

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* So much of this Ordinance as relates to Crown lands is repealed by Ordinance 3 of 1868.

Proclamations
of 30th Sep-
tember, 1842,
and 22nd
June, 1847.

Extends to
Justices of the
Peace, the
summary
jurisdiction
vested by the
said Order in
Council in
Stipendiary
Justices.

Informations
laid before
Justices in
respect of
government
lands must be
preferred by
Surveyor-
General or his
deputy; in
respect of
private lands
by the owner;
and in respect
of abandoned
lands may be
preferred by
any one.

in the citation of witnesses, in the making of orders, and generally for the complete carrying into execution of the powers thereby vested in the Stipendiary Justices, were made and proclaimed in this Colony, on the thirtieth day of September, in the year of our Lord one thousand eight hundred and forty-two: And whereas by a proclamation of His Excellency GEORGE FRANCIS ROBERT LORD HARRIS, of the twenty-second day of June, in the year of our Lord, one thousand eight hundred and forty-seven, facilities have been given to all persons in possession of Crown Lands in this Colony under such circumstances as might recommend them to the merciful consideration of the Crown to come in and obtain grants of such lands on the terms and conditions in the said proclamation mentioned: And whereas it is expedient that provision should be made for the giving greater facilities for the removal of persons who may have already taken, or may hereafter take possession of lands within this Colony, without probable claim or pretence of title: Be it therefore enacted by His Excellency the Governor, by and with the advice and consent of the Council of Government, that the summary jurisdiction by the said Order in Council vested in the Stipendiary Justices of this Colony, shall be and the same is hereby extended to and shall and may be exercised in this Colony by any Justice of the Peace within the district, ward or place for which he may be authorised to act as such Justice of the Peace.

2. And be it enacted, That it shall be lawful for any Stipendiary or other Justice of the Peace, to receive any information which may be laid before him upon oath charging any person or persons with having without probable claim or pretence of title, entered upon or taken possession of any lands in this Colony, which information may be in the form A, in the Schedule to this Ordinance annexed: Provided that if the lands mentioned or referred to in any such information shall belong to or be vested in her Majesty, her heirs and successors, such information shall be preferred by the Surveyor General of the Colony, or by some person acting under his authority, and on his behalf; but that if the lands mentioned or referred to in any such information shall belong to or be vested in any body politic or corporate, or in

any person or persons other than her Majesty, her heirs or successors, such information shall be preferred by the owner or owners of such lands, or by some person or persons who, as general or special agent, or attorney, trustee, or otherwise may be authorised to represent and act for and on behalf of such owner or owners; but if the lands mentioned or referred to in such information shall be lands abandoned by the owner or owners thereof, and such owner or owners shall be absent from the Colony, and not represented by any attorney within the Colony, or shall be unknown, then such information may be preferred by any holder of land, or the attorney or agent of any holder of lands within the same district or ward within which the lands mentioned or referred to in such information shall be situate.

3. And be it enacted, That it shall be lawful for any Stipendiary or other Justice of the Peace, to make order for the removal of any person or persons in the possession of any land without probable claim or pretence of title, unless such person or persons shall make it appear to such Justice, that he or they hath or have been by himself or themselves, or by those under whom he or they claim title, in the quiet possession of such lands, for the space of ten years next before the day of laying any information against such person or persons under this Ordinance, or that such person or persons hath or have some probable claim or pretence of lawful title to such lands or to the occupation thereof.

Justices may order removal of persons informed against, unless it appear that they have had ten years possession.

4. And be it enacted, That where on the information laid before any such Stipendiary or other Justice of the Peace, it shall be made to appear on the oath of the party preferring such information, that the possession of the lands mentioned in such information by the person or persons against whom such information is preferred, or by those under whom he or they may have entered or may claim title commenced at any time within the space of ten years next before the day of laying such information, it shall be lawful for such Stipendiary or other Justice of the Peace to issue a summons according to the Form B, in the schedule to this Ordinance annexed, calling on the person mentioned in such information to appear and answer to the matters mentioned in such information, at a time and place to be mentioned in such summons,

Justices to summon parties informed against, and party not appearing, or failing to satisfy the Justice that he has probable claim or title or been in possession ten years, to make order of removal.

such time to be not less than eight days next after the service of such summons, and if such person or persons after being duly summoned shall not appear, or appearing shall fail to satisfy such Justice, that he or they hath or have some probable claim or pretence of title to such land or the occupation thereof, or that such occupation commenced at some time beyond the space of ten years next before the day of laying such information, it shall be lawful for such Stipendiary or other Justice of the Peace, on proof being made to him of the due service of such summons by the oath of the person serving the same, to make order for the putting the person or persons in possession of such land out of possession of the same, which order shall be executed by any police constable; and it shall be lawful for such police constable or any person acting in his aid, in case of the refusal of any person in possession of any land mentioned in any such order to quit or give up peaceable possession of the same to use such reasonable force as may be necessary for carrying such order into execution.

Service of
summons.

5. And be it enacted, That every such summons may be served either by delivering the same to the party summoned in person, or by leaving the same at the usual place of abode of the person summoned, or if such abode cannot be discovered, than by affixing such copy to some building, upon, or in some open and conspicuous part of the lands, mentioned in such information.

Order of removal. Where lands belong to the Government or are abandoned, possession to be given to the Warden, or Surveyor-General; where lands belong to private persons, to the owner.

6. And be it enacted, That every such order may be according to the form C, in the Schedule to this Ordinance annexed, and where the lands mentioned in such order shall belong to her Majesty, possession of such lands shall be given to the warden of the ward within which such lands shall be situate, or if there shall be no such warden then to the Surveyor-General, or to any person appointed by him on behalf of her Majesty, and where such lands mentioned in such order shall belong to any private person, then possession of the same shall be given to such person or his attorney or agent; but where such lands shall be abandoned lands whereof the owner or owners shall be absent from the Colony, and not represented by any attorney within the Colony, or shall be unknown, then possession of such lands shall be given to the warden of the ward within which such

lands shall be situate, or if there be no such warden then to the Surveyor-General, or to any person appointed by him.

7. And be it enacted, That the Surveyor-General and every warden, within ten days next after possession taken by him by virtue of any such order of any such abandoned lands, shall make a return thereof, specifying the situation and extent of such lands to the Court of Intendant, and such Court shall thereupon cause a notice to be inserted in the Island and the London Gazettes, and such other newspaper or newspapers as the Court may see fit, calling on all persons claiming title to such lands to come in and establish the same within such term as to the Court shall seem fit, not less in any case than twelve months from the day of the date of such notice, and if no person shall within such term or such further term as the Court may in any case see fit to grant, come in and establish such claim to the satisfaction of the said Court, and pay all expenses which shall have been incurred in or about the taking or keeping possession of such lands and the costs of such notice, and the inquiring into and establishing such title, the Court shall adjudge the lands mentioned in such order, to be forfeited to and vested in the Crown, and the same shall revert to and be vested in her Majesty, her heirs and successors, freed and discharged from all other estates, charges and incumbrances whatever.

Lands taken possession of by Warden or Surveyor-General, if not claimed within twelve months shall be forfeited to the Crown.

8. And be it enacted, That every person who shall consider himself aggrieved by any order of any Justice made upon any such information, shall be entitled to, and have such appeal therefrom as is provided by the Ordinance passed in Council on the first day of July, in the year of our Lord one thousand eight hundred and forty-five, and entitled, "An Ordinance for establishing a Court of Appeal in cases of offences punishable on summary conviction."

Parties may appeal.

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

GEO. B. VAN BUREN,

Acting Clerk of Council.

The foregoing Ordinance was duly proclaimed in Port of Spain this twenty-first day of August, one thousand eight hundred and forty-eight.

A. CLOGSTOUN,

Marshal.

SCHEDULE OF FORMS.

A.

TRINIDAD.

Name of police district, or ward, (as the case may be).

Be it remembered, that on this day of in the year of our Lord one thousand eight hundred and forty- , comes before me, A.B. Justice of the Peace for the district, or (as the case may be) C.D. Surveyor-General of the Island or C.D. of (or C.D. as the agent, attorney, or trustee, or otherwise as the case may be of E.F. of), and on oath informeth me that one G.H. of within the space of ten years next before the day of preferring this information, and in or about the month of in the year one thousand eight hundred and did without any probable claim or pretence of title, enter upon and take possession of certain lands situate in and comprising (here describe situation and extent of the same) belonging to her Majesty the Queen, or to the said C.D. (or to one K.L., which said K.L. is absent from and not represented by any attorney in this Colony), or being part and parcel of a certain tract of land called whereof the owner is unknown. Wherefore the said prayeth the advice of me the said A.B. in the premises, and that her Majesty the Queen, or the said C.D., or the said E.F. by the said C.D. his attorney, agent or trustee (as the case may be) may be put in the quiet possession of the said lands.

Sworn before me this day of in the year of our Lord one thousand eight hundred and

B. SUMMONS.

TRINIDAD.

To G.H. of (naming the district, ward or town,)

Whereas an information was on the day of preferred before me, A.B. Justice of the Peace for by C.D. of on the oath of the said C.D. (or as the case may be) that you the said G.H. did within ten years next before the day of preferring the said information, and in or about the month of in the year of our Lord one thousand eight hun-

red and without any probable claim or pretence of title, enter upon and take possession of certain lands situate (here describe situation and extent of lands, as described in the information.) Now I the said Justice of the Peace for the said do hereby summon and require you the said G.H. to attend before me at the at the hour of in the noon of the day of then and there to answer touching the matters of the said information: and in default of your so appearing, or if you shall fail to shew to my satisfaction, that you have some probable claim or pretence of title to such land, or to the occupation thereof, or that such occupation commenced at some time beyond the space of ten years next before the day of (insert date of information) then I the said Justice shall forthwith make an order for the putting you the said G.H. out of possession of the said lands.

Given under my hand at this day of in the year

C. ORDER FOR DELIVERY OF POSSESSION.

TRINIDAD:— TO WIT.

To police constable of the said Island.

Whereas an information was on the day of preferred before me Justice of the Peace for by of on the oath of that G.H. of did within ten years next before the day of the preferring of such information, and some time in or about the month in the year one thousand eight hundred without any probable claim or pretence of title, enter upon and take possession of certain lands (describe the lands as laid in the information), and therefore, I the said thereupon issued my summons to the said G.H. to appear before me on the day of and answer touching the matters of the said information. And whereas the said summons was on the day of duly served on the said G.H. by delivering a copy of the same to him personally, or by leaving the same at being his usual place of abode; or by affixing a copy of the same on being an open and conspicuous part of the lands mentioned in the said information (as the case may be): And whereas the said G.H. on the day of failed to appear before me or (as the case may be) did appear before me; but failed to satisfy me the said that he had any probable claim or pretence of title to such land, or to the occupation thereof, or that such occupation commenced beyond the space of ten years next before the day of preferring the said information. Now I the said do hereby order and require you, taking such force as may be requisite for the purpose

to enter upon the said lands (describe the situation and extent), being the lands mentioned in the said information or any part thereof, in the name of the whole, and then and there to put the said G.H. out of possession of the said lands, and deliver possession of the said lands, together with all crops growing thereon, and all buildings and other immoveable property upon and affixed to the said lands to the Surveyor-General of the Colony, or to the Warden of the said ward (as the case may be) on behalf of her Majesty, or to the said A.B. or to the said C.D. as attorney, agent or trustee of the said A.B. (as the case may be.) And for so doing this shall be your sufficient warrant.

Given under my hand at this day of in
the year

No. 16.—1848.

11th December.

AN ORDINANCE to regulate the mode of proceeding for the recovery of penalties and forfeitures under an Ordinance entitled “An Ordinance to raise a duty on rum and other spirits manufactured in the Colony.”

(L. S.) HARRIS.

All penalties and forfeitures imposed by Ordinance No. 15, 1847, may be sued for by information in the Supreme Civil Court, or before any two Justices of the Peace.

WHEREAS a certain Ordinance was passed in Council on the sixteenth day of September, in the year of our Lord one thousand eight hundred and forty-seven, entitled “An Ordinance to raise a duty on rum and other spirits manufactured in the Colony;” and whereas it is expedient to make provision for the mode of recovering the penalties and forfeitures imposed by the said Ordinance: Be it therefore enacted by His Excellency the Governor, by and with the advice and consent of the Council of Government, that all penalties and forfeitures imposed by the said recited Ordinance shall and may be sued for, prosecuted and recovered by information in the Supreme Civil Court of the said Island in the name of Her Majesty’s Attorney-General for the said Island, or by information before any two or more Justices of the Peace in the said Island.