceed twenty pounds.
3. Larceny from or stealing from the person.	3. Larceny from or stealing from the person, where the value of the whole of the property alleged to have been stolen does not, in the opinion of the Court, exceed twenty pounds.

- | | |
|--|--|
| 4. Larceny as a clerk or servant. | 4. Larceny as a clerk or servant, where the value of the whole of the property alleged to have been stolen does not, in the opinion of the Court, exceed twenty pounds. |
| 5. Embezzlement by a clerk or servant. | 5. Embezzlement by a clerk or servant, where the value of the whole of the property alleged to have been embezzled does not, in the opinion of the Court, exceed twenty pounds. |
| 6. Stealing any animal, or killing any animal with intent to steal the carcase or any part of the animal so killed, in any case where such stealing or killing is an indictable offence. | 6. Stealing any animal, or killing any animal with intent to steal the carcase or any part of the animal so killed, in any case where such stealing or killing is an indictable offence, and where the value of the animal does not, in the opinion of the Court, exceed twenty pounds. |
| 7. Receiving stolen goods in any case where such receiving is an indictable offence. | 7. Receiving stolen goods, in any case where such receiving is an indictable offence, and where the value of the whole of the property alleged to have been received does not, in the opinion of the Court, exceed twenty pounds. |
| 8. Aiding, abetting, counselling, or procuring the commission of any offence hereinbefore in this column specified. | 8. Aiding, abetting, counselling, or procuring the commission of any offence hereinbefore in this column specified, where the value of the whole of the property which is the subject of the alleged offence does not, in the opinion of the Court, exceed the sum hereinbefore in this column respectively specified. |
| 9. Attempt to commit any offence hereinbefore in this column specified. | 9. Attempt to commit any offence hereinbefore in this column specified, where the value of the whole of the property which is the subject of the alleged offence does not, in the opinion of the Court, exceed the sum hereinbefore in this column respectively specified. |

SCHEDULE III.

FORMS FOR USE IN PROCEEDINGS RELATING TO SUMMARY
CONVICTION OFFENCES.

NOTE.—The words in *italics* in the margin of a Form, or words to the like effect, are to be used according to the circumstances of each case.

FORM No. 1.

Section 25.

Complaint without Oath.

TRINIDAD AND TOBAGO.

COUNTY OF

*A. B., Complainant,**v.**C. D., Defendant.*

A. B., of _____ comes before me, the undersigned (*Stipendiary*) Justice for the _____ District, and complains against *C. D.*, of _____ for that the said *C. D.* (1) and the said *A. B.* prays that the said *C. D.* may be summoned to answer the said complaint.

(1) State concisely the substance of the complaint.

(Signed.)

Complainant.

Before me this _____ day of _____, I _____, at _____
(Signed.)

(Stipendiary) Justice.

FORM No. 2.

Section 25.

Complaint upon Oath.

TRINIDAD & TOBAGO.

COUNTY OF

*A. B., Informant,**v.**C. D., Defendant.*

The information of *A. B.*, of _____
that *C. D.*, of _____ (2)

who saith on his oath (1)

(1) Or, *affirmation.*
(2) State concisely the substance of the information.
(3) Add, for the arrest of a witness—
And he further saith that E. F. of _____ can give material evidence, but is not likely to attend voluntarily; or, and wilfully avoids service of the summons.

(3)

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And the said *A. B.* prays that the said *C. D.* may be summoned to answer the said information (4) (5)

(4) Or, if a warrant is desired in the first instance—*may be apprehended for the said offence, and dealt with according to law.*

(5) Or, for sureties for the peace—*And he lays this information for the safety of his person and property, and not from malice or revenge against the said C. D. Add, for the arrest of a witness—And he further prays that the said E. F. may be apprehended and brought before the Court to give evidence.*

(Signed.)

Informant.

Taken before me this day of 1 at

(Signed.)

(*Stipendiary*) justice

Section 31.

FORM No. 3.

Summons to Defendant upon Complaint or Information.

TRINIDAD AND TOBAGO.

COUNTY OF

A. B., Complainant, [or Informant]

v.

C. D., Defendant,

To C. D., of

Whereas complaint has this day been made [or, *information has this day been laid*] before me, the undersigned (*Stipendiary*) Justice for the District, for that you (1)

(1) State concisely the substance of the complaint [or, *information.*]

This is to command you to be and appear at o'clock, m., on 1 day of at before the (*Stipendiary*) Justice in the said Court, to answer the said com-

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(1) State concisely the substance of the information.

for that *C. D.*, (1) and oath having been made before me substantiating the matter of such information:—This is to command you forthwith to apprehend the said *C. D.*, and to bring him before the (*Stipendiary*) Justice in the said Court, to answer the said information, and to be further dealt with according to law.

Dated this day of 1 .

(Signed.)

(*Stipendiary*) Justice of the Peace.

Section 35.

FORM No. 6.

Summons to Witness.

TRINIDAD AND TOBAGO.

COUNTY OF

A. B., Complainant, [or Informant]

v.

C. D., Defendant.

To E. F. of

(1) State concisely the substance of the complaint [or, information].
(2) Or, defendant.

Whereas complaint has been made [or, *information has been laid*] before me, the undersigned (*Stipendiary*) Justice for the District, for that *C. D.* (1) and it has been made to appear to me that you are likely to give material evidence on behalf of the complainant (2) in this behalf:—This is to require you to be and appear at o'clock, m., on day, the day of 1 , at before the (*Stipendiary*) Justice in the said Court, to testify what you know concerning the matter of the said complaint [or, *information.*]

Dated this day of 1 .

(Signed.)

(*Stipendiary*) Justice of the Peace.

Section 37.

FORM No. 7.

Warrant of Apprehension where Witness has disobeyed Summons.

TRINIDAD AND TOBAGO.

COUNTY OF

A. B., Complainant, [or Informant]

v.

C. D., Defendant.

To all Police Officers.

Whereas complaint has been made [or, *information has been laid*] before me, the undersigned (*Stipendiary*) Justice for the

District, for that *C. D.* (1) made to appear to me that *E. F.*, of material evidence on behalf of the complainant (2), I duly issued my summons to the said *E. F.*, requiring him to be and appear [*etc.*, as in the summons]; And whereas the said *E. F.* has neglected to be and appear at the time and place so appointed in and by the said summons, and no just excuse has been offered for such neglect; And whereas proof has been made before me, upon oath, that such summons has been duly served upon the said *E. F.* (3), that the said *E. F.* is likely to give material evidence as aforesaid, and that a reasonable sum has been paid or tendered (4) to him for his expenses in this behalf:— This is to command you forthwith to apprehend the said *E. F.*, and to bring him at o'clock, m., on day, the day of 1, at before the (*Stipendiary*) Justice in the said Court, to testify what he knows concerning the matter of the said complaint [*or, information*], and to be further dealt with according to law.

(1) State concisely the substance of the complaint [*or, information*].
 (2) Or, defendant.
 (3) Or, that the said *E. F.* will fully avoid service of such summons.
 (4) Or, is ready to be paid or tendered.

Dated this day of 1 .

(Signed)
 (*Stipendiary*) Justice of the Peace.

FORM No. 8. Section 38.

Warrant for Apprehension of Witness in the first instance.

TRINIDAD AND TOBAGO. COUNTY OF

A. B., Complainant, [*or Informant*]
 v.
C. D. Defendant.

To all Police Officers.

Whereas complaint has been made [*or, information has been laid*] before me, the undersigned (*Stipendiary*) Justice for the District, for that *C. D.* (1) made to appear to me, upon oath, that *E. F.*, of material evidence on behalf of the complainant (2), and it is probable that the said *E. F.* will not attend to give evidence without being compelled so to do:—This is to command you forthwith to apprehend the said *E. F.*, and to bring him at o'clock, m., on day, the day of 1, at before the (*Stipendiary*) Justice in the said Court, to

(1) State concisely the substance of the complaint [*or, information*].
 (2) Or, informant, or defendant.

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testify what he knows concerning the matter of the said complaint [or, *information*], and to be further dealt with according to law.

Dated this day of 1 .

(Signed)

(*Stipendiary*) Justice of the Peace.

Section 41.

FORM No. 9.

Warrant of Commitment of Witness for refusing to be sworn or to give Evidence.

TRINIDAD AND TOBAGO.

COUNTY OF

A. B., Complainant, [or Informant]

v.

C. D., Defendant.

To all Police Officers and to the Keeper of Gaol (or Prison).

Whereas complaint has been made [or, *information has been laid*] before me, the undersigned (*Stipendiary*) Justice for the District, for that *C. D.* (1) and one *E. F.* now appearing before me in the said Court on the day of 1 , at and, being required by me to make oath (2) as a witness in that behalf, has refused so to do [or, *being duly sworn as a witness in the matter of the said complaint [or, information] has refused to answer a certain question concerning the said matter, which was put to him*], without offering any just excuse for his refusal:— This is to command you, forthwith to convey the said *E. F.* to the (*Gaol*) Prison, and there deliver him to the Keeper of the said Prison, together with this warrant; And I hereby command you, the said Keeper, to receive the said *E. F.* into your custody in the said Prison, and there imprison him, for such his refusal for the term of days, unless he shall in the meantime consent to do what was so required of him; And for your so doing, this shall be your sufficient warrant.

(1) State concisely the substance of the complaint [or, *information*].
(2) Or, *affirmation*.

o Dated this day of 1 .

(Signed)

(*Stipendiary*) Justice of the Peace,

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FORM No 10.

Section 56.

Conviction for Penalty, and, in Default of Payment, Imprisonment.

COUNTY OF

TRINIDAD AND TOBAGO.

A. B., Complainant, or [Informant]

v.

C. D., Defendant.

The day of 1
 C. D. (hereinafter called the defendant) is this day convicted before the said Court for that he (1) And it is (1) State concisely the substance of the complaint [or, information].
 adjudged that the defendant do, for his said offence, forfeit and pay the sum of (2) to be paid and applied according to (2) State the penalty, and also the compensation, if any.
 law; And do also pay to the said A. B. the sum of for (3) Or, on or before the day of 1
 his costs in this behalf; and if the said several sums be not paid forthwith (3) it is adjudged that the defendant be (4) Add, if it be so, and there kept to herd labour.
 imprisoned in the (Gaol) Prison (4) unless the said several sums shall be sooner paid.

(Signed)

(Stipendiary) Justice of the Peace.

FORM No. 11.

Section 55.

Conviction where the Punishment is by Imprisonment.

TRINIDAD AND TOBAGO.

COUNTY OF

A. B., Complainant, [or Informant]

v.

C. D., Defendant.

The day of 1
 C. D. (hereinafter called the defendant) is this day convicted before the said Court for that he (1) And it is (1) State concisely the substance of the complaint [or, information].
 adjudged that the defendant be, for his said offence, imprisoned in the (Gaol) Prison (2) for the term (2) Add, if it be so, and there kept to herd labour.
 of And it is also adjudged that the defendant do for his costs in (3) Or, on or before the day of 1
 pay to the said A. B. the sum of for his costs in (3) Or, on or before the day of 1
 this behalf; And if the said sum for costs be not paid forthwith (3) it is adjudged that the defendant be (3) Or, on or before the day of 1
 imprisoned in the (Gaol) Prison (2) for the term of (3) Or, on or before the day of 1
 to commence at and from the termination of day of 1

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his imprisonment aforesaid, unless the said sum for costs shall be sooner paid.

(Signed)

(Stipendiary) Justice of the Peace.

Section 66.

FORM No. 12.

Conviction for Penalty to be levied by Distress, and, in default of Distress, Imprisonment.

TRINIDAD AND TOBAGO.

COUNTY OF

A. B., Complainant, [or Informant]

v.

C. D., Defendant.

The _____ day of _____ 1

C. D. (hereinafter called the defendant) is this day convicted before the said Court for that he (1) and it is adjudged that the defendant do, for his said offence, forfeit and pay the sum of (2) _____ to be paid and applied according to law; And do also pay to the said A. B. the sum of _____ for his costs in this behalf; And if the said several sums be not paid forthwith (3) _____ it is ordered that the same be levied by distress and sale of the movable property of the defendant; And, in default of sufficient distress,* it is adjudged that the defendant be imprisoned in the _____ (Gaol) Prison (4) _____ unless the said several sums, and all costs and charges of the said distress [and of the commitment] shall be sooner paid.

(Signed.)

(Stipendiary) Justice of the Peace.

* Or, where the issuing of a distress warrant would be ruinous to the defendant or his family, or it appears that he has no movable property whereon to levy a distress, then, instead of the words between the asterisks,** say, "then, inasmuch as it has now been made to appear to the said Court that the issuing of a warrant of distress in this behalf would be more injurious to the defendant or his family than imprisonment [or that the defendant has no movable property whereon to levy the said sums by distress] it is adjudged" [etc., as above, to the end.]

Conviction where Defendant is discharged conditionally on giving Security to appear or to be of Good behaviour.

TRINIDAD AND TOBAGO.

COUNTY OF

A. B., Complainant, [or Informant]

v.

C. D., Defendant.

The day of 1
C. D. (hereinafter called the defendant) is this day convicted before the said Court for that he (1)
But the Court being of opinion that the said offence was of so trifling a nature that it is inexpedient to inflict any punishment (2)
and the defendant having given security, to the satisfaction of the Court, to appear for sentence when called upon (3)
he is discharged; And it is ordered that the defendant do pay to the said A. B. the sum of for damages, and the sum of for costs [if so ordered] for
forthwith (4) And if default is made [proceed as in conviction for penalty and, in default of payment, imprisonment.]

(1) State concisely the substance of the complaint [or, information].
(2) Or, any other than a nominal punishment
(3) Or, to be of goodbehaviour.
(4) Or, on or before the day of 1 or by instalments of, etc.

(Signed.)

(Stipendiary) Justice of the Peace.

FORM No. 14.

Sections 56 and 78.

Order for Payment of Money, and, in default of Payment, Imprisonment.

TRINIDAD AND TOBAGO.

COUNTY OF

A. E., Complainant,

v.

C. D., Defendant.

A. B. having made a complaint that C. D. (hereinafter called the defendant) (1)

And both the said parties having appeared before the said Court [or, the said A. B. having appeared before the said Court, but the defendant, although duly called, not having appeared by himself his solicitor or his counsel; And it having been satisfactorily proved to the said Court, upon oath, that the defendant has been duly served with the summons, in this behalf, which required him to be and appear here on this day before the said Court to answer the said complaint, and to be further dealt with according to law]; And now the Court having

(1) State concisely the substance of the complaint.

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(2) Or, on or before the day of 1, or as the statute may require.
 (3) Or, on or before the day of 1.
 (4) Add, if it be so, and there kept to hard labour.

heard the matter of the said complaint, it is adjudged that the defendant do pay to the said A. B. the sum of _____ forthwith (2) And do also pay to the said A. B. the sum of _____ for his costs in this behalf; And if the said several sums be not paid forthwith (3) it is adjudged that the defendant be imprisoned in the _____ (Gaol) Prison (4) for the term of _____ unless the said several sums, and all costs and charges of the commitment, shall be sooner paid.

Dated this _____ day of _____ 1 .

(Signed)

(Stipendiary) Justice of the Peace.

Section 66.

FORM No. 15.

Order for Payment of Money to be levied by Distress, and, in default of Distress, Imprisonment.

TRINIDAD AND TOBAGO.

COUNTY OF _____

A. B., Complainant,

v.

C. D., Defendant.

A. B. having made a complaint that C. D. (hereinafter called the defendant (1) And both the said parties having appeared before the said Court, [or, the said A. B. having appeared before the said Court, but the defendant, although duly called, not having appeared by himself or his solicitor or counsel; And it having been satisfactorily proved to the said Court, upon oath, that the defendant has been duly served with the summons in this behalf, which required him to be and appear here on this day before the said Court to answer the said complaint, and to be further dealt with according to law]; And now the Court having heard the matter of the said complaint, it is adjudged that the defendant do pay the said A. B. the sum of _____

And do also pay to the said A. B. the sum of _____ for his costs in this behalf; And if the said several sums be not paid forthwith (2) *it is hereby ordered that the same be levied by distress and sale of the movable property of the defendant; And, in default of sufficient distress in that behalf,* it is adjudged

(2) Or, on or before the day of 1

* Or, where the issuing of a distress warrant would be injurious to the defendant or his family, or it appears that he has no movable property whereon to levy a distress, then, instead of the words between the asterisks**, say "then, inasmuch as it has now been made to appear to the said Court that the issuing of a warrant of distress in this behalf would be more injurious to the defendant or his family than imprisonment, [or, that the defendant has no movable property whereon to levy the said sums by distress] it is adjudged" [etc., as above, to the end.]

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that the defendant be imprisoned in the Prison (3) for the term of unless (3) Add, if it be so, and there kept to hard labour. the said several sums, and all costs and charges of the said distress [and of the commitment] shall be sooner paid.

Dated this day of 1 .

(Signed)

(Stipendiary) Justice of the Peace.

FORM No. 16.

Section 78.

Order for any other Matter, where the disobeying of it is punishable by Imprisonment.

TRINIDAD AND TOBAGO.

COUNTY OF

A. B., Complainant,

v.

C. D., Defendant.

A. B. having made a complaint that C. D. (hereinafter called the defendant (1) And both the said parties having appeared before the said Court [or, the said A. B. having appeared before the said Court, but the defendant, although duly called, not having appeared by himself or his solicitor or counsel; And it having been satisfactorily proved to the said Court, upon oath, that the defendant has been duly served with the summons in this behalf, which required him to be and appear here on this day before the said Court to answer the said complaint, and to be further dealt with according to law]; And now the Court having heard the matter of the said complaint, it is adjudged that the defendant do [here state the matter required to be done]; And if, upon a copy of a minute of this order being served upon the defendant, either personally or by leaving the same for him at his last or most usual place of abode, he shall refuse or neglect to obey the same, in that case it is adjudged that the defendant, for such his disobedience, be imprisoned in the (Gaol) Prison (2) for the term of [unless the said order be sooner obeyed, if the statute authorizes this]; And it is also adjudged that the defendant do pay to the said A. B. the sum of for his costs in this behalf; And if the said sum for costs be not paid forthwith (3) it is adjudged (3) Or, on or before the day of that the defendant be imprisoned in the said Prison (2) for the term of to commence at and from the termination of his imprisonment aforesaid, unless the said sum for costs, and all costs and charges of the commitment, shall be sooner paid.

Dated this day of 1 .

(Signed)

(Stipendiary) Justice of the Peace.

Section 104.

FORM No. 17.

Order to enter into Recognizance to keep the Peace and be of Good behaviour.

TRINIDAD AND TOBAGO.

COUNTY OF

A. B., Complainant,

v.

C. D., Defendant.

A. B. having made a complaint that *C. D.* (hereinafter called the defendant) (1) And both the said parties having appeared before the said Court, and the Court having heard the matter of the said complaint, it is adjudged that the defendant do forthwith, to the satisfaction of enter into a recognizance in the sum of with suret in the sum of [each] to keep the peace and be of good behaviour towards Her Majesty and all her liege people, and especially towards the said *A. B.*, for the term of And if the defendant fails to comply with this order, it is adjudged that he be imprisoned in the (Gaol) Prison for the term of unless he sooner complies with this order.

(1) State concisely the substance of the complaint.

[*If costs are ordered, proceed as follows :*] And it is also adjudged that the defendant do pay to the said *A. B.* the sum of for his costs in this behalf; And if the said sum for costs be not paid forthwith (2) it is adjudged that the defendant be imprisoned in the said Prison (3) for the term of to commence at and from the termination of his imprisonment aforesaid, unless the said sum for costs, and all costs and charges of the commitment, shall be sooner paid.

(2) Or, on or before the day of

1 or by instalments of, etc.

(3) Add, if it be so, and there kept to hard labour.

Dated this day of 1 .

(Signed)

(*Stipendiary*) Justice of the Peace.

FORM No. 18.

Order of Dismissal of Complaint or Information.

TRINIDAD AND TOBAGO.

COUNTY OF

A. B., Complainant, [or Informant]

v.

C. D., Defendant.

A. B. having made a complaint, [or, *laid an information*], that *C. D.* (hereinafter called the defendant) (1) And both the said parties having appeared before the said Court in order that it should hear and determine the said complaint [or, *information*] [or, *the defendant having appeared before the said Court, but*

(1) State concisely the substance of the complaint [or, *information*].

Sections 51 and 55.

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Section 66.

FORM No. 20.

Warrant of Distress on Conviction for Penalty.

TRINIDAD AND TOBAGO.

COUNTY OF

A. B., *Complainant*, [or Informant]

v.

C. D. *Defendant*.*To all Police Officers.*

Whereas C. D. (hereinafter called the defendant) was this day convicted before the said Court for

(1) Or, on the (1) day of that he (2)

(2) State the substance of the complaint [or, information], as in the conviction.

And it was thereby adjudged that the defendant should, for such his offence, forfeit and pay [etc., as in the conviction], and should also pay to the said A. B. the sum of for his costs in that behalf; And it was thereby ordered that if the said several sums should not be paid [forthwith], the same should be levied by distress and sale of the movable property of the defendant; And it was thereby also adjudged that, in default of sufficient distress, the defendant should be imprisoned in the (Gaol) Prison [and there kept to hard labour] for the term of unless the said several sums, and all costs and charges of the said distress [and of the commitment] should be sooner paid; And whereas the defendant being so convicted as aforesaid, and being [now] required to pay the said sums of and has not paid the same or any part thereof, but therein has made default:— This is to command you forthwith to make distress of the movable property of the defendant (except the wearing apparel and bedding of him and his family, and, to the value of fifteen dollars, the tools and implements of his trade); And if, within the space of* days next after the making of such distress, the said sums, together with the reasonable charges of taking and keeping the said distress, shall not be paid, then to sell the said movable property by you distrained, and pay the money arising therefrom to [the Magistrate or other person specified] in order that it may be applied according to law, and that the overplus, if any, may be rendered on demand to the defendant; And if no such distress can be found, then to certify the same to the said Court, in order that further proceedings may be had according to law.

Dated this day of 1 .

(Signed.)

(Stipendiary) Justice of the Peace.

* NOTE.—The property is not to be sold until after the expiration of three days next after the on which it is seized, unless the defendant otherwise consents in writing.

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FORM No. 21.

Section 66.

Warrant of Distress on Order for Payment of Money.

TRINIDAD AND TOBAGO.

COUNTY OF

*A. B., Complainant,**v.**C. D. Defendant.**To all Police Officers.*

Whereas on the _____ day of _____ 1 _____, complaint was made before me, the undersigned Stipendiary Magistrate for the District, for that *C. D.* hereinafter called the defendant (1) _____ and both the said parties having appeared before the said Court [*or as in the order*]; And the said Court having considered the matter of the said complaint, it was adjudged that the defendant should pay to the said *A. B.* the sum of _____ and should also pay to the said *A. B.* the sum of _____ for his costs in that behalf; And it was thereby ordered that if the said several sums should not be paid on or before the _____ day of _____ 1 _____, the same should be levied by distress and sale of the movable property of the defendant; And it was thereby also adjudged that, in default of sufficient distress in that behalf, the defendant should be imprisoned in the _____ (*Gaol*) Prison [*and there kept to hard labour*] for the term of _____ unless the said several sums, and all costs and charges of the distress [*and of the commitment*] should be sooner paid; And whereas the time by the said order appointed for the payment of the said several sums of _____ and _____ has elapsed, but the defendant has not paid the same or any part thereof, but therein has made default:— This is to command you forthwith to make distress of the movable property of the defendant (except the wearing apparel and bedding of him and his family, and, to the value of fifteen dollars, the tools and implements of his trade); And if, within the space of* _____ days after the making of such distress, the said last-mentioned sums, together with the reasonable charges of taking and keeping the said distress, shall not be paid, then to sell the said movable property by you distrained, and pay the money arising therefrom to [*the Justice or other person specified*] in order that it may be applied according to law, and that the overplus, if any, may be rendered on demand to the defendant; And if no such distress can be found, then to certify the same to the said Court, in order that further proceedings may be had according to law.

Dated this _____ day of _____ 1 _____
(Signed.)

(*Stipendiary*) Justice of the Peace.

* NOTE.—*The property is not to be sold until after the expiration of three days next after the day on which it is seized, unless the defendant otherwise consents in writing.*

Section 113.

FORM No. 22.

Warrant of Distress for Sum due under Recognizance declared to be forfeited.

TRINIDAD AND TOBAGO.

COUNTY OF

To all Police Officers.

Whereas the day of 1 was, by his recognizance entered into the condition of his recognizance being that 1 should (1) bound in the sum of

(1) State the condition of the recognizance.

And whereas default having been made in compliance with the said condition, the said recognizance was, on the day of 1, declared by the said Court to be forfeited; And whereas the said 1 has made default in payment of the sum due under the said recognizance:—This is to command you forthwith to make distress of the movable property of the said

(except the wearing apparel and bedding of him and his family, and, to the value of fifteen dollars, the tools and implements of his trade,) and if, within the space of days next after the making of such distress, the sum of being the sum stated at the foot of this warrant to be due under the said recognizance, together with the reasonable costs and charges of the making and keeping of the said distress, be not paid, then to sell the said movable property by you distrained, and pay the money arising therefrom to [the Justice or other person specified] in order that it may be applied according to law, and that the overplus, if any, may be rendered on demand to the said ; And if no such distress can be found, then to certify the same to the said Court, in order that further proceedings may be had according to law.

Dated this day of 1

(Signed.)

(Stipendiary) Justice of the Peace.

				\$	c.
Amount due under recognizance		
Paid		
Remaining due		
Costs of issuing warrant...		
Total amount to be levied		

* NOTE.—The property is not to be sold until after the expiration of three days next after the day on which it is seized, unless the owner otherwise consents, in writing.

Warrant of Distress for Sum due under Recognizance adjudged to be forfeited by Conviction of Principal.

TRINIDAD AND TOBAGO.

COUNTY OF

To all Police Officers.

Whereas *C. D.* (hereinafter called the defendant) was, by his recognizance entered into the _____ day of _____ 1 _____, bound in the sum of _____ the condition of the recognizance being that the defendant should (1) _____ And whereas the defendant having been convicted of the offence of _____ being an offence which is in law a breach of the said condition, it was, on the _____ day of _____ 1 _____, adjudged by the said Court that the said recognizance was forfeited, and that the defendant should pay to [the Justice or other person specified] the said sum of _____ and should also pay to _____ the sum of _____ for costs; And it was ordered that the said sums should be paid [as in the order], and that, if default should be made in payment according to the said adjudication and order, the sums due thereunder should be levied by distress and sale of the movable property of the defendant; And whereas default has been made in payment according to the said adjudication and order:—This is to command you [proceed as in last Form].

(1) State the condition of the recognizance.
(2) State the offence concisely.

Dated this _____ day of _____ 1 _____.

(Signed.)

(Stipendiary) Justice of the Peace.

Warrant to remand Defendant when apprehended

TRINIDAD AND TOBAGO.

COUNTY OF

A. B., Complainant, [or Informant]

v.

C. D., Defendant

To all Police Officers and to the Keeper of (Gaol) Prison.

Whereas on the _____ day of _____ 1 _____, complaint was made [or, *information was laid*] before me, the undersigned *Stipendiary Justice* for the _____ District, for that *C. D.* (1) _____ And whereas the said *C. D.* has been apprehended under and by virtue of a warrant upon such complaint [or, *information*], and is now brought before me as such Justice as aforesaid:—This is to command you forthwith to convey the said *C. D.* to the _____ (Gaol) Prison, and there deliver him to the Keeper

(1) State concisely the substance of the complaint [or, *information*].

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of the said Prison, together with this warrant; And I hereby command you, the said Keeper, to receive the said *C. D.* into your custody in the said Prison, and there safely keep him until _____ day, the _____ day of _____ 1 _____, when you are hereby required to cause him, the said *C. D.*, to be conveyed and be at _____ at _____ o'clock, m. of the same day, before the (*Stipendiary*) Justice in the said Court, to answer the said complaint [or, *information*], and to be further dealt with according to law.

Dated this _____ day of _____ 1 _____.

(Signed.)

(*Stipendiary*) Justice of the Peace.

Section 51.

FORM No. 25.

Warrant of Commitment of Defendant for Safe Custody during an Adjournment.

TRINIDAD AND TOBAGO.

A. B., Complainant, [or Informant],

v.

C. D., Defendant.

To all Police Officers and to the Keeper of (Gaol) Prison.

Whereas on the _____ day of _____ 1 _____, complaint was made [or, *information was laid*] before me, the undersigned (*Stipendiary*) Justice for the _____ District, for that *C. D.* (1) And whereas the hearing of the same is adjourned to _____ day, the _____ day of _____ 1 _____, at _____ o'clock m., at _____ and it is necessary that the said *C. D.* should, in the meantime, be kept in safe custody:—This is to command you forthwith to convey the said *C. D.* to the _____ (*Gaol*) Prison, and there deliver him to the Keeper of the said (*Gaol*) Prison, together with this warrant; And I hereby command you, the said Keeper, to receive the said *C. D.* into your custody in the said (*Gaol*) Prison, and there safely keep him until the said _____ day of _____ 1 _____, when you are hereby required to cause him, the said *C. D.*, to be conveyed and be, at the time and place to which the said hearing is so adjourned as aforesaid, before the *Stipendiary* Magistrate in the said Court, to answer further the said complaint [or, *information*], and to be further dealt with according to law.

(1) State concisely the substance of the complaint [or, *information*].

Dated this _____ day of _____ 1 _____.

(Signed.)

(*Stipendiary*) Justice of the Peace.

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(1) State the substance of the complaint [or, information], as in the conviction.
 (2) Add, if it be so, and there kept to hard labour.
 (3) Add, if it be so, and keep him to hard labour.

C. D. (hereinafter called the defendant) was this day convicted before the said Court for that he (1) And it was thereby adjudged that the defendant should, for such his offence, be imprisoned in the (Gaol) Prison (2) for the term of :—This is to command you, the said Constable, to take the defendant and him safely to convey to the said (Gaol) Prison, and there deliver him to the Keeper thereof, together with this warrant; And I hereby command you, the said Keeper, to receive the defendant into your custody in the said (Gaol) Prison, and there imprison him (3) for the term of And for your so doing, this shall be your sufficient warrant.

Dated this day of 1 .

(Signed)

(Stipendiary) Justice of the Peace.

Section 78.

FORM No. 28.

Warrant of Commitment on Order in the first instance.

TRINIDAD AND TOBAGO.

COUNTY OF

*A. B., Complainant,**v.**C. D., Defendant.**To all Police Officers, and to the Keeper of (Gaol) Prison.*

(1) State the substance of the complaint, as in the order.
 (2) Add, if it be so, and there kept to hard labour.

Whereas on the day of 1, complaint was made before me, the undersigned (Stipendiary) Justice for the District, for that *C. D.* (1) and both the said parties having appeared before the said Court [or as it may be in the order]; And the said Court having considered the matter of the said complaint, it was adjudged that the said *C. D.* should pay to the said *A. B.* the sum of and should also pay to the said *A. B.* the sum of for his costs in that behalf; And it was thereby also ordered that if the said several sums should not be paid on or before the day of 1, the said *C. D.* should be imprisoned in the (Gaol) Prison (2) for the term of unless the said several sums should be sooner paid; And whereas the time by the said order appointed for the payment of the said several sums of money has elapsed, but the said *C. D.* has not paid the same or any part thereof, but therein has made default :— This is to command you, to take the said *C. D.* and him safely to

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(*Stipendiary*) Justice in the said Court, to be further dealt with according to law.

Dated this day of 1 ,

(Signed.)

(*Stipendiary*) Justice of the Peace.

Section 68.

FORM No. 30.

Warrant of Commitment for Want of Distress.

TRINIDAD AND TOBAGO.

COUNTY OF

A. B., Complainant, [or Informant]

v.

C. D., Defendant.

To all Police Officers, and to the Keeper of (Gaol) Prison.

Whereas, [*etc., as in one of the warrants of distress in Part V. to "has made default" and then thus :*] And whereas afterwards, on the day of 1 , I, the said (*Stipendiary*) Justice, issued a warrant to commanding him to levy the said sums of and by distress and sale of the moveable property of the defendant; And whereas it appears to me, as well by the return of the said Constable to the said warrant of distress as otherwise, that the said Constable has made diligent search for the movable property of the defendant, but that no sufficient distress whereon to levy the said several sums could be found:—This is to command you, the said Constable, to take the defendant, and him safely to convey to the (*Gaol*) Prison, and there deliver him to the Keeper thereof, together with this warrant; And I hereby command you, the said Keeper, to receive the defendant into your custody in the said (*Gaol*) Prison, and there imprison him (1) for the term of unless the said several sums, and all costs and charges of the said distress [*and of the commitment*], amounting to the further sum of shall be sooner paid; And for your so doing, this shall be your sufficient warrant.

(1) Add, if it be so, and keep him to hard labour.

Dated this day of 1 .

(Signed.)

(*Stipendiary*) Justice of the Peace.

FORM No. 31.

Section 78.

Warrant of Commitment on Order where the disobeying of it is punishable by Imprisonment.

TRINIDAD AND TOBAGO.

COUNTY OF

A. B., Complainant,

v.

C. D., Defendant.

To all Police Officers, and to the Keeper of (Gaol) Prison.

Whereas on the _____ day of _____ 1 _____, complaint was made before me, the undersigned (*Stipendiary*) Justice for the _____ District, for that C. D. (1)

And both the said parties having appeared before the said Court [*or as it may be in the order*]; And the said Court having considered the matter of the said complaint, it was adjudged that the defendant should [*etc., as in the order*]. And it was also adjudged that if, upon a copy of a minute of the said order being served upon the defendant, either personally or by leaving the same for him at his last or most usual place of abode, he should refuse or neglect to obey the same, in such case the defendant should, for such his disobedience, be imprisoned in the _____ (Gaol) Prison (2)

for the term of [*unless the said order should be sooner obeyed*]; And it was also adjudged that the defendant should pay to the said A. B. the sum of _____ for his costs in that behalf; And it was ordered that if the said sum for costs should not be paid forthwith (3) _____ the defendant should be imprisoned in the said (Gaol) Prison (2) _____ for the term of _____

_____ to commence at and from the termination of his imprisonment aforesaid, unless the said sum for costs [*and the costs and charges of the commitment*] should be sooner paid; And whereas it is now proved to me that, after the making of the said order, a copy of a minute thereof was duly served upon the defendant, but he then refused [*or, neglected*] to obey the same, and has not as yet obeyed the same; And whereas the time appointed by the said order for the payment of the said sum for costs has elapsed, but the defendant has not paid the same or any part thereof, but therein has made default:—This is to command you, to take the defendant and him safely to convey to the said (Gaol) Prison, and there deliver him to the Keeper thereof, together with this warrant; And I hereby command you, the said Keeper, to receive the defendant into your custody in the said (Gaol) Prison, and there imprison him (4) _____ for the term of _____

And further, on the termination of his imprisonment aforesaid, to imprison him (4) _____ for the term of _____ unless the said sum for costs [*and the costs and charges of the commit-*

(1) State the substance of the complaint, as in the order.

(2) Add, if it be so, and there kept to hard labour.

(3) Or, on or before the day of _____ 1 _____

(4) Add, if it be so, and keep him to hard labour.

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ment, amounting to the further sum of _____] shall be sooner paid; And for your so doing, this shall be your sufficient warrant.

Dated this _____ day of _____ 1 _____ .

(Signed)

(Stipendiary) Justice of the Peace.

Section 63.

FORM No. 32.

Warrant of Commitment for Non-Payment of Costs upon Order of Dismissal of Complaint or Information.

TRINIDAD AND TOBAGO.

COUNTY OF _____

A. B., Complainant, [or Informant]

v.

C. D., Defendant.

To all Police Officers, and to the Keeper of (Gaol) Prison.

Whereas on the _____ day of _____ 1 _____ , complaint was made [or, information was laid] before me, the undersigned (Stipendiary) Justice for the _____ District, for that C. D. (1) _____ and both the said parties having appeared before the said Court [or as it may be in the order]; And thereupon the matter of the said complaint [or, information] having been by the said Court duly considered, and it manifestly appearing to the said Court that the said complaint [or, information] was not proved, the said Court therefore dismissed the same, and adjudged that the said A. B. should pay to the said C. D. the sum of _____

for his costs incurred by him in his defence in that behalf; And it was ordered that if the said sum for costs should not be paid forthwith (2) _____ the said A. B. should be imprisoned in the _____ (Gaol) Prison (3) _____ for the term of _____

unless the said sum should be sooner paid; And whereas the time appointed by the said order for the payment of the said sum has elapsed, but the said A. B. has not paid the same or any part thereof, but therein has made default:—This is to command you, to take the said A. B. and him safely to convey to the said (Gaol) Prison, and there deliver him to the Keeper thereof, together with this warrant; And I hereby command you, the said Keeper, to receive the said A. B. into your custody in the said (Gaol) Prison, and there imprison him (4) _____ for the term of _____

unless the said sum [and the costs and charges of the commitment, amounting to the further sum of _____

(1) State the substance of the complaint [or, information], as in the order.

(2) Or, on or before the day of _____

(3) Add, if it be so, and there kept to hard labour.

(4) Add, if it be so, and keep him to hard labour.

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] shall be sooner paid ; And for your so doing, this shall be your sufficient warrant.

Dated this day of 1 .

(Signed.)

(*Stipendiary*) Justice of the Peace.

FORM No. 33.

Section 51.

Recognizance for Appearance of Defendant where the Case is adjourned, or not at once proceeded with.

TRINIDAD AND TOBAGO.

COUNTY OF

Be it remembered that on the day of
1 , *C. D.* of and *G. H.*, of
personally came before me, the undersigned (*Stipendiary*) Justice for
the District, and severally acknowledged them-
selves to owe to Our Sovereign Lady the Queen the several sums
following, namely, the said *C. D.*, as principal, the sum of
 and the said *G. H.*, as surety, the sum of
to be levied on their several movable and immovable property res-
pectively, if the said *C. D.* fails in the condition hereon indorsed.

Taken and acknowledged the day and year first above mentioned
before me.

(Signed)

(*Stipendiary*) Justice of the Peace.

Condition indorsed.

The condition of the within written recognizance is such that if
the within-bounded *C. D.* appears on day, the
day of 1 , at o'clock, m., at before
(the *Stipendiary*) Justice in the said Court, to answer further the
complaint made [or, *the information laid*] against him by *A. B.*, and
to be further dealt with according to law, then the said recognizance
shall be void, but otherwise shall remain in full force.

FORM No. 34.

Section 51.

*Notification to be made to defendant and his Surety on entering
into such Recognizance.*

Take notice that you, *C. D.*, are bound, as principal, in the sum
of and you, *G. H.*, as surety, in the sum of
that you, *C. D.*, personally appear on day, the

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day of _____ 1 _____, at _____ o'clock, _____ m., at
 before the *Stipendiary* Justice in the said Court to
 answer further a certain complaint [or, *information*] of *A. B.* the
 further hearing of which was adjourned to the said time and place,
 and to be further dealt with according to law, and unless you *C. D.*,
 appear accordingly, the recognizance entered into by you, *C. D.*, as
 principal, and by you, *G. H.*, as his surety, will forthwith be levied
 on you severally.

Dated this _____ day of _____ 1 _____.

(Signed.)

(*Stipendiary*) Justice of the Peace.

FORM No. 35.

*Recognizance for Appearance, or for doing some other thing in, to, or
 before, or in a Proceeding in a Magistrate's Court.*

TRINIDAD AND TOBAGO.

COUNTY OF _____

We, the undersigned *C. D.*, of _____ *G. H.*, of
 and *J. K.*, of _____ severally acknowledge ourselves to owe to
 Our Sovereign Lady the Queen the several sums following, namely,
 the said *C. D.*, as principal, the sum of _____ and the said *G. H.*
 and *J. K.*, as sureties, the sum of _____ each, to be levied on
 our several movable and immovable property respectively, if the said
C. D. fails in the condition hereon indorsed.

(Signed, where not taken orally.)

C. D.
G. H.
J. K.

Taken [orally] before me this _____ day of _____ 1 _____.

(Signed.)

(*Stipendiary*) Justice of the Peace.

NOTE.—Where the recognizance is taken orally, omit the words "the undersigned,"
 and insert the word "orally" after "taken".

Condition indorsed

The condition of the within written recognizance is such that if
 the within bounden *C. D.* appears on _____ day, the
 day of _____ 1 _____, at _____ o'clock _____ m., at
 before the (*Stipendiary*) Justice in the said Court, to answer [further]
 the complaint made [or, *the information laid*] against him by *A. B.*,

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and to be further dealt with according to law, [or, *appears before the said Court sitting at* for sentence when called upon, or as the case may be] then the said recognizance shall be void, but otherwise shall remain in full force.

FORM No. 36.

Section 104.

Recognizance to keep the Peace and be of Good behaviour, or not to do or commit some act or thing.

TRINIDAD AND TOBAGO.

COUNTY OF

We the undersigned, *C. D.*, of *G. H.*, of
and *J. K.*, of severally acknowledge ourselves to owe to
Our Sovereign Lady the Queen the several sums following, namely,
the said *C. D.*, as principal, the sum of and the said
G. H., and *J. K.*, as sureties, the sum of each to be
levied on our several movable and immovable property respectively,
if the said *C. D.* fails in the condition hereon indorsed.

(Signed, *where not taken orally*)*C. D.**G. H.**J. K.*Taken [*orally*] before me this day of 1 .

(Signed.)

(Stipendiary) Justice of the Peace.

NOTE.—Where the recognizance is taken orally, omit the words “the undersigned,” and insert the word “orally” after “taken.”

Condition indorsed.

The condition of the within written recognizance is such that if the within bounden *C. D.* keeps the peace and is of good behaviour towards Her Majesty and all her liege people, and especially towards *A. B.* of for the term of now next ensuing, [or, *abstains from doing the thing forbidden, or as the case may be*] then the said recognizance shall be void, but otherwise shall remain in full force.

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Section 113.

FORM No. 37.

*Declaration of Forfeiture of Recognizance**

TRINIDAD AND TOBAGO.

COUNTY OF

The day of 1 . . .

The said *C. D.* not having appeared [*or as the case may be*] in accordance with the said condition, this Court declares that the within written recognizance is forfeited.

(Signed.)

(Stipendiary) Justice of the Peace.

Section 113.

FORM No. 38.

Summons to Person bound by Recognizance which is alleged to have been forfeited by Conviction of Principal.

TRINIDAD AND TOBAGO.

COUNTY OF

To of

You are hereby summoned to appear on day, the day of 1 . . . , at o'clock m., at before the (Stipendiary) Justice in the said Court, to show cause why the recognizance entered into the day of 1 . . . , whereby you are bound to pay the sum of should not be adjudged to be forfeited, and why you should not be adjudged to pay that sum.

Dated this day of 1 . . .

(Signed.)

(Stipendiary) Justice of the Peace.

Section 113.

FORM No. 39.

Adjudication of Forfeiture of Recognizance where Person bound as Principal has been convicted of an Offence which is a Breach of the Condition.

TRINIDAD AND TOBAGO.

COUNTY OF

The day of 1 . . .

C. D. (hereinafter called the defendant) was, by his recognizance entered into the day of 1 . . . , bound in

* To be indorsed on the recognizance.

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the sum of _____ the condition of the said recognizance being that the defendant should (1) _____
 And proof having been given that the defendant has been convicted of (1) State the condition of the recognizance.
 the offence of having (2) _____ being an offence which is in law a breach of the condition of the said recognizance :— (2) State the offence concisely.
 Therefore it is adjudged that the said recognizance is forfeited, and that the defendant do pay to [the Justice or other person specified] the said sum of _____ and do also pay to the sum of _____ for costs; And it is ordered that the said sums be paid forthwith (3) _____ And if default is (3) Or, on or before the day made in payment according to this adjudication and order,* it is ordered that the said sums be levied by distress and sale of the movable property of the defendant; And, in default of sufficient distress*, it is adjudged that the defendant be imprisoned in the (4) Add, if it be so, and there kept to hard labour.
 (Gaol) Prison (4) _____ for the term of _____ unless the said several sums, and all costs and charges of the said distress [and of the commitment], shall be sooner paid.

(Signed.)

(Stipendiary) Justice of the Peace.

FORM No. 40.

Section 113.

*Oral or Written Acknowledgment of Undertaking to perform
 Condition of Forfeited Recognizance.*

TRINIDAD AND TOBAGO.

COUNTY OF

C. D. was, by his recognizance entered into the _____ day of _____
 1 _____, bound in the sum of _____ the con-
 dition of the recognizance being that the said C. D. should (1) _____ (1) State the condition of the recognizance.
 And default having been made in performance of this condition, the recognizance was, on the _____ day of _____
 1 _____, declared to be forfeited, and the said C. D. not having paid the said sum, a warrant of distress was, on the _____ day of _____
 1 _____, issued for recovery thereof, but no movable property has been sold under the warrant; And the said C. D. has applied to the said Court to cancel or mitigate the forfeiture:—Now, therefore, I, the said C. D., as principal, and we, G. H., of _____
 and J. K., of _____ as sureties [or, I, G. H., of _____

*Or, where the issuing of a distress warrant would be ruinous to the defendant or his family, or it appears that he has no movable property whereon to levy a distress, then, instead of the words between the asterisks * * say, "then, inasmuch as it has now been made to appear to the said Court that the issuing of a warrant of distress in this behalf would be more injurious to the defendant or his family than imprisonment, [or, that the defendant has no movable property whereon to levy the said sums by distress], It is adjudged" [etc., as above, to the end].

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as surety] hereby undertake that the condition of the said recognizance shall be duly performed [and also that the said C. D. shall, on or before the _____ day of _____ 1, pay the sum of _____ for costs incurred in respect of the said forfeiture;] And I, the said principal, and we, the said sureties [or, I, the said surety] hereby severally acknowledge ourselves bound to forfeit and pay to [the Justice or other person specified] the sum of _____ in case the said principal fails to perform the condition of the said recognizance.

(Signed, where not taken orally.)

C. D.

G. H.

J. K.

Taken [orally] before me this _____ day of _____ 1 .

(Signed.)

(Stipendiary) Justice of the Peace.

Section 113.

FORM No. 41.

*Order cancelling or mitigating Forfeiture of Recognizance.**

TRINIDAD AND TOBAGO.

COUNTY OF _____

A warrant of distress was, on the _____ day of _____ 1, issued for levying the sum of _____ declared to be forfeited under the within written recognizance, but no movable property has been sold thereunder; And the said _____ has applied to this Court to cancel [or, mitigate] the forfeiture of the said recognizance, and has given security, to the satisfaction of the Court, for the future performance of the condition of the said recognizance, and has paid [or, given security for payment of] the costs incurred in respect of the forfeiture thereof [or insert such other conditions as the Court may think just] :—Therefore the said forfeiture is hereby cancelled [or, mitigated to the sum of _____].

Dated this _____ day of _____ 1 .

(Signed.)

(Stipendiary) Justice of the Peace.

* To be indorsed on the recognizance.

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FORM No. 42.

Section 79.

Notice to Parent or Guardian of Child charged with Indictable Offence.

TRINIDAD AND TOBAGO.

COUNTY OF

A. B., Complainant, [or Informant]

v.

C. D., Defendant.

To of

C. D. has been charged for that he (1) and he (1) State concisely the substance of the complaint [or, information].
 has been remanded until the sitting of the said Court on day, the day of 1, at And it has been alleged that you are his parent; (2) Or, guardian.
 If you desire that he shall be tried by a jury, and object to his case being dealt with summarily, you must attend at the hearing of the complaint [or, information] before the said Court at that time and place.

Dated this day of 1 .

(Signed.)

(Stipendiary) Justice of the Peace.

FORM No. 43.

Section 79.

Summary Conviction of Child for Indictable Offence.

TRINIDAD AND TOBAGO.

COUNTY OF

A. B., Complainant, [or Informant]

v.

C. D., Defendant.

The day of 1 ,

C. D., (hereinafter called the defendant) being a child within the meaning of the Summary Conviction Offences (Procedure) Ordinance, 189 , and above the age of seven years and of sufficient capacity to commit crime, and having been charged for that he (1) (1) State concisely the substance of the complaint [or, information].
 And the parent (2) of the defendant* (2) Or, guardian.
 having been informed by the Court of his right to have the defendant tried by a jury, and not having objected to the case being dealt with summarily under the said Ordinance, and the Court thinking it expedient so to deal with the case :*—The defendant is this day convicted

* Omit the words between asterisks if the parent or guardian is absent, and substitute for the said words "not having been present at the hearing of the charge, but the Court thinking it expedient that the case be dealt with summarily."

(3) Or, *bc.*

before the said Court of the said offence; and it is adjudged that he do, (3) for his said offence, [*proceed as in other forms of summary conviction. If whipping is ordered, insert, either in addition to or in substitution for any other punishment, as the case may be:*] And it is adjudged that the defendant, being a male child, be, as soon as practicable, privately whipped with _____ strokes with _____ in the manner prescribed in the said Ordinance, and in the presence, if he desires to be present, of the defendant's parent (2)

(Signed.)

(*Stipendiary*) Justice of the Peace.

Section 79.

FORM No. 44.

Order of Dismissal of Child dealt with summarily for Indictable Offence.

TRINIDAD AND TOBAGO.

COUNTY OF

A. B., Complainant, (or Informant]

v.

C. D., Defendant.

C. D., (hereinafter called the defendant), being a child within the meaning of the Summary Conviction Offences (Procedure) Ordinance, 189 , and having been charged on the complaint [or, information] of A. B., of _____ for that he (1)

(1) State concisely the substance of the complaint [or, information].

And the Court having, in the exercise of its jurisdiction, dealt with the case summarily under the said Ordinance; And the matter of the said complaint [or, information] being by the said Court duly considered, it manifestly appears to the said Court that the said complaint [or, information] is not proved:—Therefore the Court doth hereby dismiss the said complaint [or, information] [*If costs, or costs and compensation, are ordered, proceed as in Form No. 18.*]

Dated this _____ day of _____ 1 .

(Signed.)

(*Stipendiary*) Justice of the Peace.

Section 80.

FORM No. 45.

Summary Conviction (on Plea of Guilty) of Adult for Indictable Offence.

TRINIDAD AND TOBAGO.

COUNTY OF

A. B., Complainant, [or Informant]

v.

C. D., Defendant.

The _____ day of _____ 1 .
C. D., (hereinafter called the defendant), having been charged

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for that he (1) and having pleaded guilty (1) State concisely the substance of the complaint [or, information.]
 to the said charge; And the Court being satisfied that the case is one which may properly be dealt with summarily under the Summary Conviction Offences (Procedure) Ordinance, 189 :—The defendant is this day convicted before the said Court of the said offence, and it is adjudged that he be, for his said offence, imprisoned in the (Gaol) Prison (2) for the term of [If costs are (2) Add, if it be so, and there kept to hard labour
ordered, proceed as in conviction for penalty and, in default of payment, imprisonment.]

(Signed.)

(Stipendiary) Justice of the Peace.

FORM No. 46.

Section 81.

Summary Conviction (by Consent) of Adult for Indictable Offence.

TRINIDAD AND TOBAGO.

COUNTY OF

A. B., *Complainant*, [or Informant]

v.

C. D., *Defendant*.

The day of 1 .

C. D., (hereinafter called the defendant), having been charged for that he (1) and having been informed by the Court (1) State concisely the substance of the complaint [or, information.]
 of his right to be tried by a jury, and having consented to be dealt with summarily under the Summary Conviction Offences (Procedure) Ordinance, 189 , and the Court thinking it expedient so to deal with the case :—The defendant is this day convicted before the said Court of the said offence, and it is adjudged that he do (2) for (2) Or, *be*.
 the said offence, [*proceed as in ordinary forms of summary conviction.*]

(Signed.)

(Stipendiary) Justice of the Peace.

FORM No. 47.

Sections 80
and 81.*Order of Dismissal of Adult dealt with summarily for Indictable Offence.*

TRINIDAD AND TOBAGO.

COUNTY OF

A. B., *Complainant*, [or Informant]

v.

C. D., *Defendant*.

C. D., (hereinafter called the defendant), having been charged

(1) State concisely the substance of the complaint [or, information].

on the complaint [or, information] of *A. B.* for that he (1) and having been informed by the Court of his right to be tried by a jury, consented to be dealt with summarily under the Summary Conviction Offences (Procedure) Ordinance, 189 , and the Court thought it expedient so to deal with the case; And the matter of the said complaint [or, information] having been by the said Court duly considered, it manifestly appears to the said Court that the said complaint [or, information] is not proved:—Therefore the Court doth hereby dismiss the said complaint [or, information.] [If costs, or costs and compensation, are ordered, proceed as in Form No. 18.]

Dated this _____, day of _____ 1 .

(Signed.)

(Stipendiary) Justice of the Peace.

Section 101.

FORM No. 48.

Conviction where Defendant is released on giving Security to appear and receive Adjudication of Punishment, if called upon.

TRINIDAD AND TOBAGO.

COUNTY OF _____

A. B., Complainant [or Informant]

v.

C. D., Defendant.

The _____ day of _____ 1 .

(1) State concisely the substance of the complaint [or, information].
(2) The youth, character, or antecedents of the defendant; the trivial nature of the offence; or the extenuating circumstances under which the offence was committed.

C. D., (hereinafter called the defendant) is this day convicted before the said Court for that he (1) And no previous conviction being proved against the defendant, it now appears to the said Court that, having regard to (2) it is expedient that the defendant be released on probation of good conduct; And it is therefore adjudged and ordered that the defendant be released on his entering into a recognizance in the sum of _____ with _____ suret in the sum of [each] to appear before the (Stipendiary) Justice in the said Court, and receive adjudication of punishment for his said offence, if called upon within a period of _____ from the date of this conviction, and in the meantime to keep the peace and be of good behaviour.

(Signed.)

(Stipendiary) Justice of the Peace.

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1895.

FORM No. 49.

Section 101.

Recognizance for Appearance of Defendant to receive Adjudication of Punishment, if called upon.

TRINIDAD AND TOBAGO.

COUNTY OF

We, the undersigned, *C. D.*, of *G. H.*, of
and *J. K.*, of severally acknowledge ourselves to owe
to Our Sovereign Lady the Queen the several sums following, namely,
the said *C. D.*, as principal, the sum of _____ and the said
G. H. and *J. K.*, as sureties, the sum of _____ each, to be
levied on our several movable and immovable property respectively,
if the said *C. D.* fails in the condition hereon indorsed.

(Signed, where not taken orally.)

C. D.
G. H.
J. K.

Taken [orally] before me this _____ day of _____ 1 .

(Signed.)

(Stipendiary) Justice of the Peace.

NOTE.—Where the recognizance is taken orally, omit the words “the undersigned,” and insert the word “orally” after “taken.”

Condition indorsed.

The condition of the within written recognizance is such that if the within bounded *C. D.* shall, if called upon within a period of _____ from this date, appear before the *(Stipendiary)* Justice in the said Court, and receive adjudication of Punishment on a conviction before the said Court, dated the _____ day of _____ 1 , then the said recognizance shall be void, but otherwise shall remain in full force.

FORM No. 50.

Section 102.

Information that Defendant has failed to observe Conditions of Recognizance.

TRINIDAD AND TOBAGO.

COUNTY OF

A. B., Informant,

v.

C. D., Defendant.

The information of *A. B.*, of _____
that *C. D.*, of _____ was, on the

who saith on his oath (1) _____ (1) Or, *affir-*
day of _____ 1 , *mation.*

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Recite the conviction.

convicted before the (Stipendiary) Justice for that he (2)
 And the said C. D., having duly entered into such
 recognizance, was released accordingly; and afterwards, before the
 expiration of the said period of to wit, on the
 day of 1, the said C. D. failed to observe the con-
 ditions of the said recognizance in that he (3) And
 the said A. B. prays that the said C. D. may be apprehended and
 brought before the (Stipendiary) Justice in the said
 Court to receive adjudication of punishment on the said conviction (4)

(3) State in what respect the defendant has failed to observe the conditions of the recognizance.

(4) Or, to be dealt with according to law.

(Signed.)

Informant.

Taken before me this }
 day of 1, at }

(Signed.)

(Stipendiary) Justice of the Peace.

Section 102.

FORM No. 51.

*Warrant of Apprehension where Defendant has failed to observe Con-
 ditions of Recognizance.*

TRINIDAD AND TOBAGO.

COUNTY OF

A. B. Informant,

v.

C. D., Defendant.

To Police [or other] Constable.

Whereas information has this day being laid before me, the
 undersigned (Stipendiary) Justice for that C. D.
 (1) and oath having been made before me sub-
 stantiating the matter of the said information:—This is to command
 you forthwith to apprehend the said C. D., and to bring him before
 the (Stipendiary) Justice in the said Court to answer the said in-
 formation, and to be further dealt with according to law.

(1) State concisely the substance of the information.

Dated this day of 1 .

(Signed.)

(Stipendiary) Justice of the Peace.

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FORM No. 52.

Section 102.

R

Warrant to Remand Defendant when apprehended.

TRINIDAD AND TOBAGO.

COUNTY OF

A. B., *Informant,*

v.

C. D., *Defendant.*

To all Police Officers and to the Keeper of (Gaol)
Prison.

Whereas information has been laid before me, the undersigned (1) State con-
(*Stipendiary*) Justice, for that C. D. (1) And the said
C. D. having been this day brought before the said Court under and cisely the sub-
by virtue of a warrant issued by me in that behalf, and the said Court stance of the
not having power to make an adjudication of punishment against the information.
said C. D. :—This is to command you forthwith to convey the said
C. D. to the (Gaol) Prison, and there deliver him to
the Keeper thereof, together with this warrant; And I hereby com-
mand you, the said Keeper, to receive the said C. D. into your custody
in the said (Gaol) Prison, and there safely keep him until
day, the _____ day of _____ 1 _____, when you are
hereby required to cause him, the said C. D., to be conveyed and be
at _____ at _____ o'clock, _____ m. of the same day, before the
(*Stipendiary*) Justice in the _____ Court, to
answer the said information, and to be further dealt with according
to law.

Dated this _____ day of _____ 1 _____.

(Signed.)

(Stipendiary) Justice of the Peace.

FORM No. 53.

Section 102.

*Recognizance for Appearance of Defendant to receive Adjudication of
Punishment.*

TRINIDAD AND TOBAGO.

COUNTY OF

We, the undersigned, C. D., of _____ G. H., of _____
and J. K., of _____ severally acknowledge ourselves to owe to
Our Sovereign Lady the Queen the several sums following, namely,
the said C. D., as principal, the sum of _____ and the said
G. H. and J. K., as sureties, the sum of _____ each, to be

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levied on our several movable and immovable property respectively, if the said *C. D.* fails in the conditions hereon indorsed.

(Signed, where not taken orally.)

C. D.

G. H.

J. K.

Taken [orally] before me this _____ day of

1 .

(Signed.)

(*Stipendiary*) Justice of the Peace.

NOTE.—Where the recognizance is taken orally, omit the words "the undersigned," and insert the word "orally" after "taken."

Condition indorsed.

The condition of the within written recognizance is such that if the within bounden *C. D.* shall, on _____ day of _____, appear before the (*Stipendiary*) Justice in the Court sitting at _____ and receive adjudication of punishment on a conviction dated the _____ day of _____, then the said recognizance shall be void, but otherwise shall remain in full force.

Section 55.

FORM No. 54.

Certificate of Dismissal of Complaint or Information.

TRINIDAD AND TOBAGO.

COUNTY OF _____

I hereby certify that a complaint made [or, *an information laid*] by *A. B.* against *C. D.* for that he (1) _____ was, on the _____ day of _____, considered by the said Court, and was by the said Court dismissed [*with costs.*]

(1) State concisely the substance of the complaint [or, *information*].

Dated this _____ day of _____ 1 .

(Signed.)

(*Stipendiary*) Justice of the Peace.

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FORM No. 55.

Section 68.

Constable's Return to Warrant of Distress.

TRINIDAD AND TOBAGO.

COUNTY OF

A. B., *Complainant*, [or Informant]

v.

C. D., *Defendant*.

I, _____ the Police Officer charged with the execution of the warrant of distress in the above-mentioned case, do hereby certify to the said Court that, by virtue of the said warrant, I have made diligent search for the movable property of the above-mentioned defendant; and that I can find no sufficient movable property of the said defendant whereon to levy the sum mentioned in the said warrant.

Dated this _____ day of _____ 1 .

Police Officer.

FORM No. 56.

Section 69.

Constable's Account of Costs and Charges incurred in Execution of Warrant of Distress.

TRINIDAD AND TOBAGO.

COUNTY OF

A. B., *Complainant*, [or Informant]

v.

C. D., *Defendant*.

I, _____ the Police Officer charged with the execution of the warrant of distress in the above-mentioned case upon the movable property of _____ dated the _____ day of _____ 1 , hereby declare that the following is a true account of the costs and charges incurred in respect of the execution of the said warrant.

\$	c.
_____	_____

Total ...

Dated this _____ day of _____ 1 .

(Signed.)

Police Officer.

Section 100.

FORM No. 57.

Order for Restitution of Property.

TRINIDAD AND TOBAGO.

COUNTY OF

(1) State the substance of the complaint [or, information], and describe the goods, as in the conviction.
(2) Or, on or before the day of

C. D. was charged before the said Court for that he (1) And the said *C. D.* has been this day convicted before the said Court of the offence with which he was so charged; And it is proved to the said Court that the said goods are now in the possession of of :—Therefore it is hereby ordered that the said do forthwith (2) the owner restore the said goods to the said thereof.

Dated this day of 1 .

(Signed.)

(*Stipendiary*) Justice of the Peace.

Section 30.

FORM No. 58.

Search Warrant.

TRINIDAD AND TOBAGO.

COUNTY OF

To all Police Officers.

(1) Insert description of the things to be searched for and of the offence in respect of which the search is made.

Whereas it appears, on the oath of *A. B.*, of that there is reason to suspect that (1) are concealed in at :—This is therefore to authorize and require you to enter between the hours of and into the said premises, and to search for the said things, and to bring the same before me or some other Magistrate.

Dated this day of 1 .

(Signed.)

(*Stipendiary*) Justice of the Peace.

NOTE.—The warrant must be executed between 5 a.m. and 8 p.m., unless the Magistrate otherwise directs.

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FORM No. 59.

Section 55.

Warrant on Transfer of Case.

TRINIDAD AND TOBAGO.

A. B., *Complainant*, [or, Informant]

v.

C. D., *Defendant*.*To all Police Officers.*

Whereas on the _____ day of _____ 1,
 complaint was made [or, *information was laid*] before me, the under-
 signed (*Stipendiary*) Justice for the _____ District
 for that C. D. (1)

And whereas, on the _____
 hearing of the said complaint [or, *information*] it appeared that the ^{(1) State con-}
 cause of complaint arose out of the limits of the jurisdiction of the ^{cisely the sub-}
 said Court, and the said Court, being satisfied that it has no juris- ^{stance of the}
 diction, has directed the case to be transferred to the Court having ^{complaint [or,}
 jurisdiction where the cause of complaint arose, that is to say, ^{*information*].}
 to the _____ Court:—This is to command you
 forthwith to convey the said C. D. before the (*Stipendiary*) Justice
 of the said Court, to answer the said complaint [or, *information*],
 and to be further dealt with according to law.

Dated this _____ day of _____ 1 .

(Signed.)

(Stipendiary) Justice of the Peace.

FORM No. 61.

Section 9.

Return by Stipendiary Justice, etc., of Fines, Penalties, etc., received.

TRINIDAD AND TOBAGO.

Monthly Return of the Stipendiary Justice of
 District [or, of the Keeper of the (Gaol) Prison]
 under the Summary Conviction Offences (Procedure) Ordinance,
 189 , of all moneys received, and when, and to whom paid from
 the day of 1 , to the
 day of 1 .

Name of Person convicted.	Date of Conviction or Order.	Offence.	Costs.	Amount thereof paid.	Fine.	Amount thereof paid to Parties.	Names of Parties.	Amount of Fine received and paid to Receiver-General.	Punishment when Fine not paid.	Name of Convicting Justice.	Reasons for non-payment or other observations.

SCHEDULE IV.

FORM I.

(Form of Notice where the appellant is a defendant.)

TRINIDAD AND TOBAGO.

To A. B., Esq.,

Clerk of the

Court.

Take notice that I E. F. aggrieved by a conviction (or order) of G. H., Esq., dated against me the said E. F. for having as therein alleged on the day of (here state briefly the conviction or order) do appeal against such conviction (or order) on the following grounds, viz. :—

That I am not guilty of the offence charged.

That (here state special grounds, if any.)

Dated this day of 18 .

E. F. (or his Solicitor.)

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FORM II.

(Form of Notice where Court refuses to make a conviction or order.)

TRINIDAD AND TOBAGO.

To A. B., Esq.,

Clerk of

Court.

Take notice that I C. D. aggrieved by the refusal of E. F., Esq., to make any conviction or order upon a certain complaint or information bearing date the _____ day of _____ wherein G. H. was charged with *(set out substance of information)* do appeal against such refusal to convict on the following grounds:—

That the said G. H. is guilty of the offence with which he stood charged.

That *(here state special grounds, if any.)*

Dated this _____ day of _____ 18 _____

C. D. *(or his Solicitor.)*

FORM III.

(Form of Recognizance where appellant is convicted.)

TRINIDAD AND TOBAGO.

Be it remembered that on the _____ day of _____ in the year of our Lord _____ A. B. *(appellant)* of _____ and C. D. of _____ and E. F. of _____ *(surety or sureties as the case may be)* came before me the undersigned G. H., *(Stipendiary)* Justice of the Peace for _____ *(district)* and severally acknowledged themselves to owe to our Sovereign Lady the Queen the several sums following, that is to say, the said A. B. the sum of _____ and the said C. D. the sum of _____ and the said E. F. the sum of _____

Whereas on _____ day of _____ the said A. B. was convicted before _____ Esq., *(Stipendiary)* Justice of the Peace *(or Justice of the Peace as the case may be)* for that hehe said A. B. did on _____ day of _____ *(here state substance of conviction or order.)*

And whereas the said A. B. has appealed against the said conviction *(or order.)*

Now the condition of this recognizance is such that if the said A. B. shall personally appear at the sittings of the Court of Appeal

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when his appeal comes on to be heard, and shall then and there duly prosecute such his appeal, and not depart the Court without leave, and abide by and perform the judgment of the said Court of Appeal, and pay all such costs as shall be awarded against him by the said Court, then this recognizance shall be void, but otherwise shall be in full force and effect.

(Appellant)	(signed)	A. B.
(Surety)	”	C. D.
(Surety)	”	E. F.

Taken and acknowledged before me.

J. P. or S. J. P.

(Signed.)

FORM IV.

(Registrar's certificate of Non-payment of costs.)

TRINIDAD AND TOBAGO.

Certificate of Registrar of Court of Appeal held at the Court House in the Town of Port-of-Spain.

(Title of the Appeal.)

I hereby certify that at a Court of Appeal holden at the Court House in the Town of Port-of-Spain (or Scarborough, as the case may be) on _____ day of _____ an appeal by A. B. against a conviction (or order) of C. D., Esq., one of Her Majesty's (Stipendiary) Justices of the Peace for (District) was heard and determined, and the said Court thereupon ordered that the said conviction (or order) should be confirmed (or quashed) and that the said _____ should pay to the said _____ the sum of _____ for the costs incurred by him in the said appeal, and which sum was thereby ordered to be paid to me, the undersigned Registrar, on or before the _____ day of _____ to be by me handed over to the said _____ : And I further certify that the said sum for costs has not, nor has any part thereof, been paid.

Dated

Registrar.

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FORM V.

(Warrant of Commitment for Non-payment.)

To all Police Officers and to _____ Keeper of the
 Royal Gaol at Port-of-Spain (or at Fort King George.)

Whereas *A. B.*, late of _____ (Labourer) was on
 the _____ day of _____ duly convicted
 before the undersigned, one of Her Majesty's Justice of the Peace in
 and for the said county of _____ for that (*set out*
substance of conviction) And whereas the said *A. B.* appealed against
 the said conviction (*or order*) in which *C. D.* was the respondent and
 which appeal was heard and determined at the Court of Appeal
 holden at _____ and the said Court thereupon ordered
 that (*set out conviction or order*) and that
 should pay to _____ the sum of _____
 for costs incurred by him in the said appeal, which said sum was to
 be paid to the Registrar of the Courts on or before the
 day of _____ 18 _____, to be by him handed over to the
 said _____; And whereas the Registrar of the
 said Court hath on the _____ day of _____
 instant duly certified that the said sum for costs has not been paid.
 These are therefore to command you to take the said
 _____ and him safely to convey to the Royal Gaol at
 Port-of-Spain (or *Fort King George*) and there deliver him to the
 Keeper thereof together with this precept: And I do hereby com-
 mand you the Keeper of the said Royal Gaol at Port-of-Spain (or
Fort King George) there to imprison him for the space of _____
 unless the said sum and all costs and charges of
 the said Appeal (and of the Commitment and conveying the said
 _____ to the said _____ amounting
 to a further sum of _____) are sooner paid unto you
 the said Keeper; And for so doing this shall be your sufficient
 warrant.

Given under my hand this _____ day of _____
 in the year of Our Lord one thousand eight hundred and _____
 in the (County) aforesaid.

J. N.

SCHEDULE V.

REPEALS.

No. of Ordinance.	Title.	Extent of Repeal.
5—1868 ...	An Ordinance respecting the Summary Administration of Justice.	The whole.
11—1875 ...	“The Summary Convictions Appeal Ordinance, 1875.”	The whole.
1—1869 ...	An Ordinance to improve the administration of the law so far as respects summary proceedings before Justices of the Peace.	The whole.
18—1879 ...	“The Summary Jurisdiction (Fees) Ordinance, 1879.”	The whole.
6—1880 ...	An Ordinance to amend the Law as to the Administration of Justice by Stipendiary Justices of the Peace.	The whole.
19—1887 ...	An Ordinance to amend the Ordinance No. 5 of 1868, intituled “An Ordinance respecting the Summary Administration of Justice.”	The whole.
27—1887 ...	An Ordinance to further amend the Ordinance No. 5 of 1868, intituled “An Ordinance respecting the Summary Administration of Justice.	The whole.