

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. Commence-
ment 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 applica-
tion by a de-
fendant in
actions of as-
sumpsit, &c.,
stating that
the right in the
subject matter
is in a third
party, the
Court may or-
der such third
party to appear
and maintain
or relinquish

his claim, and
the meantime
stay proceed-
ings in such
action.

to bring into Court or to pay or dispose of the subject matter of the action in such manner as the Court or any Judge thereof may order or direct, it shall be lawful for the Court or any Judge thereof to make rules and orders calling upon such third party to appear and to state the nature and particulars of his claim, and maintain or relinquish his claim, and upon such rule or order to hear the allegations as well as of such third party as of the plaintiff, and in the meantime to stay the proceedings in such action, and finally to order such third party to make himself defendant in the same or some other action or to proceed to trial on one or more feigned issue or issues, and also to direct which of the parties shall be plaintiff or defendant on such trial or with the consent of the plaintiff, and such third party their counsel or solicitors to dispose of the merits of their claims and determine the same in a summary manner, and to make such other rules and orders therein as to costs and all other matters as may appear to be just and reasonable.

Judgment and
decision to be
final.

2. And be it enacted, That the judgment in any such action or issue as may be directed by the Court or Judge, and the decision of the Court or Judge in a summary manner, shall be final and conclusive against the parties, and all persons claiming by, from, or under them.

If such third
party shall not
appear the
Court may bar
his claim
against the
original de-
fendant.

3. And be it enacted, That if such third party shall not appear upon such rule or order to maintain or relinquish his claim, being duly served therewith, or shall neglect or refuse to comply with any rule or order to be made after appearance, it shall be lawful for the Court or Judge to declare such third party and all persons claiming by, from, or under him to be for ever barred from prosecuting his claim against the original defendant, his heirs, executors or administrators (saving nevertheless the right or claim of such third party against the plaintiff), and thereupon to make such order between such defendant and the plaintiff as to costs and other matters as may appear just and reasonable.

Proviso as to
orders made
by a single
judge.

4. Provided always and be it enacted, That every such order to be made by a single Judge shall be liable to be rescinded or altered by the Court in the like manner as other orders made by a single Judge.

5. And be it enacted, That if upon application to a Judge in the first instance, or in any later stage of the proceedings, he shall think the matter more fit for the decision of the Court, it shall be lawful for him to refer the matter to the Court, and thereupon the Court shall and may hear and dispose of the same in the same manner as if the proceeding had originally commenced by rule of Court, instead of the order of a Judge.

If the judge thinks the matter more fit for the decision of the Court he may refer it.

6. And whereas difficulties sometimes arise in the execution of process against goods and chattels, issued by or under the authority of the said Court, by reason of claims made to such goods and chattels by persons not being the parties against whom such process has issued, whereby the marshal and other officers are exposed to the hazard and expense of actions; and it is reasonable to afford relief and protection in such cases to the marshal and such officers: Be it therefore enacted, That when any such claim shall be made to any goods or chattels taken or intended to be taken in execution under any such process, or to the proceeds or value thereof, it shall and may be lawful to and for the Court or any Judge thereof upon application of such marshal or other officer made before or after the return of such process, and as well before as after any action brought against such marshal or other officer, to call before them or him, by rule of Court, or by order of such Judge as well the party issuing such process as the party making such claim, and thereupon to exercise, for the adjustment of such claims and the relief and protection of the marshal or other officer, all or any of the powers and authorities hereinbefore contained, and make such rules and decisions as shall appear to be just, according to the circumstances of the case; and the costs of all such proceedings shall be in the discretion of the Court or such Judge thereof.

For relief of Marshal in execution of process against goods and chattels.

7. And be it enacted, That every such rule or order which may be so made shall have the force and effect of a judgment; and in case any costs shall not be paid within fifteen days after notice of the taxation and amount thereof given to the party ordered to pay the same, his agent or solicitor, execution may issue for the same, and the marshal executing any such writ shall be entitled to the same fees and no more as upon any

Rules, orders, &c., made in pursuance of this Ordinance to have the force and effect of a judgment.

similar writ of execution grounded upon a judgment of the Court.

Commence-
ment of this
Ordinance.

8. And be it enacted, That this Ordinance shall take effect upon and from and immediately after the promulgation thereof.

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. 4.—1845.

AN ORDINANCE to regulate the Probate of Wills and the Grant of Letters of Administration: and to ascertain and define the powers and liabilities of Executors and Administrators.

(L.S.) H. MACLEOD.

Probate of
wills before
the Governor
to be dis-
continued.

BE it 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 from and after the commencement of this Ordinance the probate of wills before the Governor of the Colony shall be discontinued.

Probate of
wills and grant
of adminis-
tration to be
vested in the
Supreme Civil
Court.

2. And be it enacted, That the probate of wills and the granting of administration and the decision of all questions touching the granting or refusing of probate of any paper propounded as a will, or the granting or refusing of letters of administration of the personal estate of any person within this Island, shall belong to and be vested in and exercised by the Supreme Civil Court of the Island.

How wills to
be proved.

3. And be it enacted, That every will shall be proved in the manner following, that is to say: the will shall be produced by the executor before the Chief Justice of the Island together with one or more witness or witnesses