

In certain cases Rector or Island Curate to forfeit his Rectory or Curacy.

rector or Island curate to add to such commissioners one other person being a rector or curate within the Island: and if the said Commissioners, or the major part of them, shall report in writing under their hands to the Bishop that in their opinion the duties of such Rectory or Island curacy are inadequately or improperly performed, or that such rector or Island curate has been guilty of any such misconduct as would render him liable to deprivation by the sentence of an Ecclesiastical Court it shall be lawful for the Bishop, if he shall be of opinion that such rector or Island curate should be deprived of his rectory or curacy, to certify the same in writing under his hand to the Governor, and the Governor may, if he shall see fit, by writing under his hand, declare such rector or Island curate to have forfeited his rectory or curacy, and thereupon such rectory or curacy shall become and be absolutely forfeited and vacant.

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Sections 19 to 40 Repealed by Ordinance 10 of 1870.

Passed in Council this second day of December, in the year of our Lord one thousand eight hundred and forty-four.

JAMES PORTER, *Acting Clerk of Council.*

February 27th, 1845.

The foregoing Ordinance was duly proclaimed in Port of Spain this day.

A. CLOGSTOUN, *Marshal.*

No. 1.—1845.

AN ORDINANCE for assimilating the law with regard to Arbitrations and Awards to the Law of England.

(L. S.) H. MACLEOD.

WHEREAS, it is expedient that the Law of this Colony with regard to arbitrations and awards should be assimilated to the law of England, Be it therefore enacted, by His Excellency the Governor and Commander-in-Chief in and over the said Island and its dependencies, by and with the advice and consent of the Council of Government thereof, That it shall be lawful for all persons desiring to end any controversy, suit, or quarrel by arbitration, to agree that their submission of

Any submission to arbitration may be made a rule of Court:

their suit to the award or umpirage of any person or persons should be made a rule of the Supreme Civil Court, and to insert such their agreement in their submission, or the condition of the bond or promise whereby they oblige themselves respectively to submit to the award or umpirage of any person or persons, which agreement being so made and inserted in their submission, or promise, or condition of their respective bonds, shall and may upon producing an affidavit thereof made by the witnesses thereunto, or any one of them in the said Court, and reading and filing the affidavit in Court, be entered of record in such Court, and a rule shall thereupon be made by the said Court that the parties shall submit to and finally be concluded by the arbitration or umpirage which shall be made concerning them by the arbitrators or umpire pursuant to such submission, and in case of disobedience to such arbitration or umpirage the party neglecting or refusing to perform and execute the same or any part thereof shall be subject to all the penalties for contemning a rule of Court, when he is a suitor or defendant in such Court: And the Court on motion shall issue process accordingly, which process shall not be stopped or delayed in its execution, unless it shall be made to appear on oath to such Court that the arbitrators or umpire misbehaved themselves and that such award, arbitration, or umpirage was procured by corruption or other undue means.

And disobedience to any arbitration or umpirage to be a contempt of Court.

2. And be it enacted, That any arbitration or umpirage procured by corruption or undue means shall be judged and esteemed void and of none effect, and accordingly be set aside by the said Supreme Civil Court, so as complaint of such corruption or undue practice be made in the said Supreme Civil Court before the last day of the next term after such arbitration or umpirage made and published to the parties.

Arbitration or umpirage procured by corruption or undue means to be void.

3. And be it enacted, That the power and authority of any arbitrator or umpire, appointed by or in pursuance of any rule of Court, or Judge's order in any action, or by or in pursuance of any submission to reference containing an agreement that such submission shall be made a rule of the Supreme Civil Court of the Island, shall not be revocable by any party to such reference without the leave of the Court, or by leave of a Judge,

Submission to arbitration by rule of Court, &c, not to be revocable without leave of the Court.

and the arbitrator or umpire shall and may and is hereby required to proceed with the reference notwithstanding any such revocation, and to make such award although the person making such revocation shall not afterwards attend the reference, and the Court or any Judge thereof may from time to time enlarge the time for any such arbitrator or umpire making his award.

Power to compel the attendance of witnesses.

4. And be it enacted, That when any reference shall have been made by any such rule or order as aforesaid, or by any submission contained in such agreement as aforesaid, it shall be lawful for the Court, or for any Judge by rule or order to be made for that purpose to command the attendance and examination of any person to be named, or the production of any documents to be mentioned in such rule or order, and the disobedience to any such rule or order shall be deemed a contempt of Court, if in addition to the service of such rule or order an appointment of the time and place of attendance in obedience thereto, signed by one at the least of the arbitrators or by the umpire before whom the attendance is required, shall also be served either together with or after the service of such rule or order: Provided always, that every person whose attendance shall be so required shall be entitled to the like conduct money, and payment of expenses and for loss of time as for and upon attendance at any trial; provided also, that the application made to such Court or Judge for such rule or order shall set forth the place where such witness is residing at the time, or satisfy such Court or Judge that such person cannot be found; provided also, that no person shall be compelled to produce under any such rule or order any writing or other document that he would not be compelled to produce at a trial, or to attend at more than two consecutive days to be named in such order.

Power of arbitrators under a rule of Court to administer an oath.

5. And be it enacted, that when in any rule or order of reference, or in any submission to arbitration containing an agreement that the submission shall be made a rule of Court, it shall be ordered or agreed that the witnesses upon such reference shall be examined upon oath, it shall be lawful for the arbitrators or umpire, or any one arbitrator, and he or they are hereby authorized and required to administer an oath to such witnesses or to take their affirmation in cases where affirmation is

allowed by law instead of oath, and if upon such oath or affirmation any person making the same shall wilfully and corruptly give any false evidence, every person so offending shall be deemed and taken to be guilty of perjury, and shall be prosecuted and punished accordingly.

6. And be it enacted that this Ordinance shall commence and take effect upon and from and after the day of the promulgation thereof. Commencement of Ordinance.

Passed in Council this twenty-second day of January, in the year of our Lord one thousand eight hundred and forty-five.

JAMES PORTER,
Acting Clerk of Council.

No. 2.—1845.

AN ORDINANCE to enable the Supreme Civil Court to give relief against adverse Claims made upon Persons having no interest in the subject of such Claims.

(L. S.) H. MACLEOD.

WHEREAS it is expedient that the Supreme Civil Court of the Island of Trinidad should be empowered to give relief against adverse claims made upon persons having no interest in the subject of such claims: Be it therefore enacted by His Excellency the Governor and Commander-in-Chief in and over the said Island and its dependencies, by and with the advice and consent of the Council of Government thereof, That upon application made by or on behalf of any defendant in any action of assumpsit, debt, detinue, or trover, such application being made after declaration and before plea by affidavit or otherwise shewing that such defendant does not claim any interest in the subject matter of the suit, but that the right thereto is claimed or supposed to belong to some third party who has sued or is expected to sue for the same, and that such defendant does not in any manner collude with such third party, but is ready

Upon application by a defendant in actions of assumpsit, &c., stating that the right in the subject matter is in a third party, the Court may order such third party to appear and maintain or relinquish