

TRINIDAD AND TOBAGO.

No. 8.—1918.

I ASSENT,

[L.S.]

J. R. CHANCELLOR,
Governor.

27th April, 1918.

AN ORDINANCE relating to the importation and
destruction of the Mongoose (*Herpestes Mungo*).

[27th April, 1918.]

BE it enacted by the Governor of Trinidad and Tobago
with the advice and consent of the Legislative Council
thereof as follows :—

Short Title.

1. This Ordinance may be cited as the Mongoose Ordinance, 1918.

Mongoose
not to be
imported.2.—(1.) No person shall import or cause to be imported
into this Colony any live animal of the description known
as Mongoose.(2.) Any person contravening the provisions of this
section is liable on summary conviction before a Magistrate
to a fine not exceeding £20, and in default of payment to
imprisonment, with or without hard labour, for any term not
exceeding three months.

3. Any officer of Customs finding a live Mongoose among any goods or baggage entering the Colony shall forthwith seize the same and destroy or cause the same to be destroyed.

Power of
Customs
officer.

4.—(1.) No person shall keep or have in his possession any live Mongoose.

Mongoose not
to be kept.

(2.) Any person contravening the provisions of this section is liable on summary conviction before a Magistrate to a fine not exceeding £20, and in default of payment to imprisonment, with or without hard labour, for any term not exceeding three months.

(3.) The convicting Magistrate shall order any Mongoose in respect of which an offence under this section has been committed to be destroyed.

5.—(1.) Any Magistrate or Justice who is satisfied by proof on oath that there is reasonable cause for believing that there is in any house, building, premises or other place any Mongoose, may issue a warrant under his hand authorizing some member of the Constabulary Force named therein to enter and search such house, building, premises or other place for such Mongoose.

Search
warrant.

(2.) Every such warrant may be issued and executed on a Sunday.

6.—(1) It shall be lawful for:—

- (a) The Director or Assistant Director of Agriculture; or
- (b) The Chief Inspector or an Inspector appointed under the Plant Protection Ordinances; or
- (c) Any person authorised in writing by the Director of Agriculture;

Entry on land
by certain
persons in
order to
destroy
Mongoose.

to enter with such assistants as may be necessary upon any land and search for, capture and destroy Mongoose.

(2.) The occupier, or if there is no occupier, the owner of any such land shall pay to the Director of Agriculture the sum of one shilling for every Mongoose destroyed under the provisions of this section.

(3.) If a Mongoose is destroyed by or under the direction of any person named in Sub-section (1) (a) and (b) of this section, any amount received in respect of such destruction shall be paid into the Treasury, otherwise such amount shall be paid by the Director of Agriculture, when received, to the person by whom or under whose direction any Mongoose is destroyed.

Order on owner or occupier of land to destroy Mongoose.

7.—(1.) The Director of Agriculture may issue an order in writing in the form in the Schedule to this Ordinance to the occupier, or if there be no occupier to the owner, of any land, directing him to take within a definite time from the service upon him of such order to be specified therein all such measures as may be necessary for the destruction of Mongoose on his land.

(2.) If there is no occupier on any land, service of any order under this Ordinance may be made by affixing the same in some conspicuous part of the land.

Non-compliance with order.

8. If any owner or occupier shall fail to comply with the directions contained in any order, any Inspector authorised either generally or in a special case by the Director of Agriculture may, with or without assistants, enter upon such lands and take such steps as may be necessary for properly and effectively carrying such order into execution.

Expenses and charges.

9. All payments directed to be made to the Director of Agriculture under Section 6 of this Ordinance and all expenses incurred by or under the direction of the Director of Agriculture in carrying into effect any order made under Section 7 of this Ordinance shall be a first charge on the land affected by the order, and payment thereof may be enforced forthwith in the manner provided by the Land Charges and Land Taxes Ordinance (No. 204).

Protection of persons acting under this Ordinance.

10.—(1.) No person authorised under the provisions of this Ordinance shall be deemed a trespasser by reason of any entry or destruction or action taken or thing done under this Ordinance, or be liable for any damages occasioned by carrying out any of the provisions of this Ordinance, unless the same were occasioned maliciously and without reasonable and probable cause.

(2.) Proceedings taken under this Ordinance shall not be rendered void by reason of any informality in any order or notice made or given.

11. The Ordinances No. 123 and No. 27 of 1908 are hereby repealed. Repeal.

Passed in Council this Nineteenth day of April, in the year of Our Lord one thousand nine hundred and eighteen.

J. M. FARFAN,
Acting Clerk of the Council.

 SCHEDULE.

 THE MONGOOSE ORDINANCE, 1918.

 ORDER UNDER SECTION 7.

To _____, occupier (or owner)
 of _____ situate at _____
 in the Ward of _____
 in pursuance of the powers vested in me by the Mongoose Ordinance, 1918,
 I hereby direct you, within _____ days of the service upon you of this
 Order to take all such measures as may be necessary for the destruction of
 Mongoose on the following land, namely, (*here describe the land*)

Dated this _____ day of _____ 19

A. B.,
 Director of Agriculture.

THE SUMMARY CONVICTION OFFENCES
(PROCEDURE) ORDINANCE, 1918.

Table Showing Sources of the Bill.

SECTION OF BILL.	CORRESPONDING PROVISION OF EXISTING LAW.
1 and 2 ...	Sections 1 and 2 of No. I. The definition of child has been extended so as to include children under 14 instead of only under 12 as at present.
Section 3 ...	Section 2 of No. 26 of 1906.
Section 4 ...	Section 2 of No. 27 of 1905.
Section 5 ...	Sections 6, 7 and 22 of No. I; but further power is given to Magistrates to appoint interpreters in particular cases, if necessary.
Sections 6 to 8 ...	Sections 4 and 9 of No. I. But Sub-section 2 of Section 7 of the Bill is new, and is intended to cover a difficulty which sometimes occurs in Ward Unions like Tobago, Toco, &c. when for some special reason the Magistrate cannot act.
	Section 8 of No. I is omitted as probably <i>ultra vires</i> and as not required in view of Section 686 of the Merchant Shipping Act, 1894.
Section 9 ...	Section 21 of No. I.
Sections 10, 11 ...	Section 19 of No. I.
Section 12 ...	Is new, but declares the Common Law.
Section 13 ...	Section 24 of No. I.
Sections 14 to 21 ...	Sections 10 and 11 and 13 to 18 of No. I. Sub-section 2 of Section 15 of the Bill is new but gives effect to existing practice and Sub-section 3 is Section 5 of No. 276.
Sections 22, 23 ...	Section 167 and 12 of No. I
Sections 24 to 32 ...	Sections 143 to 151 of No. I. The phraseology of Section 23 (2) is altered but without changing its effect.
Sections 33 to 50 ...	Sections 25 to 41 of No. I. Sub-section 2 of Section 34 of the Bill is Section 3 of No. 2 of 1905, and Section 43 is new, and is introduced to deal with the trouble caused by witnesses being induced by parties to stop away or leave the Court with a view to forcing adjournments.
Section 51 ...	Section 42 of No. I.
Section 52 ...	Section 54 of No. I

No. 9 SUMMARY CONVICTIONS OFFENCES (PROCEDURE). 1918

SECTION OF BILL.	CORRESPONDING PROVISION OF EXISTING LAW.
Section 53 ...	Section 52 of No. I.
Section 54 ...	Section 43 of No. I.
Section 55 ...	Section 3 of No. 24 of 1915.
Sections 56 to 60 ..	Sections 44 to 48 of No. I. Sub-section 2 of Section 58 of the Bill is new and is intended to deal with the somewhat common habit of parties obtaining a suspension of fees under Section 10 of No. 1, and then settling their case out of Court and never paying the proper fees.
Section 61 ...	Section 49 of No. 1. Section 61 of the Bill enlarges the power to hear cross complaints to cases where the facts are the same though in the second of the two complaints other parties may be introduced.
Section 62 ...	Section 50 of No. I.
Section 63 ...	Section 51 of No. I but amended so as to restrict the period for which an accused person can be remanded in custody and to allow of adjournments being granted in the absence of a sick defendant. Sub-section (5) of Section 63 of the Bill is also new. It is suggested that cases occur where it is proper to enforce the appearance of a defendant at a hearing instead of proceeding in his absence.
Sections 64 & 65 ...	Sections 55 to 57 of No. I. Under Section 57 of No. I imprisonment, not exceeding 6 months, may be imposed for failure to pay a penalty, but there is no scale of imprisonment like that which appears in Section 5 of the Summary Jurisdiction Act, 1879. This scale now appears in Section 65 of the Bill.
Sections 66 & 67 ...	Section 66 of Bill is Section 39 of No. 43 of 1916 and Section 67 replaces the second paragraph of Section 57 of No. I and is modelled on Section 18 of the Criminal Justice Administration Act 1914 (4 and 5 Geo. V. c. 58.)
Section 68 ...	Section 119 of No. I.
Sections 69 to 71 ...	Sections 58 to 61 of No. I.
Section 72 ...	Section 63 of No. I. Under Sub-section 6 of Section 72 of the Bill, power is given to the Magistrate to direct that on failure to pay costs or compensation, the person against whom an order is made may be sentenced to a cumulative term of imprisonment.
Section 73 ...	Section 64 of No. I. Section 73 of the Bill provides for imprisonment on default of payment, and also allows of compensation being paid to the person damnified where the police may have taken the proceedings.
Sections 74 to 81 ...	Sections 65 to 71 of No. I.
Section 82 ...	Section 73 of No. I. Sub-section 2 of Section 82 of the Bill is new.

No. 9 SUMMARY CONVICTIONS OFFENCES (PROCEDURE). 1918

SECTION OF BILL.	CORRESPONDING PROVISION OF EXISTING LAW.
Sections 83 to 86 ...	Sections 72, 74, 75 and 76 of No. I. Sub-sections 2 and 3 of Section 86 of the Bill are new and it is suggested introduce a very desirable amendment of the law. At present part payment of a fine does not entitle a prisoner to any reduction of his term.--this section would reduce the term proportionately.
Sections 87, 88 ...	Sections 77, 78 of No. I.
Section 89 ...	Sections 53 and 82 of No. I.
Sections 90, 91 ...	Sections 84, 85 of No. I.
Section 92 ...	Section 83 of No. I.
Section 93 ..	Section 79 of No. I.
Section 94 ...	Section 81 of No. I.
Section 95 ...	Section 80 of No. I.
Sections 96 to 100...	Sections 86 to 90 of No. I.
Section 101 ...	Section 19 of No. 65.
Section 102 ...	Section 91 of No. 1 and Section 101 of No. 5.
Sections 103 to 111	Sections 92 to 102 of No. 1. Sub-section 2 of Section 102 of No. I is not inserted in the Bill as its subject matter is dealt with in Sections 26 and 27 of No. 141.
Section 112 ...	Section 106 of No. I, but its phraseology is altered so as to bring it more into harmony with that of Section 25 of the Summary Jurisdiction Act, 1879.
Section 113 ...	Section 107 of No. I only allows of a complainant or defendant being bound over, but experience has shewn that it is often advisable to bind over witnesses as well. Section 113 of the Bill gives this power to a Summary Court and also empowers it to impose imprisonment, in addition to any other penalty, where default is made in giving security for good behaviour.
Sections 114 to 122	Sections 110 to 117 of No. I. Sections 115 and 117 of No. I would appear to be in conflict as to the manner of enforcing a recognizance; this state of affairs is remedied in the Bill—see Sections 121, 122. Section 120 is new and allows of continuous recognizances.
Section 123 ...	Para. 2 of Section 118 of No. 1.
Section 124 ...	Sections 120 and 121 of No. 1.
Sections 125 to 127	Sections 124 to 126 of No. I, but following Section 37 of 4 and 5 Geo. 5 c. 58, Section 125 (2) of the Bill does not allow a person who has pleaded guilty to appeal.
Sections 128 to 130	These are new. It is thought that the grounds of appeal should be clearly stated in writing.

No. 9 *SUMMARY CONVICTIONS OFFENCES (PROCEDURE)*. 1918

SECTION OF BILL.	CORRESPONDING PROVISION OF EXISTING LAW.
Section 131 ...	Section 127 of No. 1.
Sections 132 to 134	Sections 129 to 131 of No. 1.
Section 135 ...	Is new and remedies an omission in the law which has given trouble.
Section 136 ...	Section 132 of No. I.
Section 137 ...	This is new. Action would be taken under it on failure to do what is required under Section 128.
Sections 138, 139...	Section 133 of No. I.
Section 140 ...	See Section 128 of No. I.
Sections 141 to 144	See Sections 134 and 135 of No. I.
Section 145 ...	See Section 133 of No. I. Power is given to the Supreme Court by Sub-section 3 of Section 145 of the Bill to refer a case back to the Magistrate. Some doubt has been expressed as to whether the Court possesses this power under No. I. The section also allows of evidence being given by affidavit if the Court thinks fit.
Section 146 ...	Section 137 of No. I.
Section 147 ...	See Section 133 of No. I. The latter part of Section 147 (2a) of the Bill is new and is modelled on Section 4 (3) of the Criminal Appeal Act 1907. 2 (b) of the Bill is new and adopts the provisions of Section 7 of 12 and 13 Vic. C. 45.
Section 148 ...	See Section 139 of No. I.
Section 149 ...	Section 136 of No. I.
Section 150 ...	See Section 139 of No. I.
Section 151 ...	This is new. It is thought only fair that any costs incurred by a respondent before notice of withdrawal is given to him should be recoverable.
Sections 152, 153 ...	See Sections 139 and 140 of No. I.
Sections 154, 155 ...	Sections 141, 142 of No. I; but Section 154 of the Bill is more detailed than the corresponding Section 141 of No. I.
Section 156 ..	Is new, but supplies a less cumbersome procedure than an application for a mandamus.
Schedule I ...	Is Schedule I of No. I.
Schedule II ...	Is Schedule II of No. I, but paragraphs 8, 10, 12 and 13 in column 1, and paragraphs 8, 10, 12 and 13 in column 2 are new.
Schedules III, IV, and V	The necessary alterations have been made in the forms.
Schedule VI ..	Is the Schedule of Repeals.