

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.

2. And be it enacted, That no information for any offence against the said recited Ordinance shall be commenced before any Justice or Justices of the Peace except by some supervisor or officer of the Customs within the meaning of the said recited Ordinance, and on the previous order in writing of the collector of Customs.

Informations must be commenced by some supervisor or officer of Customs.

3. Provided always, and be it enacted, That every penalty or forfeiture for the hawking, selling, or exposing to sale of any spirits, may be recovered and enforced before any one Justice of the Peace, and on the information of any person, who shall inform for the same in the manner provided by the said recited Ordinance.

Exception in cases of hawking or selling spirits which offences may be prosecuted by any person.

4. And be it enacted, That all spirits, vessels, boats, packages, horses, cattle, carts, and goods which shall be seized as forfeited under the said Ordinance shall be deemed and be taken to be condemned, and may be sold by the collector of Customs, in and for the said Island, unless the person from whom the same shall have been seized, or the owner of them or some person authorised by him shall within one calendar month from the day of seizing the same give notice in writing to the person seizing the same or to the collector of Customs, that he claims or intends to claim the same.

All goods seized and forfeited under the said Ordinance shall be deemed to be condemned unless the owner gives notice that he intends to claim.

5. And be it enacted, That in case any offence against the said recited Ordinance shall be committed, or any penalty or forfeiture under the said Ordinance shall be incurred upon the waters within the Gulf of Paria, such offence for the purposes of prosecution shall be deemed and taken to have been committed, and such penalties and forfeitures to have been incurred at the place or land within this colony, into which the person committing such offence or incurring such penalty or forfeiture shall be taken, carried or brought, or in which such person shall be found, and any two Justices of the Peace for the district within which such place shall be situated shall have jurisdiction to hear and determine such offence.

Offences in the gulf of Paria deemed to have been committed at the place in which the offender is taken, carried or brought.

6. And be it enacted, That upon the exhibiting any information before any Justice of the Peace for any offence against the said recited Ordinance, for which

One Justice may summon offender, and the summons

may be left at his last place of residence, or on board any ship to which he belongs.

offence the party charged is not liable to be seized and detained in manner therein mentioned, such Justice is hereby required to issue a summons for the appearance of the party against whom such information is exhibited before two Justices of the Peace; and such summons directed to such party, being left either at his or her last known place of residence or on board any ship or vessel to which such party may belong shall be deemed to have been sufficiently served.

Two Justices may upon appearance or default of the party proceed to the hearing.

7. And be it enacted, That upon the appearance or default of any party so summoned, it shall be lawful for any two Justices of the peace to proceed to the examination of the matter contained in such information, and upon due proof thereof, either upon the confession of such party or upon the oath of one or more credible witness or witnesses, to convict such party in the penalty or penalties sued for by such information; and in case of non-payment thereof, such Justices, or one of them, or some other Justice or Justices of the Peace, are hereby authorised and required by warrant under hand and seal, to commit such party to the Royal Gaol, there to remain until the penalty or penalties shall be paid.

Warrants.

8. And be it enacted, That such warrants shall and may be executed in any part of this Colony.

Justices empowered to mitigate penalty in certain cases.

9. And be it enacted, That where any party shall or may be convicted before any two or more of Her Majesty's Justices of the Peace as aforesaid, in any penalty or penalties incurred under the said recited Ordinance, it shall and may be lawful for the said Justices in cases where upon consideration of the circumstances they shall deem it expedient so to do, to mitigate the payment of the said penalty or penalties, so as the sum to be paid by such party be not less than one fourth of the amount of the penalty in which such party shall have been convicted.

Married women may be committed to prison.

10. And be it enacted, That where any party so convicted before two Justices of the Peace shall be a married woman, such party shall be liable to be committed to prison in manner hereinbefore mentioned notwithstanding her coverture.

As to persons committed for penalties un-

11. And be it enacted, That where any person shall have been so committed by any Justice or Justices of

the Peace to any prison for non-payment of any penalty less than one hundred pounds, the gaoler or keeper of such prison is hereby authorised and required to discharge such person at the end of six calendar months from the commencement of such imprisonment.

12. And be it enacted, That where any information shall have been exhibited before any Justice of the Peace for the forfeiture of any goods whatsoever seized under the said Ordinance, it shall be lawful for the said Justice, and he is hereby authorised and required, to summon the party to whom such goods belonged, or from whom they were seized to appear before any two Justices of the Peace, and such summons directed to such party, being left either at his or her last known place of residence or on board any ship to which such party may belong, shall be deemed to have been sufficiently served; and upon his or her appearance or default, any two Justices may proceed to the examination of the matter, and upon due proof that the said goods are liable to forfeiture under the said Ordinance may condemn the said goods.

13. And be it enacted, That where the attendance of two Magistrates having jurisdiction in the county or district where the offence is committed cannot be conveniently obtained, it shall be lawful for a Magistrate of any adjoining county or district with one Magistrate of the county or district in which the offence was committed, to hear and determine any information exhibited before them, and to have the same powers and authorities in all respects, as to any proceeding had under this Ordinance, as if they were both Magistrates for the county or district in which the offence was committed.

14. And be it enacted, That no appeal shall lie from any judgment, sentence or order of any Justice or Justices made on any information for any offence against the said recited Ordinance, nor shall any writ of *habeas corpus* issue to bring up the body of any person who shall have been convicted before any Justice or Justices of the Peace under this Ordinance, unless the party against whom such proceeding shall have been directed, or who shall have been convicted, or his attorney or agent, shall state in an affidavit in writing to be duly sworn the grounds of objection to such proceedings or conviction, and that

der £100
sterling.

Mode of proceeding before Justices for the condemnation of seized goods.

A Magistrate of an adjoining county or district, with one of the county or district where offence committed, may hear informations.

No appeal to lie, nor writs of habeas corpus to be issued except on an affidavit; and Justices may amend informations, convictions, and warrants of commitment.

upon such appeal or on the return to such writ of *habeas corpus* no objection shall be taken or considered other than such as shall have been stated in such affidavit; and it shall be lawful for any Justice or Justices of the Peace, and they are hereby required to amend any information, conviction, or warrant of commitment for any offence under the said recited Ordinance at any time, whether before or after conviction.

Informations, convictions, and warrants to be in the form or to the effect in the Schedule.

15. And be it enacted, That all informations before Justices of the Peace for any offence committed against the said recited Ordinance, and all convictions for such offence, and warrants of Justices of the Peace founded upon such convictions shall be drawn respectively in the form or to the effect in the Schedule to this Ordinance annexed, and it shall not be necessary to set out in the conviction, the evidence taken before the Justice on hearing of any such information.

Informations, &c., to be deemed valid if the offence is set forth in the words of the said Ordinance.

16. And be it enacted, That every information for any penalty or forfeiture, and every conviction or warrant of commitment for any penalty shall be deemed valid and sufficient in which the offence for which such penalty shall have been inflicted, or the cause of such forfeiture, is set forth in the words of the said recited Ordinance.

Penalties and forfeitures to be paid to the Stipendiary Justice of the district, who shall pay over one moiety to the informer and the other moiety to the Colonial Treasurer.

17. And be it enacted, That all penalties and forfeitures under the said recited Ordinance which may be recovered before any Justice of the Peace shall be made payable to her Majesty, and shall be paid to the Stipendiary Justice of the district, who shall pay over one moiety of such penalty or forfeiture to the person who shall have discovered, informed or sued for the same, and the other moiety to the colonial treasurer for the uses of the Colony.

Capias may issue against persons sued under this Ordinance who are to give bail.

18. And be it enacted, That whenever any penalty shall be sued for as aforesaid by information against any person in the Supreme Civil Court, a capias may thereupon issue as the first process, specifying the amount of the penalty sued for; and such person against whom such capias shall issue shall be obliged to give sufficient bail or security to the Marshal to appear in the said Court at the day of the return of such writ, to answer such suit and prosecution, and shall likewise at the time of such appearing give sufficient bail or security, by such

persons as aforesaid in the said Court, to answer and pay all the forfeitures and penalties incurred for such offence or offences in case he, she, or they, shall be convicted thereof, or to yield his, her, or their body or bodies to prison.

19. And be it enacted, That if any person against whom a *capias* shall issue out of the said Supreme Civil Court shall be arrested upon such *capias* and taken to prison for want of sufficient bail, a copy of the information exhibited against such person shall be served upon him or her in gaol, or delivered to the gaoler, keeper, or turnkey of the prison in which such person shall be confined; and if such person shall neglect or refuse to appear or plead to the said information for the space of twenty days, judgment shall be entered by default; and in case judgment shall be obtained against any such person or persons by default, verdict or otherwise, and such person or persons shall not pay the sum recovered against him, her, or them, for his, her, or their offence, execution shall be thereupon awarded and issued, not only against the body or bodies of the person or persons so in prison as aforesaid, but against all the real and personal estates of such person or persons, for such sum or sums of money so as aforesaid recovered against him, her or them.

Persons in gaol not appearing or pleading to the information, judgment may be by default.

20. And be it enacted, That in case any person arrested and imprisoned by virtue of any writ of *capias* as aforesaid shall make affidavit before any Judge of the Supreme Civil Court, or before any other person commissioned to take affidavits in such Court, that he or she is not worth over and above his or her wearing apparel, the sum of five pounds (which said affidavit the said Judge or Judges of such Court, and such person so commissioned is and are hereby authorised and required so to take) and such person shall thereupon petition such Court to defend himself, or herself against such information in *forma pauperis*, then the Judge or Judges of such Court shall according to their discretion admit such person to defend himself or herself against such information in the same manner and with the same privileges as the Judges of such Court are by law directed and authorised to admit poor persons to commence actions for the recovery of their rights; and for that end and

Persons not worth £5 may defend suits in *forma pauperis*.

purpose, it shall be lawful for the Judges of such Court to assign counsel learned in the law, and to appoint a solicitor of the said Court to advise and carry on any legal defence that such person can make against such action or information, and which said counsel and solicitor so assigned and appointed, is and are hereby required to give his and their advice and assistance to such person, and to do their duties without fee or reward.

No claim or appearance to be entered to any information for the forfeiture of seized goods unless in the name of the owner and oath made to the property.

21. And be it enacted, That no claim shall be permitted to be entered to, and no appearance shall be permitted to be entered to any information filed for the forfeiture of any boat, vessel, or goods seized for any cause of forfeiture and returned into the Supreme Civil Court, unless such claim or appearance is entered in the true and real name or names of the owner or owners, proprietor or proprietors of such vessel, boat, or goods, describing the place of residence and the business or profession of such person or persons; and if such person or persons shall reside within the Colony, oath shall be made by him, her, or them before one of the Judges of the said Court that the said vessel, boat, or goods was or were truly and really the property of him, her, or them at the time of such seizure; but if such person or persons shall not be resident within this Colony, then and in such case oath shall be made in like manner by the agent or attorney or solicitor by whom such claim or appearance shall be entered, that he has full power and legal authority and directions from such owners or proprietor to enter such claim or appearance, and that to the best of his knowledge and belief such vessel, boat, or goods were at the time of the seizure thereof, *bona fide* and truly the real property of the person or persons in whose name or names such claim or appearance is entered; and on failure thereof, the vessel, boat, or goods shall be absolutely condemned, and judgment shall be entered thereon by default, in the same manner as if no claim or appearance had been entered thereto; and every person who shall be convicted of making or taking a false oath to any of the facts hereinbefore directed or required to be sworn to shall be deemed guilty of perjury, and shall be liable to the pains and penalties to which persons are liable for wilful and corrupt perjury.

22. And be it enacted, That upon the entry of any claim to any boat or vessel, or to any goods, seized for any cause of forfeiture, or of any appearance to any information filed for such forfeiture, the person or persons who shall enter the claim or appearance as the owner or proprietor thereof (in case such claimant shall reside within this Colony) shall be bound with two other sufficient sureties in the penalty of sixty pounds sterling to answer and pay the costs occasioned by such claim or appearance, and if such owner or proprietor shall not reside within this Colony, then and in such case the solicitor by whose direction such claim or appearance shall be entered shall in like manner be bound with two other sufficient sureties in the like penalty to answer and pay the costs occasioned by such claim or appearance.

Owners to give security for costs occasioned by the claim or appearance.

23. And be it enacted, That in case any information or suit shall be commenced or brought to trial on account of the seizure of any vessel, boat, merchandize or commodities whatsoever, or any horses, or other animal, or any carriage seized as forfeited by the said recited Ordinance, wherein a verdict shall be found for the claimant thereof, and it shall appear to the Judge or Court before whom the same shall have been tried that there was a probable cause for the seizure, such Judge or Court shall certify on the record that there was such probable cause, and in such case the person who made such seizure shall not be liable to any action, indictment or other suit or prosecution on account of such seizure; and in case any action, indictment or other suit or prosecution shall be commenced and brought to trial against any person or persons whatsoever on account of any such seizure as aforesaid, wherein a verdict shall be given against the defendant or defendants if the Court or Judge before whom such information or suit shall have been tried shall have certified on the said record that there was probable cause for such seizure, then the plaintiff, besides the things seized, or the value thereof, shall not be entitled to above two-pence damages, nor any cost of suit, nor shall the defendant in such prosecution be fined above one shilling.

If suit brought on account of seizure, and the judge shall certify that there was probable cause, plaintiff to have two-pence damages, and defendant fined not more than one shilling.

24. And be it enacted, that no action shall be commenced against any person acting under the said recited Ordinance for any thing done in the execution of or by reason of his office until one calendar month next after

No action to be commenced against officer making seizure until one calendar month next

after notice
given.

notice in writing shall have been delivered to him, or left at his usual place of abode by the solicitor for the party who intends to bring such action as aforesaid, in which notice shall be clearly and explicitly contained the cause of action, the name and place of abode of the person who is to bring such action, and the name and place of abode of the solicitor; and that a fee of twenty shillings shall be paid for the preparing or serving of every such notice and no more.

No evidence
to be adduced,
but what is
contained in
the notice.

25. And be it enacted, That no plaintiff in any case where an action shall be grounded on any such act done by the defendant shall be permitted to produce any evidence of the cause of such action except such as shall be contained in the notice to be given as aforesaid, or shall receive any verdict against such persons unless he shall prove on trial of such action that such notice was given; and in default of such proof, the defendant in such action shall receive a verdict and costs as aforesaid.

Officer may
tender
amends.

26. And be it enacted, That it shall and may be lawful to and for any such person to whom such notice shall have been given as aforesaid at any time within one calendar month after such notice shall be given, to tender amends to the party complaining, or to his, her, or their solicitor, and in case the same is not accepted to plead such tender in bar to any action to be brought against him together with the plea of not guilty, and other pleas, and if upon issue joined thereon, the jury shall find the amends so tendered to have been sufficient, that then they shall give a verdict for the defendant; and in such case, or in case the plaintiff shall become nonsuit or discontinue his, her, or their action, or in case judgment shall be given for such defendant upon demurrer, then such defendant shall be entitled to the like costs as he would have been entitled to in case he had pleaded the general issue only; but if upon issue joined the jury shall find that no amends were tendered, or that the same were not sufficient, or shall find against the defendant in such other plea or pleas, then they shall give a verdict for the plaintiff, and such damages as they shall think proper together with his, her, or their costs of suit.

Neglecting to
tender amends
may pay
money into
Court.

27. And be it enacted, That in case any such person as aforesaid shall neglect to tender any amends, or shall have tendered insufficient amends before the action

brought, it shall and may be lawful for him, by leave of the Court at any time before the trial of the said action to pay into Court such sums of money as he shall see fit, whereupon such proceedings, orders and judgment shall be had made and given in and by such Court as in other actions where the defendant is allowed to pay money into Court.

28. And be it enacted, That every suit or action to be brought against any person for anything done by him under the said recited Ordinance shall be brought or commenced within six months next after the cause of action shall have arisen and not afterwards, and the defendant or defendants shall and may plead the general issue, and give the special matter in evidence, at any trial had thereupon; and if the plaintiff or plaintiffs shall become nonsuit, or discontinue his, her, or their action, or if upon a verdict or demurrer judgment shall be given against the plaintiff or plaintiffs, the defendant or defendants shall or may receive treble costs, and have such remedy for the same as any defendant or defendants can or may have in other cases where costs are given by law.

Actions against officer to be brought within six months next after cause of action has arisen. Plea general issue. Treble costs to defendants.

29. And be it enacted, That if any spirits or other goods shall be seized for non-payment of duties under the said recited Ordinance, and any dispute shall arise whether the duties have been paid for the same, or the same have been lawfully imported or concerning the place from whence such goods were brought, then and in such case the proof thereof shall lie on the owner or claimer of such goods, and not on the officer or person who shall seize and stop the same.

Proof of payment of duties or of the lawful importation of goods to be on owner.

30. And be it enacted, That all supervisors or officers of Customs employed under the said recited Ordinance, shall be deemed and taken to be duly employed; and the averment in any information or suit, that such party was so duly employed shall be sufficient proof thereof, unless the defendant in such information or suit shall prove to the contrary.

Persons employed under the said Ordinance to be deemed duly employed.

31. And be it enacted, That if upon any trial a question shall arise whether any person is a supervisor or officer of the Customs within the meaning of the said recited Ordinance, evidence of his having acted as such

Viva voce evidence may be given that a party is an officer and

deemed a competent witness although entitled to a share of the seizure or penalty or reward on conviction. shall be deemed sufficient, and such person shall not be required to produce his commission or authority, unless sufficient proof shall be given to the contrary; and every such supervisor or officer of the Customs shall be deemed a competent witness upon the trial of any suit or information on account of any seizure or penalty as aforesaid, notwithstanding such supervisor or officer may be entitled to any part of such seizure or penalty or to any reward upon the conviction of the party charged in such suit or information.

What shall be deemed sufficient evidence of an order of the collector of Customs. 32. And be it enacted, That upon the trial of any such information touching any penalty or forfeiture under the said recited Ordinance, the letter of instructions which shall have been officially received by the supervisor or officer of the Customs ordering the commencement of any information and purporting to be signed by the collector of Customs shall be admitted and taken as sufficient evidence and proof to all intents and purposes whatsoever of such order having been made by the collector of Customs.

When Ordinance to take effect. 33. And be it enacted, That this Ordinance shall take effect and be in force upon and from and after the first day of January, which will be in the year of our Lord one thousand eight hundred and forty-nine.

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

GEORGE B. VAN BUREN,

Acting Clerk of Council.

The foregoing Ordinance was duly proclaimed in the town of Port of Spain this twenty-eighth day of December, one thousand eight hundred and forty-eight.

A. CLOGSTOUN,

Marshal.

SCHEDULE TO WHICH THIS ORDINANCE REFERS.

District of }
To Wit. }

Be it remembered that on the day of in the
 year of our Lord one thousand eight hundred A.B.,
 Officer of Customs, who is directed by the collector of Her Majesty's
 Customs to prefer the information, gives
 of Her Majesty's Justices of the Peace in and for
 to understand and be informed, that C.D. on the
 day of in the year of our Lord one thousand eight hun-
 dred (here state the offence), contrary to the form of the
 Ordinance in that case made and provided, whereby the said C.D.
 hath forfeited the sum of pounds.

District of }
To Wit }

Be it remembered that on the day of in the
 year of our Lord one thousand eight hundred an in-
 formation was exhibited by A.B., officer of Customs, before
 of Her Majesty's Justices of the
 Peace in and for against C.D., which said information
 charged, that the said C.D. on the day of in the year
 of our Lord one thousand eight hundred (here state the
 offence as in the information), contrary to the form of the Ordi-
 nance; which offence has been duly proved before
 do therefore convict the said C.D. of the said offence, and do ad-
 judge, that the said C.D. hath forfeited for his said offence the sum
 of pounds. Given under the
 day of (in cases where the Magistrates exercise the power of
 mitigation, add these words) "which said sum of , we
 the said Justices do hereby mitigate to the sum of ."

District of }
To Wit. }

To A.B., police constable, and to E.F., the gaoler or keeper
 of the at in the

Whereas C.D. has been duly convicted before
 of Her Majesty's Justices of the Peace in and
 for of having (state the offence as in the information):
 and whereas did adjudge that the said C.D. had
 forfeited for his said offence the sum of pounds (which sum

of _____ pounds, we the said Justices did mitigate to the sum of _____), which said sum of _____ pounds has not been paid; these are therefore to require you the said A.B. forthwith to take, carry and convey the said C.D. to the Royal Gaol at Port of Spain in the said Island, and to deliver him into the custody of the keeper of the said gaol; and _____ do hereby authorise and require you the said E.F., the keeper of the said gaol, to receive and take the said C.D. into your custody, and him safely to keep until he shall duly pay the said sum of _____

Given under our hands and seals at _____ in the _____ of this _____ day of _____ in the year of our Lord one thousand eight hundred and _____

No. 8.—1849.

4th September.

AN ORDINANCE for the Division of the Colony of Trinidad into Divisions, Counties, Districts, and Wards.

(L. S.) HARRIS.

Colony of Trinidad to be divided into two divisions.

BE it enacted by His Excellency the Governor, with the advice and consent of the Council of Government, That the Colony of Trinidad shall be divided into two divisions, the first whereof shall be called the Northern Division, and shall comprise so much and such parts of the Colony as lie to the northward, and the second shall be called the Southern Division, and shall comprise so much and such parts of the Colony as lie to the southward of a line drawn from Point-a-Pierre, between the quarters of Savonetta and Point-a-Pierre, and thence in a north easterly direction along the heights of the Montserrat hills to the head of the river Le Branche, and thence along the southern bank of the river Le Branche to the sea.

Each division to be divided into four counties.

2. And be it enacted that of the said two divisions the **NORTHERN DIVISION** shall comprise four counties, whereof