

No. 9.—1848.

1st August.

AN ORDINANCE to regulate the mode of proceeding in Criminal Cases.

(L. S.) HARRIS.

WHEREAS divers Ordinances have been passed from time to time for regulating the form and manner of proceeding in criminal cases; and whereas it is expedient to repeal the said Ordinances, and to consolidate the provisions thereof into one Ordinance: Be it enacted, by his Excellency the Governor, by and with the advice and consent of the Council of Government, that the Ordinance passed in Council on the twenty-first day of September, in the year of our Lord one thousand eight hundred and thirty-two, and entitled, "An Ordinance for regulating the form and manner of proceeding in criminal cases within the said Island," and the Ordinance passed in Council on the fourth day of October, in the year of our Lord one thousand eight hundred and thirty-three, and entitled, "An Ordinance for altering and amending the law and practice in criminal cases, so far as may relate to the form of the Indictment," and the Ordinance passed in Council on the second day of September, in the year of our Lord one thousand eight hundred and forty-four, and entitled "An Ordinance for regulating the form and manner of proceeding in criminal cases in the said Island," and the Ordinance passed in Council on the twenty-ninth day of January, in the year of our Lord one thousand eight hundred and forty-five, and entitled, "An Ordinance for regulating the form and manner of proceeding in criminal cases," shall be and the same are hereby repealed, save only and except so far as regards all preliminary examinations, commitments, warrants and other matters and things which may have been had, issued, taken or done, under the last mentioned Ordinance, all which examinations, commitments, warrants and other matters and things, shall be good and valid to all intents and purposes as if this Ordinance had not been passed.

*Repealed
Oct 12. 1852*

Repeals
certain Ordinances.

2. And be it enacted, That the Court now known as Name and constitution, and authority of the Court. the Court for the trial of criminal prosecutions, shall hereafter bear the style and title of the Supreme Criminal Court, and shall have cognizance of all pleas of the Crown, and the like powers and jurisdiction in all Its powers. criminal matters whatsoever within this Colony, as the Court of Queen's Bench in England hath in like case in England; and the Chief Justice and the puisne Judges of the said Island shall constitute the said Court; and all trials for capital offences shall be had before the three Judges: Provided always, that any trial for any offence not capital may be had by and before any two Judges of the Court: And provided also, that such Court may be held by and before any one of the Judges thereof, for the purpose of adjourning the same or for receiving and recording the verdict of any jury, but for no other purpose whatsoever.

3. And be it enacted, That the said Court shall be a The Court to be a Court of Record and to have a seal. Court of Record, and shall have a public seal, which seal shall be used for the authentication of all judgments and transcripts of the records of the said Court.

4. And be it enacted, That there shall be four sessions Sessions of the Court. of the said Court in each year, which sessions shall be holden in the town of Port of Spain, and shall commence on the second Tuesday in the months of March, June, September and December of each year, and shall be continued from day to day until all matters ready for trial shall be heard and disposed of.

5. Provided always, and be it enacted, That it shall be lawful for the Governor from time to time, as often as he shall see fit, by warrant under his hand and the seal of the Island, directed to the Chief Justice and puisne Judges of the Court, to appoint a special session of the said Court, to be holden at such time as may be directed by such warrant for the inquiring of hearing and determining all such offences as may be brought before the said Court at such special session; and proclamation shall be made under the hand and seal of the Governor, of the issuing of such warrant at least twenty-one days before the time appointed for the holding of such session, and the publication of such proclamation shall be certified to the Chief Justice and puisne Judges

of the Court by the Marshal of the Colony, in writing under his hand, and such session shall under and by virtue of such warrant be held accordingly.

Magistrate may order arrest of any person for felony committed in his presence.

6. And be it enacted, That it shall and may be lawful for any Magistrate, in whose presence any offence being a felony or breach of the peace shall be committed, either himself to apprehend the party offending, or verbally to command so to do any other person or persons who thereupon may follow the offender, and if he shall flee, may carry into effect and execute such command out of the view of the Magistrate by whom the same may be given.

Constable may arrest for breach of the peace committed in his presence or on information of felony.

7. And be it enacted, That it shall and may be lawful for any constable, in whose presence any felony or breach of the peace shall be committed, to arrest the offender, and also to arrest any person, whom from credible information or other cause he may reasonably suspect to be guilty of any felony.

Private persons may arrest for felony committed in their presence.

8. And be it enacted, That it shall and may be lawful for any private person, in whose presence any felony shall be committed, to arrest the offender and take him or cause him to be taken before any Magistrate of the district within which he shall be apprehended, to be dealt with according to law.

Magistrate on information on oath may issue warrant against any person suspected of any offence.

9. And be it enacted, That it shall and may be lawful for any Magistrate, on receiving information of any offence committed within the limits of his district, to commence forthwith a preparatory examination in the premises, and for that purpose to issue his warrant for the apprehension of any person, who from information upon oath, shall be reasonably suspected of having committed the said offence, and for the summoning of those persons whom it shall appear necessary to examine as witnesses; or in case it shall not be known or suspected by whom the offence was committed, then in like manner to issue his warrant for summoning all such witnesses as aforesaid.

Form of warrant.

10. And be it enacted, That every warrant so issued for the apprehension of any person, shall be addressed to one or more constable or constables, or other officer or officers of police, and all other constables and officers of police in the Colony, and such warrant may be in the

Repealed

Repealed

form in the schedule marked A to this Ordinance annexed, or other similar form, according to the circumstances of the case; and it shall be the duty of every constable or other officer of police to whom such warrant shall be addressed, or to whom the same shall be delivered for execution, to carry the same into effect as soon as possible, and on the apprehension of any person described in such warrant, to take him in custody without unnecessary delay, before the Stipendiary Justice of the Peace of the district in which the warrant was issued, or the Magistrate by whom the warrant was issued, in case the party shall be apprehended within the same district in which the warrant was issued, but if such party shall be apprehended in another district, then before some Magistrate residing within the district where such arrest shall have been made; and the Magistrate before whom any such prisoner shall be brought by virtue of any such warrant, if upon investigation he shall find that the offence was committed in some district, other than that where the prisoner shall have been apprehended, may by endorsement to that effect on the warrant, direct and authorise the constable or officer by whom the warrant may have been executed, or any other officer, to carry the prisoner before the Stipendiary Justice of the Peace of the district in which the warrant was issued, or the Magistrate by whom the warrant was issued.

Warrant to be executed immediately, and offender if arrested out of the district where warrant was issued, how to be dealt with.

11. And be it enacted, That upon information on oath being made before any Magistrate, that there is reason to suspect that any person has in his possession or on his premises any stolen property, it shall be lawful for such Magistrate to grant a warrant to search for such property, which warrant shall have the same force as any such warrant would have in like case by the law of England.

On information on oath, Magistrate may issue search warrant.

12. And be it enacted, That each of the witnesses shall be examined apart from the others, and before he shall give his evidence shall be sworn, or in those cases, in which by the law of England the affirmation of any such witness would be received in lieu of an oath, shall affirm that in his deposition he will speak the truth, the whole truth, and nothing but the truth, and his deposition shall be taken down in writing in presence of

Examination of witnesses before Magistrate.

the accused, or if taken in the absence of the accused, shall be read over to him in the presence of the witness, and the Magistrate and the accused shall be at liberty to cross-examine every such witness, and what such witness shall state upon the cross-examination shall be also taken down in writing, and shall stand as part of his deposition; and every such deposition shall be signed by the Magistrate and the witness, or in case of the incapacity or refusal of the latter to sign the same, then by the Magistrate and one other credible person in whose presence the same was taken.

Magistrate may bind over witness to attend at Sessions, and may require security for his appearance.

13. And be it enacted, That every Magistrate shall have authority to bind any person who knows or declares anything material touching any felony or suspicion of felony, or any misdemeanor or suspicion thereof, to appear before the Supreme Criminal Court, and to give evidence against the party accused in his own recognizance where the Magistrate shall see fit, or if the Magistrate shall see fit in his own recognizance, and that of some other person as his surety; and if any person having been duly summoned to attend as a witness before any Magistrate shall fail or refuse to attend, or attending shall refuse to give his evidence, or if any person being thereunto lawfully required shall refuse so to be bound over or give security to appear and give evidence, as the case may be, it shall and may be lawful for the Magistrate to issue his warrant to apprehend and bring before him the person so failing to attend, and to commit and detain in prison until he shall submit any person so refusing to give evidence, or to be bound over, or give security.

Examination of accused; caution to be given to him.

14. And be it enacted, That after the examination of the witnesses shall have been concluded, the Magistrate shall ask the accused whether he will say anything in answer to the charge preferred against him, and shall at the same time explain to and caution him that he is not obliged to make any statement that may criminate himself, or any other statement whatsoever, and that what he shall say may be used in evidence against him; and that he is at liberty, if so it shall please him, to defer and withhold any answer to the charge until put upon his trial, and any statement which the accused may then think fit to make, shall without delay be taken down in

writing, so far as the same may be relevant to the charge; and the same after being read over to him shall be subscribed by him, if he will subscribe the same, and by the Magistrate also, and by one other person at the least present at the time when such statement was made.

15. And be it enacted, That if there shall appear to the Magistrate sufficient grounds for putting the accused on his trial for the offence of which he is accused, the Magistrate shall grant his warrant for the commitment of such person so accused to gaol, there to be detained until brought to trial for the said offence, or until discharged in due course of law; and in every such warrant the offence with which the prisoner is charged shall be clearly expressed: Provided always, that nothing herein contained shall be construed to prevent the Magistrate from admitting the accused person to bail, if the offence charged shall be of a bailable nature.

Accused committed for trial to be committed to gaol.

16. And be it enacted, That every person so committed to gaol shall be confined and detained in the Royal Gaol, in the town of Port of Spain, or in such other prison, within the district in which he shall have been committed, as may be appointed by the Governor as the gaol for such district.

Accused to be confined in the Royal Gaol or such other gaol as the Governor may appoint.

17. And be it enacted, That if there shall not appear to the Magistrate sufficient grounds for at once committing the person accused for trial or for discharging him, and it shall appear to him probable that further evidence may be had in support of the charge, then and in such case it shall be lawful for the Magistrate to grant his warrant to commit such person for a reasonable time for further examination, and sufficient cause appearing, again to commit and re-commit him for the same purpose: Provided always, that in every such warrant of commitment or re-commitment for examination, there shall be specified the time when the prisoner is again to be brought before the Magistrate.

Magistrate may commit for further examination.

18. And be it enacted, That every person accused while under examination or re-examination shall be entitled as of right to the presence and assistance of his legal adviser, and while under commitment for examination or re-examination shall be allowed the access of his legal adviser at all reasonable times.

Accused to be allowed assistance of legal adviser.

Magistrate to make local inspections, &c., and to cause examination of bodies of persons injured or murdered.

19. And be it enacted, That it shall be the duty of the Magistrate before whom any such preliminary examinations shall be taken, to make or cause to be made such local inspection or inspections as the circumstances of the case may require; and in case of murder or grievous injury to the person, to cause the body of the person killed or injured to be examined by some regular medical practitioner, if any such can be had, and if not, then by the most competent person or persons that can be obtained, whose depositions on oath shall afterwards be taken by him.

Magistrate to cause writings and articles produced to be marked and inventoried.

20. And be it enacted, That the Magistrate shall cause all writings and other articles exhibited by the witnesses, or any of them, to be inventoried and labelled, or otherwise marked in the presence of the person producing or identifying the same, so that the same may be identified at the trial.

Magistrate may apply to Attorney-General for advice.

21. And be it enacted, That if in the course of any such preliminary examination, and before the Magistrate shall determine upon commitment for trial, he shall entertain any reasonable doubt as to the mode of proceeding, or the measures to be pursued by him, it shall be lawful for him to commit the prisoner to some place of security until he shall have submitted the case for the opinion of Her Majesty's Attorney-General and Public Prosecutor, and taken his advice thereon.

Depositions to be transmitted immediately to Attorney-General.

22. And be it enacted, That when the preliminary examinations shall be concluded, and the warrant of commitment for trial made out, the Magistrate shall without delay transmit the depositions of the witnesses, and the statement of the accused to the Attorney-General and Public Prosecutor, at his office in Port of Spain, so that he may take such measures, and give such directions as he may deem advisable for the trial or liberation of the prisoner, or for taking further evidence upon the charge.

Depositions to be kept by Attorney-General and filed with the Registrar of the Court with the indictment.

23. And be it enacted, That the depositions and statements so transmitted to the Attorney-General and Public Prosecutor shall be kept by him until the filing of the indictment to which such depositions or statements may relate, and shall then be delivered to the Registrar of the Court, by whom they shall then afterwards be kept safely and securely, so that he shall have

them ready to produce if commanded so to do at the trial of the cause, then and there to be made use of, with permission of the Court, in the same manner and for the like, but no other purpose or purposes whatsoever, as in such cases would be allowed according to the law of England, and the practice of the Courts there.

24. And be it enacted, That the Attorney-General and Public Prosecutor (except in the special case hereinafter excepted) shall have the power to order the liberation of any person committed to gaol for further examination or for trial, and to discharge from prosecution any person admitted to bail; for which liberation or discharge a writing subscribed by the Attorney-General and Public Prosecutor, setting forth that he sees no grounds for prosecuting such person, shall be a sufficient warrant.

Attorney-General may discharge prisoner.

25. And be it enacted, That the Attorney-General and Public Prosecutor shall not be bound to prosecute in any case of assault, battery or libel, in which he may be of opinion that the interests of public justice do not require his interference; but in all such cases any party injured or complaining shall be admitted to prosecute in the name of the Attorney-General and Public Prosecutor on entering into such recognizance as is hereinafter directed.

Attorney-General not bound to prosecute for offences of a private nature.

26. And be it enacted, That when any party injured or complaining shall desire to prosecute any one for whose liberation from gaol a warrant may have been issued by the Attorney-General and Public Prosecutor, it shall be competent for such party, upon entering into such recognizance as is hereinafter directed, to apply to the said Court, or in case the same shall not then be in session, to any Judge of the said Court, for a warrant for the further detention in gaol of such person, or, in case of his being already liberated, for his re-committal for trial, and such Court or Judge shall thereupon make such order therein as to such Court or Judge shall seem fit.

Proceedings by prosecutor when Attorney-General refuses to proceed at public instance.

27. And to the intent that no prosecution at the instance of any private prosecutor may take place until the Attorney-General and Public Prosecutor shall have fully determined whether he will or will not prosecute the offender: Be it enacted, That it shall not be lawful

Registrar not to receive any indictment at instance of private prosecutor except on certificate

of Attorney-General that he declines to prosecute.

for the registrar of the said Court to receive from any private prosecutor any indictment against any person, unless such indictment shall have thereon endorsed a certificate subscribed by the Attorney-General and Public Prosecutor to the effect that he has seen such indictment and declines to prosecute at the public instance for the offence therein set forth; and unless such private party shall have first entered into a recognizance in a sum of fifty pounds sterling, together with one sufficient surety, to be approved of by the registrar, in the like sum, to prosecute the said indictment to conclusion at the time at which the accused shall be required to appear, and also to pay all costs which such party may be ordered by the Court to pay in respect of such prosecution.

Prosecutor may be ordered to pay costs.

28. And be it enacted, That it shall be lawful for the said Court, in any case where a person prosecuted therein at the instance of a private party shall be acquitted, to adjudge the prosecutor to pay to the party prosecuted the whole or any part of the costs and expenses which may have been occasioned to him by the prosecution.

Court or Judge to have the same power to bail as Court or Judge in England.

29. And be it enacted, That the Supreme Criminal Court, or any Judge of the said Court, if the same shall not then be in session, shall have such and the same power to bail in all cases whatsoever, as the Court of Queen's Bench at Westminster, or any Judge thereof in vacation, has by the law of England.

Persons committed for misdemeanor to be admitted to bail.

30. And be it enacted, That during any inquiry before any Magistrate touching any offence not being treason or felony, it shall be lawful for the magistrate, if he shall see fit to permit the person accused of such offence to be at large, on such bail as to the Magistrate shall seem reasonable, and every person who shall be committed for trial for any offence not being felony, shall be entitled to be admitted to bail, so soon as the warrant of commitment is made out, and for that purpose may then make verbal application to the Magistrate; and that where any person shall be charged with felony or upon suspicion of felony, and the evidence given in support of the charge shall, in the opinion of the Magistrate, not be such as to raise a strong presumption of the guilt of the person charged, and to

Magistrate may admit to bail for felony in certain cases.

require his committal, or such evidence shall be adduced on behalf of the person charged as shall in the opinion of the Magistrate render it probable that such person is not guilty of the offence wherewith he stands charged, but there shall notwithstanding appear to the Magistrate in either of such cases to be sufficient ground for judicial inquiry into his guilt, the person charged may be admitted to bail by such Magistrate: Provided always, that nothing herein contained shall be construed to require any Magistrate to hear evidence on behalf of any person so charged as aforesaid, unless it shall appear to such Magistrate to be meet and conducive to the ends of justice to hear the same.

31. And be it enacted, That every person, at any time after actual commitment of his person, may make application by petition in writing, to be accompanied by a copy of the warrant of commitment, or an affidavit that the same is denied, to the Judge or Magistrate by whom the warrant was granted, or to the Supreme Criminal Court or to any Judge thereof, to be admitted to bail: Provided always, that when any such commitment shall be made under warrant issued by the said Court or any Judge thereof such application shall be made to the said Court or to the Judge by whom the said warrant was issued.

Applications to be admitted to bail to be made to Court or Judge in writing.

32. And be it enacted, That the amount of bail to be taken in any case shall be at the discretion of the Court, Judge, or Magistrate to whom the application shall be made, but no person shall be required to give excessive bail.

Bail to be in discretion of Magistrate, but excessive bail not to be taken.

33. And be it enacted, That the recognizance of the bail shall be taken in writing either from the prisoner alone, or from the prisoner and one or more surety or sureties, at the discretion of the Court, Judge, or Magistrate by whom such bail shall be taken, according to the nature and circumstances of the case, and shall be signed by the party and his surety or sureties, and the condition of such recognizance shall be, that the prisoner shall personally appear before the Supreme Criminal Court, there to answer to any indictment that shall be filed against him in the said Court for the offence wherewith he is charged at any time within the space of twelve

Form of recognizance.

calendar months from the date of such recognizance, and that he shall not depart the said Court without leave, and that he will accept service of any such indictment at some certain place, in the town of Port of Spain, by him to be elected, and in the said condition to be expressed: and such recognizance may be according to the form subjoined to this Ordinance marked B, or as near thereto as the circumstances of the case will allow: Provided always, that if the accused be an infant, or a married woman, then the recognizance shall be taken only from the surety or sureties.

Bailments and
recognizances
to be sent to
Attorney-
General with
examinations.

34. And be it enacted, That all such bailments and recognizances which shall be taken before any Magistrate, shall be forwarded by him to the Attorney-General and Public Prosecutor at the same time with the preliminary examinations of the witnesses and other proceedings had before such Magistrate on the charge to which the same relate, or as soon as may be after such bailments or recognizances are taken, and the same shall be lodged by the Attorney-General and Public Prosecutor with the Registrar of the Supreme Criminal Court, at the same time with the indictment and such preliminary examinations and proceedings as aforesaid; and all such bailments and recognizances taken before the Court, or any Judge thereof, shall be lodged with and left in the custody of the said registrar as soon as the same are taken.

Prisoners
committed
fifteen days
before session
to be brought
to trial,—if
not brought
to trial at
second session
to be bailed.

35. And be it enacted, That every person who shall have been committed for trial or admitted to bail shall be brought to trial at and during the next session of the said Court, which shall be held after the expiration of fifteen days next after the day on which he shall have been so committed or admitted to bail, unless it shall be made to appear to the satisfaction of the Court that by reason of the absence of some material witness or other sufficient cause the trial ought not to be proceeded in: and if any person being a prisoner shall not be brought to trial either at and during such next session or the next following session of the said Court, he shall be discharged from his imprisonment for that offence for which he was committed for trial, if the said offence be in its natureailable; or if such offence be notailable, he shall then nevertheless be admitted to bail, or discharged on his own recognizance, at the discretion of the Court: Provided

*This section
repealed by
Ord. 12/1861*

always, That any prisoner, by his own consent, and by consent of the Attorney-General and Public Prosecutor, may be brought to trial at any time after his commitment, although the said term of fifteen days shall not have elapsed.

36. And be it enacted, That except as hereinafter Proviso. provided, no person who shall have been once discharged from gaol by reason of his not having been brought to trial within the term hereinbefore limited shall be liable to be recommitted to prison, either for examination, or for trial for the same offence; and no person who shall have been admitted to bail and not brought to trial within the said term shall be obliged to find further bail, or shall be liable to be committed to gaol either for examination or for trial for the same offence in respect of which he was formerly admitted to bail; but no such discharge from imprisonment, nor the expiration of the time mentioned in the recognizance, shall be any bar to prevent any person from being brought to trial before the said Court for any offence for which he was formerly committed to prison, or admitted to bail, or discharged: In certain cases where further evidence is obtained after prisoner has been discharged, a new prosecution may be had. Provided always, That in case any person charged with any offence shall have been, or hereafter shall be committed to gaol or admitted to bail, in respect of such offence, it shall be lawful for the Attorney-General and Public Prosecutor at any time before the commencement of the second session of the said Court, next after the expiration of fifteen days after such prisoner shall have been so committed for trial, or admitted to bail, to file in the Court the preliminary examinations upon which such prisoner was so committed for trial, or admitted to bail, and to put in a declaration in writing, signed by the Attorney-General and Public Prosecutor, to the effect that considering the evidence adduced against such prisoner in the preliminary examinations to be insufficient, he the said Attorney-General and Public Prosecutor will not upon such evidence further prosecute such person in respect of such offence, a copy of which said declaration, certified by the Registrar of the Court, shall be served by the Marshal by delivering the same to the person so committed for trial, or admitted to bail, or leaving the same at his usual place of abode, or at the place specified in the recognizance for the receiving of

any indictment against such person in respect of such offence; and in such case the person so committed for trial, if in custody, shall be forthwith discharged, or if admitted to bail, the recognizance of bail shall be discharged or cancelled; and in case any further or better evidence shall at any time thereafter be found to prove that such person was guilty of the said offence in respect whereof he was so committed for trial, or admitted to bail, and discharged as aforesaid, and such person be again charged with such offence, and such further or better evidence shall be adduced against him, it shall be lawful for the Magistrate, before whom such person may be brought to be examined on such charge, to commit him to gaol for examination, or further examination, or for trial, or to hold him to bail for such offence in the same manner to all intents and purposes as if he had never before been charged with such offence, or in respect thereof been committed for trial, or admitted to bail, or discharged, as hereinbefore mentioned, anything herein contained to the contrary notwithstanding.

Gaol to be delivered at close of session.

Keeper of gaol to deliver to Court a list of all prisoners on last day of session.

37. And be it enacted, That the Court at the close of every session shall discharge all such prisoners as by law shall be entitled to be discharged; and the keeper of the Royal Gaol of Port of Spain, shall on the last day of each session of the said Court deliver or cause to be delivered to the Court, under a penalty of ten pounds sterling in case of his refusal or neglect, a list of all persons confined within such gaol, together with the date of commitment and the cause of imprisonment in each case, and the name of the committing authority.

Criminal charges or indictments to be in the name of the Attorney-General.

38. And be it enacted, That every criminal charge for any offence to be prosecuted before the said Court shall be called "the Indictment," and shall be prosecuted in the name of the Attorney-General and Public Prosecutor and shall be according to the form in the Schedule C to this Ordinance annexed, and shall, in the manner of setting forth the offence be as nearly as may be in the form of indictment for a similar offence before any Court of Oyer and Terminer in England; but in any indictment it shall be sufficient to allege that the offence charged was committed contrary to the laws in force in this Island.

39. And be it enacted, That whenever it shall be requisite in any indictment to state the ownership of any property whatsoever, whether real or personal, which shall belong to or be in the possession of more than one person, whether such persons be partners in trade, co-proprietors or co-tenants, or otherwise howsoever have a joint or common right to or interest in such property, 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: and whenever in any indictment it shall be necessary to mention for any purpose whatsoever any such partners, co-proprietors, co-tenants, or other persons having such joint or common right or interest in any property, it shall be sufficient to describe them in the manner aforesaid, and this provision shall be considered to extend to all joint stock companies and trustees.

Sufficient to set out the name of one co-proprietor or co-tenant, and state property to belong to him and others.

40. And be it enacted, That whenever in any indictment it shall be requisite to mention or describe any aqueduct, canal, bridge, gaol, hospital, infirmary, asylum, school-house, workhouse, poor-house, or other building whatsoever, erected or maintained in whole or in part, at the expense of the inhabitants of this Colony or any district, county or ward thereof, or any goods or chattels whatsoever provided for the use of any such building, or of any person in belonging to or attached to the same, or at the expense of the inhabitants of this Colony, or any district, county or ward thereof, to be used for making, altering, or repairing any bridge or highway, or any such building as aforesaid, or to be used in or with any such building, it shall be sufficient to state any such property, real or personal, to belong to the inhabitants of this Colony; and it shall not be necessary to specify the name of any such inhabitants, and in any indictment for any felony or misdemeanor committed on or with respect to any materials, tools, or other implements provided for making, altering or repairing any street or highway, or in respect of any turnpike gate or toll-bar, it shall be sufficient to state that any such thing is the property of the Surveyor-General of the Colony, or of the warden of the ward in which such offence was committed, and it shall not be necessary to specify the name or names of any such Surveyor-General or warden.

Manner in which public property may be described in indictment.

Indictments
for felonies or
misdemeanors
committed on
or with respect
to churches,
&c.

41. And be it enacted, That in any indictment for any felony or misdemeanor committed on or with respect to any building set apart for the purposes of religious worship, or any vessel, ornament, vestment, book, or other chattel of or in any church or chapel or other such building so set apart for the purposes of religious worship, it shall be sufficient to state that any such building or chattel is the property of the clergyman or minister officiating at such church, chapel or other building, or of the wardens of such church or chapel, or of the person in whose custody such chattel may have been at the time of the commission of such felony or misdemeanor; and it shall not be necessary to specify the name or names of any such clergyman, minister, or wardens.

Indictments
to be filed
twelve days
before
sessions.

Copy of in-
dictment to be
served on
prisoner eight
days before
sessions.

42. And be it enacted, That every indictment shall be filed in Court twelve days at the least before and exclusive of the first day of the session at which the same shall be brought on for trial, and the Registrar of the Court shall, eight clear days at the least before the first day of the session, serve a copy of such indictment, with the names of the witnesses who may have been examined on the preliminary examinations endorsed thereon, on the accused, by delivering the same to him personally, or leaving the same at the place appointed for that purpose in the condition of the recognizance entered into by the accused.

Prisoner to
plead two days
before ses-
sions.

43. And be it enacted, That to any such indictment the accused may at any time, not less than two clear days before the first day of the session, plead in writing any matter of law or fact which he would be permitted to plead according to the law of England; whereupon the Attorney-General and Public Prosecutor or counsel for the prosecution may, at any time before the trial, join in demurrer, or demur, or reply, as he may see fit, or the accused may plead the general issue *ore tenus* on being arraigned.

Prisoners to be
allowed coun-
sel in all cases,
and counsel
and a solicitor
to be assigned
in all capital
cases.

44. And be it enacted, that the accused shall in all cases be allowed to be heard and defended by counsel upon his trial, or at any stage of the proceedings before the Court, and in all cases of treason or capital felony, it shall be the duty of the Registrar of the Court, at the

Repealed
by Act of 18
1834

Repealed

time of delivering to the accused a copy of the indictment, to call upon him to select his counsel if he have the means of employing one, and in default thereof the Chief Justice of the said Court shall assign counsel and a solicitor to the accused, for which purpose the registrar shall keep a list of the advocates and solicitors so that they may be appointed to that duty in rotation; and such fees shall be allowed to such advocates and solicitors as are specified in the Schedule to this Ordinance annexed.

45. And be it enacted, That no indictment shall be abated for reason of any dilatory plea of misnomer, or of want of addition or wrong addition of the party offering such plea, but in such case the Court, if satisfied by affidavit or otherwise of the truth of such plea, shall cause the indictment to be amended according to the truth, and shall call on such party to plead thereto, and shall proceed as if no such dilatory plea had been pleaded.

Indictment not to be abated for misnomer or want of addition.

46. And be it enacted, That if on the trial of any indictment for misdemeanor any variance shall appear between any matter in writing, or in print produced in evidence, and the recital or setting forth thereof in the record whereon the trial is pending, it shall be lawful for the Court to cause the record to be forthwith amended in such particular by the Registrar of the Court, and thereupon the trial shall proceed as if no such variance had appeared.

Variations may be amended in trials for misdemeanor.

47. And be it enacted, That whenever any issue of law shall be joined between the Crown and any person indicted for any treason, felony, or misdemeanor such issue shall be tried and determined by the Court according to the law of England.

Issues of law to be determined according to English law.

48. And be it enacted, That every person accused shall be arraigned in such manner and form as is usual in criminal trials in England; and if any person being arraigned shall stand mute of malice, or will not answer directly to the indictment, in every such case it shall be lawful for the Court, if it shall see fit, to order the registrar to enter a plea of not guilty on behalf of such person, and the plea so entered shall have the same force and effect as if such person had actually pleaded the same.

Prisoner to be arraigned, and standing mute, or refusing to answer, Court may order plea of not guilty to be filed.

Plea of not guilty to put party on his trial.

Repealed

49. And be it enacted, That if any person being arraigned upon or charged with any indictment for treason, felony, or misdemeanor shall plead thereto a plea of not guilty, he shall by such plea without any further form be deemed to have put himself upon his trial; and the Court shall order a jury for the trial of such person accordingly.

Peremptory challenges to be allowed to prisoners in all cases of treason or felony.

Repealed

50. And be it enacted, That every person arraigned for treason or any felony shall be allowed to challenge twelve of the jurors by way of peremptory challenge, and without being obliged to assign any reason therefore, but every such challenge beyond that number shall be entirely void.

Jurors to be sworn as in England.

51. And be it enacted, That before proceeding to the trial of any issue of fact, the jurors shall be sworn to try such issue in the same manner as is practised in Courts of Oyer and Terminer in England, and all proceedings upon the trial shall be governed by the course and practice in the like cases in England: Provided always, that the affirmation of any such juror shall be received in lieu of his oath in any case in which by the law of England such affirmation would be received in lieu of an oath.

All questions respecting the admissibility of evidence to be decided according to the law of England.

52. And be it enacted, That all questions which shall arise touching the form, sufficiency, or effect of any indictment or subsequent pleading, or touching the admissibility of any defence, or of any witness called to give evidence, or of any evidence, or of any question put to any witness, or of any document, paper, matter, or thing tendered in evidence, or upon any matter or cause alleged for setting aside any verdict, or staying or reversing any judgment shall be decided by the Court as nearly as may be according to the law of England in like case.

Issues of fact, how to be tried.

53. And be it enacted, That whenever any issue which by the law of England would be triable by the country shall be joined between the Crown and any person indicted for any treason, felony, or misdemeanor upon any other plea than the plea of not guilty, the Court shall order a jury for the trial of such issue; and such issue shall be tried and determined, and the judgment of the Court shall be given thereupon, as nearly as may

be according to the practice observed in the Courts of Oyer and Terminer in England.

54. And be it enacted, That whenever any person shall be convicted by the verdict of the jury, or on his own confession, the Registrar, before the Court shall pass judgment, shall inquire and ask if such offender hath anything to offer why judgment should not be awarded against him, and in case such offender shall not allege any matter or thing sufficient in law to arrest such judgment, the Court shall immediately after conviction, or at any time during the same session, pronounce judgment; and sentence the prisoner to undergo such punishment as the Court or the majority of the Judges thereof shall see fit: Provided always, that where any defendant shall be brought up for judgment on any indictment for misdemeanor, affidavits may be read and counsel may be heard in support of the prosecution, and on behalf of the defendant; and it shall be lawful for the Court, if it shall see fit, to postpone its judgment, and to order the defendant to be discharged on entering into security by recognizance to appear and receive judgment whenever he shall be ordered to be brought up for that purpose: And provided also, that nothing herein contained shall extend or be construed to prevent the Court from reserving the consideration of any question of law arising upon any criminal trial.

Judgment on conviction for felony to be given during session.

Court may postpone judgment for misdemeanor and require party to find security to appear when ordered

55. And for the more effectually securing the attendance of witnesses before the said Court, whether for the prosecution or for the prisoner, be it enacted, That all writs of subpoena to witnesses shall issue in the name of the Queen, and be tested in the name of the Chief Justice for the time being.

Subpoena to witnesses.

56. And be it enacted, That the Registrar of the Court, at any time not less than four clear days before the first day of the session, upon being furnished with the names and places of abode of any witnesses on behalf of the prosecution or defence whose attendance is required to be secured by subpoena shall prepare and deliver to the Marshal for service a writ or writs of subpoena directed to such witnesses, together with as many copies thereof as there may be witnesses named in such writ or writs; and when application shall be made to postpone

Registrar to issue subpoena to witnesses on lists being filed four days before session.

*Branches
was do
appealed*

any trial by reason of the absence of any witness stated to be material it shall be taken as *prima facie* evidence, liable nevertheless to be rebutted, that the party applying for such postponement has not exercised all due and necessary diligence to secure the attendance of such witness, if it shall appear that no subpoena to such witness was sued out four clear days at the least before the first day of the session.

Subpoena to be served by Marshal, and his returns *prima facie* evidence.

57. And be it enacted, That the Marshal shall with all diligence, by himself or his assistant, serve a copy of such writ of subpoena upon every witness named in such writ, and note every such service, with the time thereof, upon the original writ of subpoena, and shall forthwith return the original writ into the office of the Registrar with a certificate thereon endorsed and subscribed of the service or non-service thereof as the circumstances of the case may require; and in all cases the return of the Marshal duly certified as aforesaid shall be received and taken as sufficient evidence *prima facie* of the facts stated in such return.

Court may fine witnesses neglecting to attend.

58. And be it enacted, That if any witness having been duly subpoenaed shall neglect or refuse to attend, not being prevented by sickness or other disability, of which sickness or disability sufficient proof must be afforded to the satisfaction of the Court, or attending shall refuse to give evidence, such witness shall be subject to a fine, at the discretion of the Court, in a sum not exceeding twenty pounds sterling, and shall be brought up in custody of the Marshal at the expense of such witness.

Court may order expenses of witnesses to be paid by Colonial Treasurer.

Repealed

59. And be it enacted, That where any person shall appear before the Court on recognizance or subpoena to give evidence against any person accused of felony, or of any misdemeanor, the Court is hereby authorised and empowered to order payment of the costs and expenses of such witness, together with a compensation for his trouble and loss of time; and it shall also be lawful for the Court to order payment of the costs and expenses of any witness who shall appear on any subpoena to give evidence for the prisoner in any case where the Court shall be satisfied of the inability of such prisoner to defray such costs and expenses; and the amount of such

costs and expenses shall be certified by the Registrar of the Court, and allowed by the Chief Justice under his hand, and shall be forthwith paid to the persons entitled to receive the same by the Colonial Treasurer.

60. And be it enacted, That it shall be the duty of the Marshal, by himself or some sufficient deputy or assistant, to be in attendance in Court at all times whilst the same shall be sitting during every such session, and to bring the prisoner before the Court, and during the continuance of the trial to have him under his charge and custody, and from time to time to remand him to prison by permission or order of the Court during the progress of the trial or any adjournment thereof.

Marshal to attend at all sittings of Criminal Court.

61. *And be it enacted, [That execution shall in all cases be done by the Marshal or his assistant under warrant directed to the Marshal under the hands of the Judges of the Court, or the majority of them concurring in the sentence,] at such time and place as shall be therein mentioned: Provided always, that it shall be lawful for the Governor, by warrant under his hand directed to the Marshal, to respite the execution, and also to order the same to be carried into effect at such time and place as shall be appointed and specified in such warrant, in which case the execution shall be done at such time and place as shall be so appointed by the Governor.**

Execution to be done by Marshal under warrant of Judges.

62. And be it enacted, That every judgment on any person convicted of treason, or felony, shall operate by way of attainder of such person in the same manner as the like judgment of any Court of Oyer and Terminer would operate in England; but no attainder shall corrupt the blood or forfeit the lands and tenements, and no conviction shall forfeit the goods or chattels of any person so attainted or convicted.

Judgment to operate by way of attainder, but not to corrupt blood or cause forfeiture.

63. And be it enacted, That where a conditional pardon shall be granted to any offender convicted of any treason or felony punishable with death or otherwise, the discharge of such offender out of custody, in the case of the performance of the condition thereof, shall have the effect of a pardon under the Great Seal for such offender as to the treason or felony for which such pardon shall be so granted: Provided always, That no discharge, in

Conditional pardon on performance of condition to have the effect of pardon under Great Seal.

* See Ordinance 9 of 1872, altering the mode of proceeding in cases of execution.

consequence of the performance of the condition of such pardon, shall prevent or mitigate the punishment to which such offender might otherwise be lawfully sentenced on a subsequent conviction for any felony committed after the granting of such pardon.

On commutation of punishment Court or Chief Judge to make order for commuted punishment being carried into effect.

64. And be it enacted, That when any person shall be convicted of any crime punishable by death, if Her Majesty shall be pleased to extend mercy to any such offender upon condition of transportation, or upon condition of imprisonment, or of imprisonment with hard labour, and such intention of mercy shall be signified by the Governor to the said Court during any session thereof, such Court shall allow to such offender the benefit of a conditional pardon, and make an order for the transportation or imprisonment, with or without hard labour, as the case may be, of such offender; and in case such intention of mercy shall be so signified to the Chief Justice of the Island, at any time when such Court is not in session, such Chief Justice shall allow to such offender the benefit of a conditional pardon, and make an order for the transportation or imprisonment of such offender, in the same manner as if such intention of mercy had been signified to the Court during the session at which such offender was convicted, and such allowance and order shall be considered as an allowance and order made by the Court, and shall be entered on the records of the Court by the Registrar, and shall be as effectual to all intents and purposes as if such allowance had been made by the Court during the continuance of the same session, and every such order shall subject the offender to be so transported or imprisoned.

Persons sentenced to transportation to be imprisoned and kept to hard labour, until transported.

65. And be it enacted, That when any person shall by the judgment of the Court be sentenced to undergo the punishment of transportation for life, or for any term of years, such offender shall be imprisoned or confined and kept to hard labour in the Royal Gaol until the sentence of transportation shall be carried into effect, by the removal of such convict from this Colony: Provided always, that when such sentence of transportation shall be for any term of years, the commencement of such term shall be computed from the first day of the session at which such offender was convicted.

Repealed

66. And be it enacted, That every person convicted of any felony for which no punishment may be prescribed by any Statute or Statutes of the Imperial Parliament, Order or Orders in Council, Ordinance or Ordinances, specially relating to such felony, and in force in this Colony at the time of such conviction, shall be deemed to be punishable under this Ordinance, and shall be liable, at the discretion of the Court, to be imprisoned, or imprisoned and kept to hard labour, for any term not exceeding three years.

Punishment
for felonies
not otherwise
provided for.

67. And for the more effectual prosecution of accessories before the fact to felony, Be it enacted, That if any person shall counsel, procure, or command any other person to commit any felony, whether the same be a felony by the Common Law of England, or by virtue of any Act or Acts of the Imperial Parliament, Ordinance or Ordinances made or to be made, and in force or to be in force in this Island, the person so counselling, procuring, or commanding, shall be deemed guilty of felony, and may be indicted and convicted, either as an accessory before the fact to the principal felony, together with the principal felon, or after the conviction of the principal felon, or may be indicted and convicted of a substantive felony, whether the principal felon shall or shall not have been previously convicted, or shall or shall not be amenable to justice, and may be punished in the same manner as any accessory before the fact to the same felony, if convicted, as an accessory may be punished.

Accessories
before the fact
may be prose-
cuted, though
principal not
convicted.

68. And be it enacted, That if any principal offender shall be in anywise convicted of any felony, it shall be lawful to proceed against any accessory, either before or after the fact, notwithstanding such principal felon shall die, or be pardoned, or otherwise delivered before receiving judgment, and every such accessory shall suffer the same punishment, if he be in anywise convicted, as he should have suffered if judgment had passed upon the principal felon.

All accessories
may be prose-
cuted when
principal felon
is not sen-
tenced.

69. And be it enacted, That whenever sentence shall be passed for felony on any person already under sentence, either of imprisonment or transportation, for another offence, it shall be lawful for the Court to award imprisonment, with or without hard labour, for the sub-

On conviction
for second of-
fence Court
may order
second sen-
tence to com-
mence at ex-

piration of
first.

sequent offence, to commence at the expiration of the imprisonment or transportation to which such person shall have been previously sentenced; and if empowered to pass sentence of transportation, then to award such sentence for the subsequent offence, to commence at the expiration of the imprisonment or transportation to which such person shall have been previously sentenced, although the aggregate terms of imprisonment or transportation respectively may exceed the term for which either of those punishments could be otherwise awarded.

Punishment
on repeated
convictions
for felony.

70. And whereas it is expedient to provide for the more exemplary punishment of offenders who commit felony after a previous conviction of felony, whether such previous conviction shall have taken place before or after the commencement of this Ordinance: Be it enacted, That if any person shall be convicted of any felony not punishable with death, committed after a previous conviction for felony, such person shall, on such subsequent conviction, be liable, at the discretion of the Court, to be transported beyond the seas for life, or for any time not less than seven years, or to be imprisoned, with or without hard labour, for any term not exceeding five years, and, if a male, to be once, twice, or thrice publicly or privately whipped, if the Court shall so think fit, in addition to such imprisonment; and in an indictment for any such felony, committed after a previous conviction for felony, it shall be sufficient to state that the offender was at a certain time and place convicted of felony, without otherwise describing the felony; and the indictment for the former felony, with the minute by the proper officer of the Court of the judgment of the Court thereon, being produced by the Registrar of the Court, shall, upon proof of the identity of the prisoner, be sufficient evidence of such former conviction, without proof of the signature and official character of the officer by whom such minute was made: Provided always, That it shall not be lawful on the trial of any person for any such subsequent felony, to charge the jury to inquire concerning such previous conviction, until they shall have inquired concerning such subsequent felony, and shall have found such person guilty of the same; and whenever in any indictment such previous conviction shall be stated, the reading of such statement to the jury, as part of the indictment, shall be deferred until after

Repeated

Proof of
former con-
viction:

such finding as aforesaid: Provided also, that if upon the trial of any person for any such subsequent felony as aforesaid, such person shall give evidence of his good character, it shall be lawful for the Attorney-General and Public Prosecutor, or counsel for the prosecution, in answer thereto, to give evidence of the indictment and conviction of such person for the previous felony, before such verdict of guilty shall have been returned, and the jury shall inquire concerning such previous conviction for felony at the same time that they inquire concerning the subsequent felony.

71. And be it enacted, That in every case where any person bound by recognizance for his appearance, or for whose appearance any other person shall be so bound, or who shall have been duly subpoenaed as a witness in any case of felony or misdemeanor, shall fail to appear, the Registrar of the Court shall, and he is hereby required to prepare a return in writing, specifying the name of every person so making default, and the nature of the offence in respect of which every such person, or his surety, was so bound or subpoenaed, together with the residence, trade, profession, or calling of every such person or surety, and shall in such list distinguish the principal from the sureties, and shall state the cause, if known, why each such person has not appeared; and the Registrar shall, on the last day of such session of the said Court, lay such return before the Court, and the Court shall examine such return, and on the application of the Attorney-General and Public Prosecutor, or any party on whose behalf any such witness was subpoenaed, make such order touching the enforcing any such recognizance, or fining any such witness, as shall appear to the Court to be just; and the Registrar of the Court shall thereupon copy on a roll all fines, forfeitures, and sums of money to be paid in lieu or satisfaction of them, or any of them, imposed by the Court or forfeited at such session, and shall, within three days after the last day of such session, send a copy of such roll, with a writ, according to the form and effect in the Schedule hereto annexed, and marked D, to the Marshal, and such writ shall be the authority to such Marshal for proceeding to the immediate levying and recovering of such fines, forfeitures, or sums of money to be paid in lieu or

Process to enforce payment of fines or forfeited recognizances.

satisfaction of them, or any of them, on the goods and chattels of such several persons, or for taking into custody the bodies of such persons, in case sufficient goods and chattels shall not be found whereon levy can be made for recovery thereof; and every person so taken shall be lodged in the Royal Gaol until the next sitting of the said Court, there to abide the judgment of the said Court, unless in the meantime such fine, forfeiture, or sum of money shall be paid.

Rule of construction.

72. And be it enacted, That whenever this or any other Ordinance relating to any offence, whether punishable under indictment or on summary conviction, in describing or referring to the offence, or the subject matter on or with respect to which it shall be committed, or the offender or the party affected, or intended to be affected by the offence, hath used or shall use words importing the singular number or the masculine gender only, yet the Ordinance shall be understood to include several matters as well as one matter, and several persons as well as one person, and females as well as males, and bodies corporate as well as individuals, unless it be otherwise specially provided, or there be something in the subject or context repugnant to such construction; and wherever any forfeiture or penalty is payable to a party aggrieved, it shall be payable to a body corporate in every case where such body shall be the party aggrieved.

Persons who are magistrates under this Ordinance.

73. And be it enacted, That the Members of the Council of Government of the said Island, the Stipendiary Justices, and all other persons who now are or hereafter may be appointed Justices of the Peace for any part of the said Island or any of its Dependencies, shall be and shall be held and taken to be Magistrates for the purposes of this Ordinance.

Solicitor-General to act in absence of Attorney-General.

74. And be it enacted, That in case of the absence or inability to act of the Attorney-General and Public Prosecutor, the duties of his office may, for all the purposes of this Ordinance, be discharged by the Solicitor-General for the time being.

When Ordinance to take effect.

75. And be it enacted, That this Ordinance shall take effect and be in force upon and from and after the tenth day of August in this present year of our Lord one thousand eight hundred and forty-eight.

Passed in Council this first day of August, one thousand eight hundred and forty-eight,

GEO. B. VAN BUREN,
Acting Clerk of Council.

Table of Fees to be allowed to the Counsel and Solicitor assigned to any Prisoner Under this Ordinance.

To the Counsel	£7 7
„ Solicitor	2 2

SCHEDULE A.

To _____, constable of police of the _____ district of police, and all other constables and officers of police in the said Island.

Whereas by information on oath given before me, _____, the Stipendiary Justice, or a Justice of the Peace (as the case may be) for the said district, one C. D. is charged with (or suspected of) having at _____ within the _____ district aforesaid, [here set out the charge] (feloniously killed and murdered one E. F.) (feloniously stolen, taken and carried away _____ of the value of the property of E. F.) (or feloniously cut and wounded one E. F. with intent to kill and murder the said E. F.) (or feloniously and burglariously broken and entered the house of E. F. in the night time with intent to steal the goods and chattels of the said E. F.) [or of one S. H. and others] therein (or as the case may be). Now, therefore, these are to authorise and require you, or any of you, forthwith to take the body of the said C. D. and him bring before me or any other Justices of the Peace in the said Island for examination on the said charge, and for so doing this shall be your sufficient warrant.

Given under my hand at _____ this _____ day of _____, in the year of our Lord one thousand eight hundred and _____,

Signature.

SCHEDULE B.

TRINIDAD.

OUR SOVEREIGN LADY THE QUEEN.

Against

A. B. on the charge of C. D. for [state offence briefly.]

At _____ in the said Island, on this _____ day of _____ in the year of our Lord one thousand eight hundred and _____ of the _____ in the said Island, acknowledges himself to be indebted to our Sovereign Lady the Queen, in the sum of _____

British sterling money, and of acknowledges himself to be indebted to our Sovereign Lady the Queen, in the sum of pounds, like money; upon condition, that if the said do personally appear before the Supreme Criminal Court, in the town of Port of Spain, to answer to any indictment that shall be presented against him in the said Court in or about the premises, within the term of twelve Calendar months from the date of this acknowledgment, and do not depart the Court without leave, and do accept service of any such indictment at the residence of situate in in the town of Port of Spain, and that the said in the mean time be of good behaviour, and keep the peace towards the Queen and all Her liege subjects, and especially towards then this recognizance to be void; or else to remain in full force. And the said severally acknowledge themselves debtors in solidum to our Sovereign Lady the Queen in the sums hereinbefore respectively acknowledged by them, upon the property of them and each of them, to the use of our said Lady the Queen, to be levied in due form of law, in case of default made in the condition of this recognizance or Obligation.

Acknowledged by the said on the day of
 One thousand eight hundred and
 Witness. Before me,

SCHEDULE C.

[*Form of Indictment.*]

TRINIDAD.

IN THE SUPREME CRIMINAL COURT.

The Honourable A. B. Attorney-General and Public Prosecutor in and for the said Island, who prosecutes for our Sovereign Lady the Queen, comes into Court here in his own proper person, and gives this honourable Court to understand, That (set forth the offence according to the circumstances in the same manner and form as in an indictment in England, and conclude) "contrary to the laws in force in this Island and against the peace of our said Lady the Queen, her Crown and dignity."—(And if there are other counts, commence each count as follows—"And the said Attorney-General and Public Prosecutor further gives this honourable Court to understand"—and conclude each count in the same manner as the first count.)

SCHEDULE D.

TRINIDAD.

VICTORIA by the Grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith.

To the Marshal of the Island of Trinidad—Greeting:

You are hereby required and commanded, as you regard yourself and all fines, That of the goods and chattels of all and singular

the persons mentioned in the list to this writ annexed you cause to be levied, all and singular the debts and sums of money upon them severally imposed and charged and mentioned in the said list, so that the money may be ready for payment at the next sessions of the Supreme Criminal Court, to be paid over in such manner as the said Court may direct; and if any of the said several debts and sums of money cannot be levied by reason of no goods or chattels being to be found belonging to the parties, then in all cases that you take the bodies of the parties refusing to pay the aforesaid debts and sums of money, and lodge them in the Royal Gaol there to await the decision of the said Court at its next Session.—And have you there then this writ.

Witness the Honourable _____, Chief Justice of our said Island of Trinidad, at Port of Spain, this _____ day of _____ in the year one thousand eight hundred and _____

T. W., *Registrar.*

No. 10.—1848.

14th August.

* AN ORDINANCE to give greater Facilities for the Removal of Persons in Possession of Lands without probable Claim or Title.

(L. S.) HARRIS.

WHEREAS by an Order of the Queen's Most Excellent Majesty in Council, bearing date the sixth day of October, in the year of our Lord one thousand eight hundred and thirty-eight, summary jurisdiction is given to the Stipendiary Justices of the Peace within the Colonies of British Guiana, Trinidad, St. Lucia and Mauritius for the removal of all persons who had taken or should take possession of lands therein respectively situate, without probable claim or pretence of title, subject nevertheless to the provisions therein after mentioned: And whereas under the provisions of the said Order in Council, certain forms of proceedings to be observed in lodging complaints, in issuing summonses,

Preamble recites Order in Council of 6th October, 1838

* So much of this Ordinance as relates to Crown lands is repealed by Ordinance 3 of 1868.