

Ordinance to
be carried into
effect immedi-
ately.

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

Passed in Council this eighth day of April, in the year of our Lord, one thousand eight hundred and forty.

THOMAS F. JOHNSTON,

Clerk of Council.

A.

RATES OF CARTAGE.

From or to the Wharfs—to or from any place in a line with King Street . . .	1s. 6d. cy.
From or to the Wharfs to Duke Street . . .	2s. 0d. „
„ „ „ the Gaol . . .	2s. 6d. „

RATES PAYABLE TO LICENSED PORTERS OR LABOURERS.

For the day	6s. 0d. cy.
For half a day	4s. 0d. „
For the hour	1s. 6d. „
For every trip or job in the town or suburbs	1s. 0d. „

The foregoing Ordinance was duly proclaimed by me, in the town of Port of Spain, this eleventh day of April, 1840.

RICHARD JOELL,

Acting Marshal.

No. 12.—1840.

AN ORDINANCE to facilitate the Recovery of Possession of Tenements, after due determination of the Tenancy.

(L. S.) H. MACLEOD.

WHEREAS it is expedient to provide for the more speedy and effectual recovery of the possession of

premises unlawfully held over after the determination of the tenancy, Be it therefore enacted, by the Governor of the said Island and its Dependencies, by and with the advice and consent of the Council of Government thereof, That from and after the passing of this Ordinance, when and so soon as the term or interest of the tenant of any house, land, or other corporeal hereditaments held by him at will or for any term not exceeding seven years, either without being liable to the payment of any rent, or at a rent not exceeding the rate of three hundred dollars a year, and upon which no fine shall have been reserved or made payable shall have ended or shall have been duly determined by a legal notice to quit or otherwise, and such tenant or (if such tenant do not actually occupy the premises or only occupy a part thereof), any person by whom the same or any part thereof shall be then actually occupied shall neglect or refuse to quit and deliver up possession of the premises or of such part thereof respectively, it shall be lawful for the landlord of the said premises, or his agent, to make complaint on oath, which may be in the form set forth in the schedule hereto annexed and marked A, or such other form as the circumstances of the case may require, before any Stipendiary Justice for the district, division or place in which such premises or any part thereof are situate, who shall and may thereupon issue a summons in the form set forth in the Schedule hereto annexed and marked B, or such other form as the circumstances of the case may require, directed to such tenant or occupier, and requiring such tenant or occupier to appear before him and some other Justice of the Peace for such district at some time and place to be mentioned in such summons, which time shall not be less than seven clear days after service of such summons: and if the tenant or occupier shall not thereupon appear at the time and place appointed, and show to the satisfaction of the Justices hereinafter mentioned, reasonable cause why possession should not be given up under the provisions of this Ordinance, and shall still neglect or refuse to deliver up possession of the premises, or of such part thereof of which he is then in possession, to the landlord or his agent, it shall be lawful for such landlord or agent to give to such Justices proof of the holding and

When tenant or occupier of premises where there is no rent, or where rent does not exceed 300 dollars a year, refuses to give possession, the landlord may obtain summons for him to appear before Justices, and show cause, &c.

If tenant does not appear, or fails to shew cause why he does not give possession, the Justices may issue their warrant directing the

Constables to
give the land-
lord posses-
sion.

of the end or other determination of the tenancy, with the time or manner thereof, and where the title of the Landlord has accrued since the letting of the premises, the right by which he claims the possession, and upon proof of service of the summons and of the neglect or refusal of the tenant or occupier as the case may be, it shall be lawful for the Stipendiary Justice of the Peace for the district, division or place within which the said premises, or any part thereof, shall be situate, and one other Justice of the Peace for the same district, division, or place, to issue a warrant under their hands and seals to the police constables and assistant constables of the peace of the district, division, or place within which the said premises or any part thereof shall be situate, which warrant may be in the form hereto annexed and marked C, or such other form as the circumstances of the case may require, commanding them within a period to be therein named, not less than twenty-one nor more than thirty clear days from the date of such warrant to enter, by force if needful, into the premises, and give possession of the same to such Landlord or agent; Provided always that entry upon any such warrant shall not be made on a Sunday, Good Friday, Corpus Christi, or Christmas Day, or at any time except between the hours of nine in the morning and four in the afternoon; Provided also, that nothing herein contained shall be deemed to protect any person on whose application and to whom any such warrant shall be granted from any action which may be brought against him by any such tenant or occupier, for or in respect of such entry and taking possession where such person had not, at the time of granting the same, lawful right to the possession of the same premises; Provided also, that nothing herein contained shall affect any rights to which any person may be entitled as out-going tenant by the custom of the Colony or otherwise.

The manner
in which sum-
monses shall
be served.

2. And be it further enacted, That the summons directed to be issued under this Ordinance may be served either personally or by leaving the same with some person being in and apparently residing at the place of abode of the person so holding over as aforesaid, and that the person serving the same shall read over the same to the person served or with whom the same shall

be left as aforesaid, and explain the purport and intent thereof : Provided, that if the person so holding over cannot be found, and the place of abode of such person shall either not be known or admission thereto cannot be obtained for serving such summons, the posting up of the said summons on some conspicuous part of the premises so held over shall be deemed to be good service upon such person.

3. And be it further enacted, That in every case in which the person to whom any such warrant shall be granted had not, at the time of granting the same, lawful right to the possession of the premises, the obtaining of any such warrant as aforesaid, shall be deemed a trespass by him against the tenant or occupier of the premises, although no entry shall be made by virtue of the warrant ; and in case any such tenant or occupier will become bound with two sureties, as hereinafter provided, to be approved of by the said Justices, in such sum as to them shall seem reasonable, regard being had to the value of the premises, and to the probable cost of an action, to sue the person to whom such warrant was granted, with effect and without delay, and to pay all the costs of the proceedings in such action in case judgment shall pass for the defendant, or the plaintiff shall discontinue or not prosecute his action, or the same shall be dismissed, execution of the warrant shall be delayed until judgment shall have been given in such action of trespass ; and if, upon the trial of such action of trespass, judgment shall be given for the plaintiff, such judgment shall supersede the warrant so granted, and the plaintiff shall be entitled to double costs in the said action of trespass : Provided always, that any person who shall have obtained such warrant as aforesaid, shall be at liberty by serving a notice, in writing, within two days from the day of obtaining the warrant on the occupier of the premises, of his intention to abandon the warrant, then and in such case all further proceedings, on both sides, upon or in respect of such warrant shall forthwith cease.

4. And be it further enacted, That every such bond, as hereinbefore mentioned, shall be made to the said landlord or his agent, at the cost of such landlord or agent, and shall be approved of and signed by the said Justices : and if the bond so taken be forfeited, or if,

How execution of warrants of possession may be stayed.

Abandonment of warrant.

Proceedings on the bond in actions of trespass.

upon the trial of the action for securing the trial of which such bond was given, the Court by which it shall be tried shall not order, and cause to be entered upon the proceedings, that the condition of the bond hath been fulfilled, the party to whom the bond shall have been so made, may bring an action, and recover thereon; Provided always, that the Court where such action as last aforesaid shall be brought, may, by a rule or order of Court, give such relief to the parties upon such bond as may be agreeable to the Justice, and such rule or order shall have the nature and effect of a defeazance of such bond.

Protection of
Justices, Con-
stables, &c.

5. And be it further enacted, That it shall not be lawful to bring any action or prosecution against the said Justices by whom such warrant as aforesaid shall have been issued or against any police constable or assistant constable by whom such warrant may be executed, for issuing such warrant or executing the same respectively, by reason that the person on whose application the same shall have been granted had not lawful right to the possession of the premises.

Where the
landlord has a
lawful title, he
shall not be
deemed a tres-
passer by rea-
son of irregu-
larity, but be
liable in an
action for
special dam-
age proceed-
ing from ir-
regularity.

6. And be it further enacted, That where the land- lord, at the time of applying for such warrant as afore- said, had lawful right to the possession of the premises, or of the part thereof so held over as aforesaid, neither the said landlord, nor his agent, nor any other person acting in his behalf, shall be deemed to be a trespasser by reason merely of any irregularity or informality in the mode of proceeding for obtaining possession under the authority of this Ordinance, but the party aggrieved may, if he think fit, bring an action for such irregularity or informality, in which the damage alleged to be sustained thereby shall be specially laid, and may recover full satisfaction for such special damage, with costs of suit: Provided, that if the damage so laid be not proved, the defendant shall be entitled to a judgment, and that if proved, but assessed by the Court at any sum not exceeding one pound currency, the plaintiff shall recover no more costs than damages, unless the Court before which the trial shall have been held shall declare, and then cause to be certified upon the proceedings, their opinion that full costs ought to be allowed.

7. And be it further enacted, That in construing this Ordinance, the word "Premises" shall be taken to signify lands, houses, or other corporeal hereditaments; and that the word "person" shall be taken to comprehend a body politic or corporate, as well as an individual; and that every word importing the singular number shall, where necessary to give full effect to the enactments herein contained, be deemed to extend and be applied to several persons or things, as well as to one person or thing; and that every word importing the masculine gender shall, where necessary, extend and be applied to a female as well as to a male; and that the term "landlord" shall be understood as signifying the person entitled to the immediate reversion of the premises, or if the property be held in joint tenancy, or tenancy in common, shall be understood as signifying any of the persons entitled to such reversion; and that the word "agent" shall be taken to signify any person usually employed by the landlord in the letting of the premises, or in the collection of the rents thereof, or specially authorized to act in the particular matter by writing under the hand of such landlord.

Interpretation Clause.

8. And be it further enacted, That this Ordinance shall come into force and have effect immediately from and after the promulgation thereof.

Ordinance when to come into force.

SCHEDULE TO WHICH THIS ORDINANCE REFERS.

FORM A.

Complaint before Stipendiary Justice.

The complaint of _____ (owner or agent, &c., as the case may be) made before me, _____, Stipendiary Justice of the Peace for the district of _____, who maketh oath and saith that the said _____ did let to _____ a tenement consisting of _____ for _____ under the rent of _____, and that the said tenancy expired (or was determined) by notice to quit, given by the said _____ (as the case may be) on the _____ day of _____, and that the said _____ refused (or neglected) to deliver up possession of the said tenement, and still detains the same, although he hath been required to deliver up the possession thereof.

Sworn before me, the _____ day of _____ (Signed)

A.B.

FORM B.

Summons.

Whereas complaint on oath hath been made before me, _____, Stipendiary Justice of the Peace for the district, by _____ against _____, for having refused or neglected to deliver up the possession of a certain tenement, consisting of _____, after the expiration of the tenancy under which the same was held by the said _____: Now, I do hereby summon you, the said _____, to appear before me, and some other Justice of the Peace for the said district, at _____ on the _____ day of _____ at the hour of _____, then and there to answer the said complaint, and to shew cause, if any you can, why a warrant should not be issued to put the said _____ into peaceable and quiet possession of the said tenement.

FORM C.

Warrant to Constables to take and give Possession.

Whereas (set forth the complaint) we, _____, Stipendiary Justice for the _____ district, and _____ Justice of the Peace for the said district, do authorize and command you, on any day within _____ days from the date hereof (except on Sunday, Good Friday, Corpus Christi, and Christmas Day, to be added if necessary) between the hours of nine in the forenoon, and four in the afternoon, to enter (by force if needful) and with or without the aid of _____ (the owner or agent, as the case may be) or any other person or persons whom you may think requisite to call to your assistance, into and upon the said tenement, and to eject thereout any person, and of the said tenement full and peaceable possession to deliver to the said _____ (the owner or agent).

Given under our hands and seals, this _____ day of _____

To _____ and all other Constables
and Peace Officers acting for the
district or division, &c.

Passed in Council this seventh day of September, in the year of our Lord one thousand eight hundred and forty.

THOMAS F. JOHNSTON,
Clerk of Council.

The foregoing Ordinance has been duly proclaimed in Port of Spain, on this ninth day of September, one thousand eight hundred and forty, by me,

RICHARD JOELL,
Assist. Marshal.

No. 3.—1841.

AN ORDINANCE to declare the Powers of the Council of Government to punish contempt and breach of privilege.

(L. s.) H. MACLEOD.

WHEREAS doubts have arisen as to the power of the Council of Government of the said Island to punish persons guilty of contempt, or of breach of the privileges of the said Council; And whereas it is expedient that such doubts should be removed, and that provision should be made for the mode of punishing persons so guilty as aforesaid: Be it therefore declared and enacted, and it is hereby declared and enacted by His Excellency the Governor of the said Island and its Dependencies, by and with the advice and consent of the Council of Government thereof, That the Council of Government of the Island of Trinidad, as the supreme legislative body within the said Island, hath and doth of right possess the power of punishing by imprisonment all persons guilty of contempt or of breach of the privileges of the said Council.

Power of Council of Government to punish persons guilty of contempt or breach of its privileges.

2. And be it further enacted, That upon complaint made to the Council of Government by any member of such Council, of any contempt or breach of the privileges of the Council, it shall be lawful for the Governor or Chairman of the Council for the time being, on the order of the Council, to summon the person so complained of, to appear before the Council, and answer to such complaint at such time as shall be specified in such summons; or if the Council shall see fit, and shall so order to issue a warrant under his hand to the Marshal

In case of any persons guilty of contempt or breach of privilege, Chairman to issue summons or warrant.