

remedy for the same as any defendant can have in other cases where costs are given by law.

8. And be it enacted, That any person who shall falsely make any declaration by this Ordinance required to be made, shall for every such offence forfeit the sum of two hundred pounds sterling, and such penalty may be prosecuted, sued for and recovered with full costs of suit in like manner as any other penalty or forfeiture imposed by this Ordinance. Penalty for false declaration.

9. And be it enacted, That every word in this Ordinance importing the singular number shall extend and be applied to several persons or things, as well as one person or thing; and every word importing the masculine gender only shall extend and be applied to a female as well as a male. Interpretation.

10. And be it enacted, That this Ordinance shall commence and take effect from and immediately after the promulgation thereof. Commencement of Ordinance.

Passed in Council this eighteenth day of September, one thousand eight hundred and forty-five.

THOMAS F. JOHNSTON,

Clerk of Council.

No. 35.—1845.

AN ORDINANCE for regulating the mode of Proceeding in actions of Ejectment and Replevin.

(L. S.) H. MACLEOD.

WHEREAS it is expedient to make provisions for regulating the mode of proceeding in actions of ejectment and of replevin: Be it enacted by his Excellency the Governor in and over the Island of Trinidad and its dependencies, by and with the advice and consent of the Council of Government thereof, That the words and expressions hereinafter mentioned, which in their ordinary signification have a more con-

Interpretation fined or a different meaning, shall in this Ordinance be interpreted as follows, that is to say:—the word “land” shall extend to messuages and all other corporeal hereditaments whatsoever, and also to any share estate or interest in them or any of them; and the word “person” shall extend to a body politic or corporate, and to a class of creditors or other persons, as well as an individual; and every word importing the singular number only shall extend and be applied to several persons or things, as well as one person or thing; and every word importing the masculine gender only, shall extend and be applied to a female as well as a male.

Where an action of ejectment would lie in England the same to lie in this Colony.

2. And be it enacted, That any person having any such claim to any land in this Colony as would entitle him to a right of entry on such land if the same were situate in England, shall have a right of entry on such land, *and in every such case an action of ejectment in respect of such land shall be maintainable in the Supreme Civil Court of this Colony.*^a

* * * * *

7. Repealed by Ordinance of 1882

Wh. in turn is spent

Proceedings in replevin, Stipendiary Justice to take pledges by bond.

Sections 3, 4, 5, are repealed by Ordinance No. 15 of 1881.

6. And be it enacted, That if the goods or chattels of any person be taken and wrongfully withholden, the Stipendiary Justice of the Peace of the district where such goods and chattels may be so taken, after complaint made to him, shall have authority to grant replevin of such goods and chattels without let or gainsaying of him that took them: and such Stipendiary Justice shall before any deliverance of the distress, take in his own name from the plaintiff and two sufficient persons as sureties, a bond in double the value of the goods distrained, such value to be ascertained by the oath of one or more credible witness or witnesses not interested in the goods or distress, which oath such Stipendiary Justice is hereby authorised and required to administer and conditioned for prosecuting the suit with effect and without delay, and for duly returning the goods and chattels distrained in case a return shall be awarded.

^a These words repealed by Ordinance 15 of 1881.

And the Stipendiary Justice taking such bond, shall at the request and costs of the avowant or person making conusance, assign such bond to the avowant or person aforesaid, by endorsing the same and attesting it under his hand and seal, in the presence of two or more credible witnesses; and if the bond so taken and assigned be forfeited the avowant or person making conusance may bring an action and recover thereupon in his own name, and the Supreme Civil Court may by a rule of the same Court give such relief to the parties upon such bond as may be agreeable to justice and reason, and such rule shall have the nature and effect of a defeasance to such bond.

Bond to be assigned to the avowant or party making conusance.

7. And be it enacted, That every action of replevin shall be brought in the Supreme Civil Court without any previous plaint, and the defendant may plead thereto or avow, or make conusance in the same manner as is used in the like case in the said Court of Queen's Bench; and if a verdict shall be found for the plaintiff, the jury shall assess the damages for the injury sustained by the plaintiff by the taking of his goods, and if judgment shall pass for the plaintiff upon demurrer, or by *nil dicit*, or on confession, such damages shall be inquired of by a jury, or the same may, with the consent of the plaintiff and defendant, be assessed by the Court, and the plaintiff shall have judgment for his damages so assessed with costs; and if a verdict shall be found for the defendant, or the plaintiff be barred or otherwise nonsuited, the defendant shall be entitled to the like judgment as a defendant would be entitled to in the like case in the Court of Queen's Bench.

Actions of replevin to be brought in the Supreme Civil Court.

Proceedings in such action to be according to those in the Court of Queen's Bench at Westminster.

8. And be it enacted, That such new or altered writ or writs shall be sued out of the Supreme Civil Court as may by such Court be deemed necessary or expedient for giving effect to the provisions hereinbefore contained, and in such forms as the Judges of such Court shall from time to time think fit to order.

New writ or writs to be provided by the Judges.

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

Commencement of Ordinance.

Passed in Council this eighteenth day of October, one thousand eight hundred and forty-five.

THOMAS F. JOHNSTON, *Clerk of Council.*

The foregoing Ordinance was duly proclaimed in the town of Port of Spain, on this eleventh day of November, one thousand eight hundred and forty-five.

A. CLOGSTOUN,

Marshal.

No. 36.—1845.

AN ORDINANCE for the amendment of the Law relating to Covenants and Warranties and assimilating the same to the Law of England.

(L. S.) H. MACLEOD.

Grantees of
reversions
may take
advantage of
conditions and
covenants
against the
lessees of the
same lands.

WHEREAS by the law of this Colony no stranger to any covenant, action, or condition, can take any advantage or benefit of the same by any means or ways in the law, but only such as be privies thereto, and all contracts in respect of lands or goods are taken to imply much greater and more extensive warranties than would be implied in the like cases by the law of England: For remedy thereof, and for assimilating the law of this Colony in such respects to the law of England in like cases, Be it enacted by his Excellency the Governor in and over the Island of Trinidad and its dependencies, by and with the advice and consent of the Council of Government thereof, and by the authority of the same, That all persons and bodies politic, being grantees or assignees to, or by any other person or persons of any lands, tenements, rents, or other hereditaments, or of any reversion or reversions of the same, and the heirs, executors, successors, and assigns of every of them shall and may have and enjoy like advantages against the lessees of any such lands, tenements, rents, or other hereditaments, their executors, administrators, and assigns, by entry for non-payment of the rent, or for doing of waste or other forfeiture, and also shall and may have and enjoy all and every such like and the same