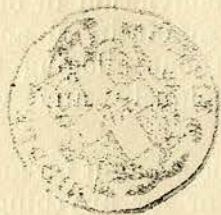


TRINIDAD AND TOBAGO.

No. 34.—1917.

I ASSENT,

[L.S.]



J. R. CHANCELLOR,
Governor.

17th December, 1917.

AN ORDINANCE to protect Magistrates and Justices from vexatious actions for acts done by them in the execution of their office.

[17th December, 1917.]

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

1. This Ordinance may be cited as the Magistrates and Justices Protection Ordinance, 1917. Short Title.

2. Every action to be brought against any Magistrate or Justice for any act purporting to have been done by him in the execution of his office shall be brought in the Supreme Court. Action to be brought in Supreme Court.

3. The endorsement of the writ of summons in every such action shall allege either that such act was done maliciously, and without reasonable and probable cause; or that it was done in a matter not within the jurisdiction If plaintiff fail to prove malice or want of jurisdiction he shall be non-suited.



of the Magistrate or Justice; otherwise the writ shall be set aside on summons; and if the plaintiff shall fail at the trial to prove such allegation, a verdict shall be given for the defendant.

Where act is done without jurisdiction, malice need not be alleged, but no action shall be brought until conviction is quashed.

4.—(1.) Any person injured by any act done by a Magistrate or Justice in a matter not within his jurisdiction, or in excess of his jurisdiction, or by any act done in any such matter under any conviction or order made or warrant issued by him, may maintain an action against such Magistrate or Justice without alleging that the act complained of was done maliciously and without any reasonable and probable cause.

(2.) No such action shall be brought for anything done under such conviction or order or for anything done under any warrant which shall have been issued by such Magistrate or Justice to procure the appearance of such party and which shall have been followed by a conviction or order in the same matter, until after the conviction or order shall have been quashed by the Supreme Court.

No action to be brought unless there has been a conviction or if there has been a summons.

5. No action shall in any case be brought against any Magistrate or Justice for anything done under any warrant, which shall not have been followed by a conviction or order, or if, being a warrant upon an information for an alleged indictable offence, a summons was issued previously thereto, and served upon such person personally, or by its being left for him with some person at his usual or last known place of abode, and he shall not have appeared in obedience thereto.

Nor against a Magistrate or Justice for warrant made by him upon the conviction of another Magistrate or Justice.

6. Where a conviction or order shall be made by a Magistrate or Justice and a warrant of distress or of commitment shall be granted thereon by some other Magistrate or Justice *bonâ fide*, and without collusion, no action shall be brought against such last mentioned Magistrate or Justice by reason of any defect in such conviction or order, or for any want of jurisdiction in the Magistrate or Justice that made the same, but the action may be brought against the Magistrate or Justice who made such conviction or order.

Nor for granting warrant for enforcing rate.

7. No action shall be brought against any Magistrate or Justice who shall have granted a warrant of distress against any person for enforcing the payment of any rate made,

allowed and published, by reason of any irregularity or defect in such rate, or of such person not being liable to be rated.

8. No action shall be brought against any Magistrate or Justice for the manner in which he shall have exercised any discretionary power given to him by law.

Nor for exercise of any discretionary power.

9. Where any Magistrate or Justice refuses to do any act relating to his duties as a Magistrate or Justice, the party requiring such act to be done may apply to the Supreme Court, upon an affidavit of the facts, for a rule calling upon such Magistrate or Justice, and also the party to be affected by such act, to show cause why such act should not be done; and if after due service of such rule good cause shall not be shewn against it, the Court may make it absolute, with or without costs, and such Magistrate or Justice upon being served with such rule absolute, shall obey it, and do the act required, and no action or proceeding whatsoever shall be brought against him for having obeyed such rule and done such act so required.

Remedy where Magistrate or Justice shall refuse to do his duty.

10. Where a warrant of distress or of commitment shall be granted by a Magistrate or Justice upon a conviction or order, which either before or after the granting of the warrant shall have been or shall be affirmed upon appeal, no action shall be brought against him for anything which may have been done under it, by reason of any defect in such conviction or order.

No action on warrant where conviction or order affirmed on appeal.

11. In all cases where by this Ordinance it is enacted that no action shall be brought under particular circumstances, if any such action is brought it shall be lawful for a Judge of the Supreme Court, on the application of the defendant and on an affidavit of facts, to set aside the proceedings in such action, with or without costs as to him may seem meet.

Setting aside action.

12. Where the plaintiff in any such action shall be entitled to recover, and he shall prove the levying or payment of any penalty or sum of money under any conviction or order as parcel of the damages he seeks to recover, or if he proved that he was imprisoned under such conviction or order, and shall seek to recover damages for such imprisonment, he shall not be entitled to recover the amount of

In what case plaintiff shall not recover substantial damages.

such penalty or sum so levied or paid, or any sum beyond one farthing as damages for such imprisonment, or any costs of suit whatsoever, if it shall be proved that he was guilty of the offence of which he was convicted, or that he was liable by law to pay the sum he was so ordered to pay, and that he had undergone no longer imprisonment than that assigned by law for the offence of which he was convicted, or for non-payment of the sum he was ordered to pay.

Repeal.

13. Sections 152, 153, 154, 155, 160, 161, 162, 163, 164, 165 and 166 of the Summary Conviction Offences (Procedure) Ordinance (No. 1) are hereby repealed.

Passed in Council this Seventh day of December, in the year of Our Lord one thousand nine hundred and seventeen.

HARRY L. KNAGGS,
Clerk of the Council.
