

TRINIDAD AND TOBAGO.

Vide Ord: 13 - 1921

No. 9.—1911.

Vide Ord 29 - 1922

1st March.

63 17 1921

23 17 1920

35 17 1917

AN ORDINANCE relating to Petty Civil Courts.

61 17 1919

[L.S.]

GEORGE R. LE HUNTE

GOVERNOR.

23rd March, 1911.

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 Petty Civil Courts Ordinance 1911.

Interpretation.

2. The following words shall in this Ordinance and all Rules hereunder, if not inconsistent with the context, bear the following meanings respectively, namely :—

“ Court ” means a Petty Civil Court under this Ordinance :

“ District ” means the district in and for which such Court is held :

“ Judge ” means the Commissioner or Judge of such Court or person lawfully acting as such Commissioner or Judge :

“ Clerk ” means the Clerk of such Court or person lawfully acting as such Clerk ; and includes Assistant Clerk :

*Vide Sec: 2
Ord 72, 1921*

"Bailliff" means ~~in the Port-of-Spain district the Marshal and his assistants; and elsewhere~~ the Bailiff of the district and his assistants:

vide Ord 13-1921

"Action" means any proceedings commenced by the issue of a summons out of a Court:

"Proceeding" means any other proceeding in a Court:

"Process" includes summons, notice, execution, summons under the Debtors Ordinance No. 37, and any other step in any action or founded on any judgment in an action:

"Prescribed" means prescribed by the rules made hereunder for the time being in force; and where no such rule applies, then shall mean according to the practice and forms heretofore in use in the Courts heretofore holden in the said respective districts:

"Clear days" means that in all cases in which any particular number of days is prescribed for the doing of any act, or for any other purpose, the same is to be reckoned exclusive both of the first and of the last day:

"Foreign Court" means the Court of a district into which process is issued from another Court:

"Foreign District" means a district other than the district from the Court of which the process is issued:

"Home Court" means the Court from which process is originally issued:

"Judgment" means the final decision of the Court in any action:

"Party" means party to an action or a person served with notice of or in any action, and includes a body politic or corporate:

"Return-day" means the day appointed in any summons or proceeding for the appearance of the defendant or any other day fixed for the trial of any action or matter:

"Rules of Court" includes forms:

"Trial" means the hearing of any action in Court:

3. The several Petty Civil Courts heretofore held shall, ^{Districts.} subject as herein is provided, continue to be held under the provisions hereof; and it shall be lawful for the Governor

by proclamation from time to time to divide the Colony, or any part thereof, into districts and to order that a Court shall be held in each or any of such districts, and also to appoint or change the place of holding of any such Court, or to consolidate any two or more of such districts, or to order that the holding of any such Court be discontinued, and also to declare by what name and at what place each such Court shall be held.

Port-of-Spain
Court.

4. Subject to the powers of the Governor by proclamation otherwise to appoint, a Court shall be held in Port-of-Spain for that part of the County of St. George lying to the Westward of the district of the Court of St. Joseph; and such Court may, subject as aforesaid, continue to be designated the Port-of-Spain District Court.

Nide B, 1921

*for the
Council
of St. J.*

Sittings.

5. The Courts shall hold public sittings at such places and on such days as the Governor may from time to time by proclamation appoint, and until otherwise so appointed at the places and times at which the same Courts respectively have hitherto been held. Provided that it shall be lawful for the Judge from time to time at his discretion to adjourn any Court to any day or hour that he may deem convenient.

Adjournment.

Vacation.

There shall be no sitting of the Port-of-Spain District Court in the month of September, and the Judge of any other Court may adjourn over September if he shall think fit.

Office hours.

6. The offices of the Courts shall be open daily, except Sunday, Christmas Day, New Year's Day, Good Friday and the day thereafter, Easter Monday and Tuesday, Whit-Monday, and any other public holiday, from the hour of 10 a.m. to 4 p.m. for the granting of summonses, issuing of writs of execution and for all other necessary business of the Court.

Holidays.

Judges of the
Courts.

7. The Stipendiary Justices of the Peace shall be the Judges of the Courts in their respective districts, ~~except in the Port-of-Spain district, where the Judge shall be such officer (being a Barrister-at-law of not less than five~~

*Referred by
03/1921.*

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near Section*

~~years standing) as may from time to time be appointed by the Governor. Such officer shall be known as the Commissioner of the Port of Spain District Court, and is herein after referred to as "the Commissioner."~~

Repealed by Ordinance No 23 of 1920.

8.—(a.) The Clerks of the Port of Spain District Court and the several Clerks of the Peace and their Assistants acting as clerks of the several other Courts existing at the commencement hereof, shall continue to act as clerks under the provisions hereof, and the Marshal and his assistants in Port of Spain and the several Bailiffs in other districts shall continue to be Bailiffs of such Courts respectively.

Clerks and Bailiffs. Repealed by Ordinance No 23 of 1920. Sec. 11 of 1921. which see Section 11.

(b.) Every clerk and bailiff to be hereafter appointed shall on appointment and before entering on the duties of his office give sufficient security to an amount to be approved by the Governor for the due accounting for all money received by him and for the performance of his duties.

Security.

9. It shall be lawful for the Governor from time to time to appoint a deputy or deputies to discharge the duties of any Judge, clerk or bailiff in case of illness or absence or for other reason; ~~Provided that the deputy for the Commissioner shall be a Barrister at Law or a Solicitor of not less than ten years standing.~~

Deputies.

Repealed by Ordinance No 23 of 1920.

10. All Courts shall have jurisdiction to try any action (save as by this Ordinance hereinafter excepted) in which the sum claimed shall not exceed the sum of £25.

Jurisdiction.

Provided that no Court shall in any action give judgment otherwise than for a stated sum as debt or damages and costs as the case may be, or for the defendant or for the striking out of the action as the case may be; and no equitable relief or remedy, nor any judgment or order in the nature of a mandamus or injunction shall be granted by such Court.

11. No action shall be brought in a Court in respect of any of the following causes of action, that is to say: replevin, any claim to recover possession or establish any title to or interest in land of or in which the title to any corporeal or incorporeal hereditaments (save as hereinafter otherwise provided) is in question, or in which the validity of any devise bequest or limitation under any will or settlement

Exceptions from jurisdiction.

may be disputed, or any action for seduction, breach of promise of marriage, criminal conversation, libel or slander, slander of title or infringement of patent or merchandize mark or copyright, or in respect of any malicious prosecution or false imprisonment, or for any breach of statutory duty, or in respect of any action in which the validity or legality of anything done in the execution or discharge of any public office or employment or any liability or alleged liability arising from the holding of any such office or employment shall be in dispute. And if it shall be made to appear in the course of the hearing that any claim or any part thereof is in fact in respect of any of the causes of action in this section mentioned, then such claim or such part thereof, as the case may be, shall forthwith be struck out with or without costs as to the Judge shall seem just.

Cases involving title.

~~12. If in any action for damages for trespass to land it appears in the course of the hearing that for the purpose of decision it would be necessary for the Judge to decide a *bona fide* dispute as to title to land, the Judge shall, unless both parties consent to his so deciding (which consent shall be entered on the proceedings and signed by both parties or their respective Solicitors or Counsel) strike out the action as in the last preceding section provided; but where it appears that the issues really in dispute between the parties do not involve such title, or where such consent has been entered, the Judge may proceed to judgment notwithstanding anything in the said section contained.~~

Cases triable by Justices.

13. In case any action shall be brought in respect of the recovery of any money by way of wages, or for damages for any alleged assault, or for the detention or conversion of goods, or for trespass to enclosed lands, or in respect of any other claim or cause of action, and in the opinion of the Judge the same could have been adequately dealt with by a Stipendiary Justice under the provisions of "The Summary Conviction Offences (Procedure) Ordinance No. 1," or of any other Ordinance conferring on a Stipendiary Justice in such Court the power to award payment or damages or compensation to the plaintiff in respect of any debt or claim whatsoever, the Judge shall, unless for good cause it appears to him otherwise just, strike out such

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action at the hearing, and such striking out shall be without prejudice to any right of the plaintiff to proceed before such Stipendiary Justice, if he shall be entitled to do so.

Provided that it shall not be deemed good cause for allowing such action to continue, that the time had gone by for commencing proceedings in the Court of summary jurisdiction at the commencement of the action.

14. The Court shall have and may exercise jurisdiction to hear and determine applications under the provisions of Section 4 of the Debtors Ordinance No. 37, in the following cases; that is to say:—

- (a.) Where the claim of the judgment creditor arises out of a judgment of the Court itself, or
- (b.) Where the amount actually due, however or whenever the same may have arisen, does not exceed twenty-five pounds, or is reduced by abandonment of excess to twenty-five pounds, and the debtor is resident within the district of the Court.

Provided that no summons under the said Ordinance shall issue for service out of the district without the leave of the Judge.

15. Any person may, subject to the provisions hereof, be sued in the Court of the District in which he resides or carries on business; and by leave of the Judge, but not otherwise, any person not resident within such District may be sued in the Court of such District in respect of any debt contracted by him within the District or for damages in respect of any wrongful act committed therein or in respect of any breach of any contract made or to be performed therein.

16. Any person under the age of twenty-one years may prosecute any action under this Ordinance for any sum of money not greater than Twenty-five Pounds which may be due to him for wages or piecework, or for work as a servant, in the same manner as if he were of full age: and any person above the age of fourteen and under the age of twenty-one may be sued under this Ordinance for any debt not exceeding Twenty-five Pounds contracted for necessaries,

Judgment
Summons.

*repealed by
37/1917*

Jurisdiction as
to defendants.

34 rules 1200

in the same manner as if such person at the time of contracting such debt had been of full age, and the burden of establishing that the person contracting such debt was at the time of contracting the same under the age of fourteen years, shall be on the defendant setting up the same.

Trustees,
Executors,
&c.

17. Any trustee, executor or administrator may sue or be sued under this Ordinance in like manner as if he were a party in his own right, and judgment and execution shall be such as in the like case would be given or issued in the Supreme Court.

Partners.

18. Any two or more persons claiming or being liable as co-partners may sue or be sued in the name of their respective firms, if any; and it shall be sufficient if any of such co-partners be served with process, and judgment may be obtained and execution issued against one or all the persons liable as such co-partners.

Married
Women and
Infants.

19. Subject to the provisions of Section 14 of the Married Women's Property Ordinance No. 65, married women may, with leave of the Judge, sue or defend without their husbands or without a next friend, on giving such security (if any) for costs as the Judge may require. Infants may sue as plaintiffs by their next friends, and may defend by their guardians, but nothing herein contained shall affect the right or liability of any infant to sue or be sued under Section 16 hereof.

Joinder of
Plaintiffs.

20. All persons may be joined in one action as plaintiffs in whom any right to relief in respect of or arising out of the same transaction or series of transactions is alleged to exist whether jointly, severally or in the alternative, where if such persons brought separate actions any common question of law or fact would arise: provided that if upon the application of any defendant it shall appear that such joinder may embarrass or delay the trial of the action, the Judge may order separate trials or make such other order as may be expedient. Any judgment may be given for such one or more of the plaintiffs as may be found to be entitled to relief, for such relief as he or they may be entitled to, without any amendment. But the defendant though unsuccessful, shall be entitled to his costs occasioned

by so joining any person who shall not be found entitled to relief, unless the Judge in disposing of the costs shall otherwise direct.

21. The plaintiff may, at his option, join as parties to the same action all or any of the parties severally, or jointly and severally, liable on any one contract, including parties to bills of exchange or promissory notes; and every such person against whom judgment shall have been obtained under this Ordinance, and who shall have satisfied such judgment, shall be entitled to demand and recover contribution from any other person jointly liable with him. Joinder of defendants.

22. All persons may be joined as defendants against whom the right to any claim is alleged to exist, whether jointly, severally, or in the alternative. And judgment may be given against such one or more of the defendants as may be found to be liable, according to their respective liabilities, without any amendment. Joinder of defendants.

23.—(a.) Subject to the provisions of this Ordinance and the rules hereunder, a plaintiff may unite in the same action several causes of action, so however that the sum claimed in any action does not exceed twenty-five pounds; but if at any time it appears to the Judge that such causes of action cannot be conveniently tried and disposed of together, he may order separate trials, or may exclude any of such causes of action; and may order the proceedings to be amended accordingly, and may make such order as to costs as may be just. Joinder of causes.

(b.) Claims by or against husband and wife may be joined with claims by or against either of them separately. Claims by plaintiffs jointly may be joined with claims by them or any of them separately against the same defendant. Husband and wife.

24. It shall not be lawful for any plaintiff to divide any cause of action for the purpose of bringing two or more actions; but any plaintiff having a cause of action for more than twenty-five pounds may elect entirely to abandon the excess of his demand, and in such case judgment shall be in full discharge of all demands in respect of such cause of action, and entry of the judgment shall be made accordingly. Splitting causes.

Partnership or
Intestacy.

25. Any demand not exceeding twenty-five pounds which is claimed as the balance of a partnership account or the amount or part of the amount of a distributive share under an intestacy or of any legacy under a will may be sued for in an action.

Death of
parties.

26. Where a sole plaintiff or defendant or one or more of several plaintiffs or defendants shall die before judgment, the action shall not abate if the cause of action survive or continue.

When one or more of several plaintiffs or defendants shall die after judgment, proceedings thereon may be taken by the survivors or survivor or against the survivors or survivor, without leave of the Court.

Applications.

27. Save as otherwise expressly provided, all applications respecting any action or proceeding shall be made in open Court to the Judge; and except where the Judge thinks fit to permit the same to be made *ex parte*, shall be made on notice to the party to be affected thereby.

Provided that application for leave to serve out of the district under Section 14 hereof, and applications to sue any person not resident in the district under Section 15 hereof, shall not be made in open Court; but such applications may be made in writing in the forms in Schedule III hereto; and a fee of sixpence shall be payable in respect of the filing of every such application.

Forms of
proceedings.

28. All summonses and other process shall be in the prescribed form, but no process which in the opinion of the Judge substantially contains the prescribed information, details and particulars shall be deemed invalid or insufficient by reason of any want of form or variation in form.

Amendment of
process.

29. In the event of any process being in the opinion of the Judge insufficient or substantially defective, it shall be lawful for the Judge in his discretion on such terms (if any) as to postponement, costs and otherwise as he shall think fit, to amend the same or to permit the party in default to amend the same.

Provided that such power of amendment shall not be exercised where the Judge is of opinion that the omission

or irregularity has been intentional, for purpose of delay evasion or deception, or otherwise not in good faith.

30. All affidavits for use in a Court may be sworn either before a Commissioner of affidavits or before the Judge or before the Clerk, but not before an assistant to such Clerk. No fee shall be payable on an affidavit sworn to before the Judge or Clerk of the Court.

Affidavits.

(Repealed)
Rule 50, 13/1921
for new Section
made on 29/1921 for
new Section

31. At the trial the Judge shall try the whole matter of the action and give judgment thereon, or make any order, or give any direction he may consider necessary to enable him to give a final judgment upon a day to which the trial may be adjourned, and also may make such order as to costs as he may think fit.

General jurisdiction at trial.

32. The Judge at the hearing, or by consent of the parties, the Clerk in entering up judgment by confession or for non-appearance to a default summons under the rules, may make orders concerning the time or times, and by what instalments (if any) any debt or damages or costs for which judgment shall be obtained shall be paid, and all such moneys shall be paid into Court unless otherwise directed, and in case of default made in payment of such judgment or of any such instalments, execution may issue against the person making such default in respect of the balance of the debt payable at the time of such default in all respects as if no order for payment by instalments had been made.

Time for payment.

Instalments.

33. Every order and judgment of any Judge made under any of the provisions of this Ordinance shall, subject as in Sections 35 and 36 hereof provided, and subject to the provisions of Section 32 of the Judicature Ordinance No. 34, be final and conclusive between the parties; but the Judge shall have power at his discretion to strike out the action with or without costs and without giving any other judgment thereon, in any case in which satisfactory proof shall not have been given to him entitling either the plaintiff or the defendant to judgment, but such striking out shall not be a bar to any fresh action.

Judgment to be final.

34. Except as provided in and by Section 32 of the Judicature Ordinance No 34, no action or proceeding in a Court under this Ordinance in which the sum claimed shall be ten pounds or under shall be removable into the Supreme Court by any writ or process.

Certiorari.

New trial.

35. The Judge shall have power, on application made on notice, in his discretion to set aside any judgment pronounced by him and grant a new trial of any action tried by him on any of the grounds on which the Supreme Court may grant a new trial of any action tried in such Court, and on such terms as to costs or security for costs, amendment, particulars, the payment of money into Court, and otherwise, as he shall deem just. And the Judge may, on sufficient cause, in his discretion at any time on application *ex parte* stay execution for such time as he shall think fit to permit of any notice being given or of any other application being made on notice.

Appeal in cases
over £10.

36. Notwithstanding Section 32 of the Judicature Ordinance No. 34, there shall be a right of appeal to the Full Court from any judgment or order in any action under this Ordinance where the sum claimed is over ten pounds, and in all such cases notes of evidence shall be taken by the Judge in his own proper handwriting. The rules of practice and procedure governing appeals to the Full Court in civil matters shall apply to appeals under this section.

Upon notice of appeal being filed, the Registrar of the Supreme Court shall notify the Judge of the Petty Civil Court thereof, and such Judge shall forthwith send to the Registrar of the Supreme Court a copy of the notes of evidence and the record of the proceedings of the case as to which notice of appeal has been given.

Defence and
counter-claim
by defendant.

37.—(a.) The defendant may by notice of special defence or by special leave of the Judge on such terms as the Judge may think fit, at the day of hearing set up any special defence, or by way of counter-claim set-off and rely upon any debt or liquidated demand not exceeding twenty-five pounds against the plaintiff's claim, and such set-off or counter-claim shall have the same effect as a cross-action, so as to enable the Court to pronounce final judgment upon the claim and cross-claim. The Judge may at his discretion adjourn any hearing to admit of a claim and set-off or counter-claim being duly heard together, and may require the defendant to deliver written particulars of any such alleged set-off or counter-claim. And if the original claim is stayed or discontinued or dismissed the defendant shall

be at liberty either to withdraw any set-off or counter-claim preferred under the provisions hereof without prejudice to any further action by him in respect thereof, or to proceed with the trial of the same.

(b.) Except special leave has been given as above mentioned, no evidence in support of any ground of defence or set-off to any claim whatever involving any allegation of fact beyond a denial of the facts necessary to entitle a plaintiff to judgment shall be admitted at the hearing of any action, unless the prescribed notice of such defence or set-off has been given by the defendant in the prescribed manner.

(c.) A defendant shall not be at liberty for the purpose of a set-off or counter-claim to split any alleged debt or liquidated demand due to him from the Plaintiff of a greater sum than twenty-five pounds. But he may abandon any excess thereof over twenty-five pounds. But if the Defendant satisfies the Judge at the hearing that the Plaintiff is indebted to him in respect of a debt or liquidated demand in a sum greater than twenty-five pounds, it shall be lawful for the Judge in his discretion to stay execution on the judgment against the defendant for such time as he may deem sufficient to enable the defendant to take proceedings to recover such debt or liquidated demand from the Plaintiff in due course of law; or may, if the plaintiff proves his case, stay execution for such time as he may think fit to enable the defendant to proceed in like manner.

38.—(a.) Any party may appear at the hearing to conduct his action in person or may be represented by a barrister or solicitor. No costs shall be granted in respect of any appearance or other services by a barrister in an action in which the sum claimed is ten pounds or under. Appearance of parties and advocates.

(b.) Any person may appear and conduct the case of his wife or child or servant being a member of his household.

But subject thereto no person not being a barrister or solicitor duly retained, shall be heard on behalf of any party to any action or other proceeding.

39.—(a.) Either of the parties to any action or other proceeding under this Ordinance may obtain from the Clerk summonses for witnesses to appear at the hearing of the Summonses to witnesses.

action or proceeding and give evidence or give evidence and produce any books deeds papers writings or articles in their possession or control.

(b.) Summonses to witnesses may by leave of the Judge be served by the party applying for the same or by his solicitor or by someone in the permanent or exclusive employment of the party or his solicitor. It shall be sufficient if such summons be served a reasonable time before the return day.

(c.) Every person on whom any summons shall have been served and who shall refuse or neglect without sufficient cause to appear and give evidence or to give evidence and produce any books deeds papers writings or articles required by such summons to be produced, and also every person present in Court who shall be required to give evidence and who shall refuse to be sworn and give evidence, shall forfeit and pay such fine not exceeding £5 as the Judge shall direct, and the whole or any part of such fine may in the discretion of the Judge be paid to the party injured by such refusal or neglect or to the Receiver-General for the use of the Colony.

Power to
administer
oath to and
examine
witnesses.

40. On the hearing or trial of any action or other proceeding under this Ordinance the parties thereto and all other persons may be examined (either on behalf of the plaintiff or the defendant) either on oath or solemn affirmation in those cases in which persons are by law allowed to make an affirmation instead of taking an oath. Such oath or affirmation shall be administered by or in the presence of the Judge.

Perjury.

41. Every person who in any examination upon oath or solemn affirmation before the Judge acting under this Ordinance shall wilfully and corruptly give false evidence shall be deemed guilty of perjury.

Costs.

42. The awarding of costs of actions tried in Court shall be in the discretion of the Judge; and the Judge may in his discretion award to the successful party such sums actually

incurred in respect of the summoning and attendances of necessary witnesses as he may think just; but subject thereto, the costs if awarded shall be computed by the clerk according to the prescribed scale.

43. In cases in which judgment is obtained by confession or for want of appearance or defence, the costs shall be allowed as prescribed, and computed by the clerk and added to the amount of the judgment. The costs according to the prescribed scale shall be inclusive of all work done in obtaining the evidence of witnesses or taking proof of such evidence and preparing any notice, summons, particulars or other documents and in conducting any case before the Court. Costs on judgment by confession, &c.

44. The Bailiff of each District shall serve process and levy execution transmitted to him in the prescribed manner for service or levy within his district in any action commenced in any Court. Service of process.

45.—(a.) Execution shall be issued by the Clerk of the Court in which judgment has been obtained in the prescribed form to the Bailiff of the District within which execution is to be levied, and shall be executed against the personal chattels of the judgment debtor except the tools or implements of his trade to the value of £5. Execution.

(b.) No goods which shall be taken in execution shall be sold until five days at the least next after the day on which such goods shall have been taken, and such goods shall be sold by public auction, and three days' notice at least of the intended sale of such goods shall be given by affixing such notice in some conspicuous place in the office of the Court, and all such sales shall be made for cash only. Sale of goods taken in execution.

(c.) A Judge may by order suspend the issue or enforcement of execution in any case. And when order has been made under the provisions of Section 35 hereof to rehear a case, such order shall operate as a stay of execution pending the rehearing, and when order has been made under the provisions of Section 32 hereof for the payment of any debt by instalments, such order shall operate as a stay of execution for such time as such instalments continue to be regularly paid under such order. Stay of execution.

Judgment
may be made
a judgment of
the Supreme
Court in
certain cases.

46. Where a party against whom judgment for an amount exceeding £10 exclusive of costs has been obtained under this Ordinance has no goods or chattels which can be conveniently taken to satisfy such judgment, the judgment creditor may apply to a Judge of the Supreme Court in Chambers for an order that such judgment be made a judgment of the Supreme Court, and the Judge, upon proof of the judgment and of the service or substituted service upon the judgment debtor of a summons to show cause why the application should not be granted, and upon an affidavit showing that the judgment debtor had an opportunity of being heard on the merits in opposition to the judgment, may order that the judgment be made a judgment of the Supreme Court, and thereupon such judgment shall have the same force and effect and be registrable in the same manner and the same proceedings may be had thereon as in the case of a judgment of the Supreme Court.

Debtor's
Summons.

47. Except as in any other Ordinance provided, the Court shall have power to order the attachment of debts due to any person who is a debtor under a judgment of the Court, and to order the attendance of a debtor for examination as to his property and as to debts owing to him.

Attachment.

Procedure in
attachment.

48. For the purpose of exercising the powers in the last section conferred, the Judge shall have and exercise, to the extent in the last section provided, the powers for the time being exercisable by the Supreme Court or a Judge thereof in respect of discovery and attachment of debts according to the rules and orders of the Supreme Court relating to the attachment of debts, or so much of the same as is applicable to the Judge of the Petty Civil Court, and such rules and orders shall apply *mutatis mutandis* to all proceedings taken for the attachment of debts in a Petty Civil Court under the provisions hereof. Provided that no debt shall under the provisions of this section be attachable in any proceeding to a greater extent than is sufficient to satisfy the debt or damages and costs recoverable in such proceeding against the debtor.

Arbitration.

49. The Judge may refer any action to the arbitration of some person chosen or assented to by the parties, or may refer any question of account to the Clerk. The award of such arbitrator shall be deposited with the Clerk and upon

reading such award the Judge shall give his judgment or make such order as he may deem fit, with or without costs, including the costs of such arbitrator.

50. If any claim shall be made to or in respect of any goods or chattels taken in execution under the process of the Court or in respect of the value or proceeds thereof by any person, it shall be lawful for the Bailiff, as well before as after any action brought against him, to obtain a summons in the prescribed form without any fee for the same, calling before the said Court as well the party issuing such process as the party making such claim, and the Judge of such Court shall adjudicate upon such claim, and make such order between the parties in respect thereof and of the costs of the proceedings, as to him shall seem fit, and shall also adjudicate between such parties, or either of them, and the said Bailiff, with respect to any damage or claim or to damages arising or capable of arising out of the execution of such process by the said Bailiff, and make such order in respect thereof, and of the costs of the proceedings, as to him shall seem fit, and such orders shall be enforced in like manner as any order in any action brought in such Court, and shall be final and conclusive as between the parties and as between them or either of them, and the said Bailiff; and upon the issue of such summons, any action which shall have been brought in any Court in respect of such claim, or of any damage arising out of the execution of such process, shall be stayed. ^{Interpleader.}

51. If any Bailiff shall be assaulted while in the execution of his duty, or if any rescue shall be made or attempted to be made of any goods levied under process of the Court, the person so offending shall be liable to a fine not exceeding five pounds, to be recovered by order of the Court or before a Stipendiary Justice as hereinafter provided, and it shall be lawful for the Bailiff or any member of the Constabulary Force in any such case to take the offender into custody (with or without warrant) and bring him before the Court or Justice accordingly. ^{Obstruction of Officers.}

52. If the Bailiff or any Clerk or other officer of the Court, acting under or under colour or pretence of the ^{Misconduct of Officers.}

process of the said Court, shall be charged with extortion or misconduct, or with any neglect of duty, or with not duly paying or accounting for any money levied by him under the authority of this Ordinance, it shall be lawful for the Judge to inquire into such matter in a summary way, and for that purpose to summon and enforce the attendance of all necessary parties in like manner as the attendance of witnesses in any case may be enforced, and to make such order thereupon for the repayment of any money extorted or for the due payment of any money so levied as aforesaid, and for the payment of such damages and costs as he shall think just, and also, if he shall think fit, to impose such fines upon such Bailiff, Clerk, or other officer not exceeding five pounds for each offence, as he shall deem adequate.

Limitation
of actions.

53. All actions and prosecutions to be commenced against any person for anything done in pursuance of this Ordinance shall be commenced within four calendar months after the act committed, and not afterwards or otherwise; and notice in writing of such action and of the cause thereof shall be given to the defendant one calendar month at least before the commencement of the action, and no plaintiff shall recover in any such action if tender of sufficient amends shall have been made before such action brought, and if after action brought a sufficient sum of money shall have been paid into Court with costs by or on behalf of the defendant, the plaintiff shall be at liberty to take out of Court the money so paid less the amount of any costs properly incurred by the defendant subsequently to such payment; which amount shall be duly computed and paid out to the defendant.

Actions
against officer
of Court.

54. If any person shall bring any suit in the Supreme Court in respect of any grievance committed by any Clerk, Bailiff or officer of any Court under or under colour or pretence of the process of the said Court, and the plaintiff shall upon the trial of the action not be awarded greater damages than the sum of twenty-five pounds, no costs shall be awarded to the plaintiff in such action unless the Judge trying such action shall certify in Court upon the record that the action was fit to be brought in the Supreme Court.

55. If any action other than an action for damages for trespass to land be commenced in the Supreme Court which might have been entered and tried in any Court held under this Ordinance, the plaintiff may have judgment in such action for the amount recovered by him if successful, but without any costs; and if the defendant succeeds he shall be entitled to his costs as between solicitor and client, unless in either case the Judge before whom the action was tried shall certify on the back of the record that the said action was a fit and proper one to be brought in such Supreme Court.

Actions for small debts in Supreme Court.

56. Payment of any fine, penalty or forfeiture imposed by any Judge under the authority of this Ordinance may be enforced upon the order of the Judge in like manner as payment of any debt adjudged in the Court, or the Judge may order the same to be paid forthwith, or in default of such payment may commit the offender to gaol for a period not exceeding one month, unless the said fine penalty or forfeiture be paid sooner.

Enforcement of fines, penalties, etc.

57. The Clerk in each district shall in the months of January, April, July and October in each year make out a correct list of all sums of money belonging to suitors in the Court which shall have been paid into Court, and which shall have remained unclaimed for three months before the first day of the said months of January, April, July and October respectively, specifying the names of the parties for whom or on whose account the same was so paid into Court; and a copy of such list shall be put up and remain during business hours in some conspicuous part of the office of the Court: and all sums of money which shall have been paid into any such Court to the use of any suitor or suitors therein and which shall have remained unclaimed for the period of six months after the same shall have been so paid into Court, shall be paid into the Colonial Treasury, and shall, if unclaimed for the period of three years after the same shall have been so paid into the Colonial Treasury, be applicable as part of the general funds of the Colony and shall be carried to the account of such funds; and no person shall be entitled to claim any sum which shall have remained unclaimed for three years.

List of unclaimed moneys.

Rules and Forms.

Rule made under Dec. 58. Per R. G. 20/11/1913 for change of practice through...

58. The practice of the Courts shall until the same is amended be regulated by the rules and forms contained in the Schedules hereto; and the Commissioner may from time to time make further or other rules varying amending regulating or adding to the same for regulating the practice and procedure of the Courts and for prescribing forms of summonses, notices, particulars and other process used therein and any matters relating thereto, or to the duties of the officers, or to the fees to be taken in respect of all proceedings, and the costs to be allowed to parties to such proceedings and otherwise for giving effect to this Ordinance. The fees charges and costs specified in Schedule II hereto shall continue and be allowed until amended by such rules.

vide Sec. 21 Ord. 1922 for proviso

Approval of Rules.

59. Rules made under the provisions of the last preceding section shall not have any force or effect until they have been approved by the Governor and the Legislative Council, and when so approved shall have the same force and effect as if they were contained in this Ordinance; and such rules or any of them may be disallowed by His Majesty in the same manner and with the same consequences as in the case of an Ordinance. Any such rules approved as aforesaid shall, subject to disallowance by His Majesty, come into operation on the day appointed in such rules in that behalf, or if no day is so appointed, then on such day as the Governor by Proclamation appoints.

Disallowance by His Majesty under this section shall take effect upon and from the day on which the Proclamation notifying the same is published in the *Royal Gazette*, but shall not affect any proceedings taken before such publication.

Unqualified persons preparing documents, etc., for reward.

60. Any person not being a Solicitor of the Supreme Court or a clerk in the permanent employ of such Solicitor who shall prepare for reward any notice, summons, particulars or other process or documents in any action or for use in any Court held under this Ordinance shall be deemed guilty of an offence against this Ordinance and on conviction thereof before a Court of Summary Jurisdiction shall be liable to a penalty not exceeding forty shillings, with imprisonment in default not exceeding twenty-one days for the

first offence, and not exceeding £10 or less than £3, with imprisonment in default with or without hard labour not exceeding fifty days for any subsequent such offence, and it shall be lawful for the Judge in his discretion, on its being made to appear in the course of any trial before him, that any person present in Court has been guilty of such offence, summarily to proceed to enquire into the guilt of such person, and if he shall convict such person to inflict such fine as aforesaid in the same manner as if he were sitting as a Stipendiary Justice in a Court of Summary Jurisdiction and such person had been duly summoned before him to answer such offence. Provided that a conviction or acquittal of any such person so dealt with shall be a bar to any subsequent proceedings against such person in respect of the same offence.

61. The Petty Civil Courts Ordinance No. 54, the Petty Civil Courts (Amendment) Ordinance No. 298 and the Petty Civil Courts (Amendment) Ordinance 1907 (No. 35—1907) are hereby repealed.

Provided that this repeal shall not affect the validity or invalidity of anything done or suffered or any right accrued or liability incurred before or any proceeding pending or uncompleted at the commencement hereof.

62. This Ordinance shall commence on such day as the Governor may by Proclamation appoint.

Passed in Council this first day of March in the year of Our Lord one thousand nine hundred and eleven.

HARRY L. KNAGGS,
Clerk of the Council.

SCHEDULE I.

RULES.

1. All actions shall be commenced by a summons in writing. Every summons shall be signed by the clerk and shall be issued according to the Form No. 1 to these Rules.

2. The summons shall be served upon the defendant in the case of suits entered in the District Court of Port-of-Spain at least three clear days, and in the case of suits entered in other Petty Civil Courts at least eight clear days previous to and exclusive of the day named in such summons for the hearing of such plaint, and the delivery of such summons to the defendant in person or by leaving the

same at the residence of such defendant with some person actually residing there- at shall be deemed good service, and no misnomer or inaccurate description of any person or place in any such summons shall avoid the same so that the person or place be therein described so as to be commonly known.

Default
summons,
Port-of-Spain.

3. In any suit for a debt or liquidated money demand entered in the District Court of Port-of-Spain, the plaintiff may cause to be issued a summons, or (upon filing an affidavit to the effect set forth in Form No. 11 to these rules) a default summons in the form or to the effect given in Form No. 2 to these Rules; and if the defendant shall not, within ten clear days after service of such summons, give notice in writing, signed by himself or his Solicitor, to the Chief Clerk of the Court of his intention to defend, the plaintiff may, twelve clear days after and within two months from the day of service, upon proof of its service have judgment entered up against the defendant for the amount of his claim and costs.

The order upon such judgment shall be for payment forthwith, or at such time or times and by such instalments, if any, as the plaintiff or his Solicitor shall in writing have consented to take as endorsed on the summons.

When the defendant shall have given notice of defence, the Chief Clerk shall, immediately upon the receipt of such notice, inform the plaintiff or his Solicitor by post or otherwise of such notice, and shall notify to the plaintiff and defendant the day upon which he shall have fixed that the trial shall take place, at least three clear days before the day so fixed.

Where the defendant shall neglect to give such notice of defence, the Judge may, upon such defendant disclosing a defence upon the merits, and satisfactorily explaining his neglect, let in the defendant to defend upon such terms as he shall think just.

Bills of
Exchange,
Port-of-Spain.

4. In any suit on a bill of exchange or promissory note entered in the District Court of Port-of-Spain the plaintiff may at his option, cause to be issued an ordinary summons or a default summons in the Form No. 8 to these rules; and if the defendant shall not within ten clear days after service of the summons obtain on affidavit, leave from the Judge of the said Court to defend, the plaintiff may, upon proof of service of the said summons, have judgment entered up against the defendant for the amount of his claim and costs. The Judge granting such leave shall endorse the same on such summons.

The order upon such judgment shall be for payment forthwith, or at such time or times, and by such instalments if any, as the plaintiff or his Solicitor shall in writing have consented to take as endorsed on the summons.

Where a defendant has obtained leave to defend, the Chief Clerk shall immediately inform the plaintiff or his Solicitor by post or otherwise and shall notify the plaintiff and defendant the day upon which he shall have fixed that the trial shall take place, at least three clear days before the day so fixed.

Where the defendant shall neglect to obtain leave to defend, the Judge may, upon such defendant disclosing *on affidavit* a defence upon the merits, and satisfactorily explaining his neglect, let in the defendant to defend upon such terms as he may think just.

Service of
Default
Summons.

5. All default Summons issued under these Rules shall be personally served within a period of six months from their date; and may be served in any district in which the Defendant may be met with, and for this purpose the provisions of Rule 10 shall apply for service in a foreign District.

Where personal service cannot be effected, and the Judge is satisfied on oath that reasonable efforts have been made to effect such service and that either the Summons has come to the knowledge of the Defendant, or that he wilfully evades service of the same, it shall be lawful for the Judge to order that the Plaintiff be at liberty to proceed as if personal service had been effected, subject to such conditions as to the Judge may seem fit.

6. A default Summons issued under these Rules may, at the request of the Plaintiff, be exchanged without fee for an ordinary Summons, upon the former being filed in Court within two months of its issue, and the fact of such exchange must be endorsed on such ordinary Summons by the Chief Clerk. Exchange of Default Summons.

7. A Summons may issue in any District in which the Defendant or one of the Defendants dwells or carries on his business at the time such Summons is issued, or by leave of the Judge from the Court within the District in which the Defendant or one of the Defendants shall have dwelt or carried on business at any time, within three calendar months next before the issuing of such Summons, or within the district in which the cause of action wholly or in part arose. When the Defendant has no permanent residence or place of business in the Colony a Summons may issue from the Court within the District in which he temporarily resides or carries on business. Where Summons to issue.

8. All Summonses or other processes or writs of Execution issued by the District Court of Port-of-Spain, shall, except in cases herein specially provided for, be served or executed within such district by the Marshal or his Assistants, and in other cases such Summonses or other process or Writs of Execution shall be served or executed by the Bailiff of the Court out of which the same shall have issued, subject in every such case to the provisions hereinafter set out for service or execution out of the district from which the same shall have been issued. Service of process.

Service of Summonses, except in cases specially hereinafter provided for, may be either personal or by delivering the same to some person apparently not less than fourteen years of age, at the house or place of dwelling or place of business of the Defendant.

When an infant is a Defendant, service on such infant or on his father or guardian, or (if none) on the person with whom he resides or under whose care he is, shall be deemed good service.

Where persons are sued as partners, service upon any one or more of the partners, or at any place of the partnership business will be sufficient.

Where husband and wife are both Defendants, either may be served, unless the Judge shall otherwise order.

Where a Defendant is living or serving on board of any ship or vessel, it shall be sufficient service to deliver the Summons to the person on board, who is at the time of such service, apparently in charge of such ship or vessel.

Where a Defendant is employed or dwells in any Public Asylum or in any Gaol or is a prisoner in any Gaol, it shall be sufficient service to deliver the Summons to the Gatekeeper or Lodgekeeper of any such Asylum or Gaol.

Where a Lunatic or person of unsound mind is a Defendant, service on the Committee (if any) of the Lunatic, or on the person with whom he resides or under whose care he is, shall, unless the Judge otherwise orders, be deemed good service on such Defendant.

Where a Defendant keeps his house or place of dwelling or place of business closed, in order to prevent service, it shall be sufficient service to affix such Summons on the door of such house or place of dwelling or place of business.

Where the Bailiff is prevented by violence or threats or other conduct of the Defendant, or of any other person, from personally serving a summons, it shall be sufficient to leave such Summons as near to the Defendant as practicable.

9. Service of any Summons or other process of Court may be proved by endorsement on a copy of the same under the hand and description of the person making such service, showing the day, place, time and mode of service, and every such endorsement shall be taken as *prima facie* evidence of the truth of the facts stated therein; and any person wilfully and corruptly endorsing any false statement on the copy of a Summons or other process or uttering or causing the same to be uttered, shall incur the penalties of wilful and corrupt perjury and shall be removed from his office or employment. Proof of service.

If not served within fifteen days by the Marshal or Bailiff, such Summons or other process shall be returned by such Marshal or Bailiff, and the Chief Clerk shall forthwith give notice to the Plaintiff or to his Solicitor of such non-service or non-execution.

Service
in foreign
district.

10. Where any Summons or other process is required to be served or executed in a foreign district, the Clerk shall transmit the same and a copy thereof forthwith by post to the Bailiff of the foreign Court, and thereupon such Bailiff shall be authorized and required to act in all respects in the service and execution of such Summons or other process within the jurisdiction of such foreign Court in the same manner, with the same powers, and subject to the same rules as if such foreign district were within the jurisdiction of the Court from which such Summons or other process originally issued.

And where such Summons or other process is returned to the Clerk of the home Court by the Bailiff of such foreign Court, not served or executed, the Clerk shall forthwith give notice to the Plaintiff or to his Solicitor of such non-service or non-execution.

Payment
into Court.

11. The Defendant may at any time before the day of hearing pay to the Clerk of the Court such sum as he may be advised in full satisfaction of the Plaintiff's demand, together with the costs incurred by the Plaintiff up to the time of payment; and such sum shall be payable to the Plaintiff; and if the Defendant has given notice to the Plaintiff or his Solicitor of such payment into Court and if the Plaintiff shall elect to proceed and shall recover no further sum than shall have been so paid into Court, the Defendant shall be entitled to such sum as may be awarded to him by the Judge as costs against the Plaintiff.

Discontinu-
ance.

12. The Plaintiff may at any time not less than two clear days before return-day discontinue his action by notice in conformity with Form No. 7, to be personally served by him on the Defendant.

Entry
of Judgment.

13. Whenever the Judge shall have made any order in any proceeding pending before him, the person in whose favour such order shall be made shall be entitled thereupon to enter up judgment immediately without any notice or Summons to the other party.

Time.

14. The Judge may in any case make order for granting time to the Plaintiff or Defendant to proceed in the prosecution or defence of the suit, and also may from time to time adjourn the hearing or further hearing of any cause in such manner as to the Judge shall seem fit.

Cross
judgment.

15. If there shall be Cross judgments between the parties by reason of a set-off or counter-claim or for any other reason, execution shall be taken out by that party only who shall have obtained judgment for the larger sum, and for so much only as shall remain after deducting the smaller sum, and satisfaction for the remainder shall be entered, as well as satisfaction on the judgment for the smaller sum, and if both sums shall be equal, satisfaction shall be entered upon both judgments.

Where
execution
may issue.

16. Whenever the Judge shall have made an order for the payment of money not payable by instalments, the Plaintiff, in case of default or failure of payment thereof forthwith may, subject to the provisions of Section 32 of the Ordinance, sue out his writ of Execution for the amount so ordered to be paid without any notice to the Defendant.

If it should appear upon the affidavit of the Plaintiff or his Solicitor that any person or persons against whom a judgment has been obtained is about to leave the Colony before the time ordered for the payment of such judgment debt by instalments or otherwise, it shall be lawful for the Judge to order a Writ of Execution or Judgment Summons to issue forthwith.

Execution.

17. Writs of Execution issued under the authority of this Ordinance shall be according to the Form No. 6 to these rules.

Such Writs of Execution shall remain in force for twelve calendar months from the date of issue and no longer, but a fresh writ may be issued on payment of the fee.

18. If it shall at any time appear to the satisfaction of the Judge by the oath or affirmation of any person or otherwise that the defendant is unable from sickness or other sufficient cause to pay and discharge the debt or damages recovered against him, or any instalment thereof ordered to be paid as aforesaid, it shall be lawful for the Judge in his discretion to suspend or stay any judgment, order or execution given, made or issued in such action, for such time and on such terms as the Judge shall think fit, and so from time to time until it shall appear by the like proof as aforesaid that such temporary cause or disability has ceased. Stay of Execution.

19. Where any part of the chattels of the judgment debtor taken in execution consists of live animals and a claim is made to such live animals, the person making such claim shall deposit with the Bailiff the following amount:— Cost of keeping animals levied upon.

(a.) For each horse or mule	...	...	£2 0 0
(b.) „ ox, bull or cow	...	...	1 10 0
(c.) „ ass	...	...	1 0 0
(d.) For any other animal	...	...	10 0.

The cost of keeping such animals shall be defrayed out of the sum so deposited and any balance shall be returned to the claimant.

20. If such deposit as in the last section provided is not made, the Bailiff shall proceed with the execution as if no such claim had been made in respect of such animal unless the Judge shall otherwise order. Idem.

21. All goods seized in execution shall unless otherwise ordered by the Court issuing the execution, be sold in the district within which the same have been seized. Where goods to be sold.

22. No writ of execution issued under and by virtue of this Ordinance shall be made returnable within any limited or particular time, but the bailiff having the execution of any such writ shall be bound to return such writ within a reasonable time unless he shall receive instructions from the person on whose behalf such writ was issued or from his agent to suspend the execution and return of such writ for any limited or particular time, in which case the Bailiff shall suspend the execution and return of such writ for such time as he may have been directed by such person or his agent so to do. Return of writ of Execution.

23. In or upon every writ of execution issued the Clerk shall cause to be inserted the sum of money and costs adjudged, with the sums allowed by this Ordinance as increased costs for the issue and execution of such writ, and if the party against whom such execution shall be issued shall, before an actual sale of the goods and chattels, pay or cause to be paid or tendered unto such Clerk or to the bailiff such sum of money as costs as aforesaid, or such part thereof as the party entitled thereto shall agree to accept in full of his debt or damages or costs, together with the fees herein directed to be paid, the writ of execution shall be superseded and the goods and chattels of the said party shall be discharged. Particular of writ of Execution.

24. The Clerk for every Court shall cause a note of all summonses, and of all orders and of all judgments and executions and returns thereto, and of all fines, and of all other proceedings of the Court to be fairly entered from time to time in a book belonging to the Court, which shall be kept at the office of the Court; and such entries in the said book, or a copy thereof purporting to be signed and certified as a true copy by the Clerk, shall at all times be admitted in all Courts and places whatsoever as evidence of such entries and of the proceedings referred to by such entry or entries and of the regularity of such proceeding without any further proof. Court book.

Cash deposit
book.

25. The Clerk of every Court shall keep a book to be called "the Cash Deposit Book" of his Court, in which shall be entered day by day all moneys paid in by any party to any action for the use or benefit of any other party, and such entries shall specify in the order following the date of each payment, the title of the cause in which the payment is made, the name of the party paying and the amount of the payment, and there shall be three additional columns, in two of which shall be entered upon the monies being paid out, the date of the money being so paid out, and the name of the party receiving the same, and in the last of such columns the party so receiving such money shall sign his name in acknowledgment of such receipt, and such cash deposit book shall remain exposed at all times in the case of the Petty Civil Court of Port-of-Spain in the office of the Clerk, or in other cases in the room or office in which the Judge usually holds his Court and shall at all times be open to the inspection of any and every person asking for the same, and every person shall have the right to inspect the same and take any note or extract of any entry therein without the payment of any fee or reward.

Forms.

26. The several Forms hereto appended shall be used as far as practicable for the purposes in such Forms respectively mentioned.

Short title.

27. These Rules may be cited as the Petty Civil Court Rules.

FORMS.

[Ordinary Summons.] No 1.

IN THE COURT OF

No.

Between

Plaintiff,

and

Defendant.

You are hereby summoned to appear at the Court of on the day of 191 , at the hour of in the noon to answer the Plaintiff in an action for the particulars of which are hereunto annexed.

Dated this day of 191 .

Chief Clerk.

	£	s.	d.
Debt or Claim
Cost of Summons
Solicitor's Fee
	£		

You are to produce all letters, accounts, bills, memoranda, documents, pass-books and papers in your possession relating to this action. If you do not appear on the above-named day, judgment will be given against you in default for the whole amount claimed.

TAKE NOTICE that payment of the amount sued for herein will be accepted by instalments of payable on the

Plaintiff or Plaintiff's Solicitor.

To the defendant.

Solicitor to Plaintiff is Mr.

of

If you confess the Plaintiff's claim you should sign a confession thereof in the presence of the Chief Clerk or one of the clerks at any time before the action is called on for trial, subject to the payment of any further costs which any delay by you may have caused the plaintiff to incur.

If you admit part only of the Claim, you may by paying into the Chief Clerk's Office the amount so admitted, two clear days before the day of trial, together with costs, avoid further costs, unless the plaintiff at the trial proves an amount exceeding your payment.

Summonses for witnesses and for the production of documents by them will be issued upon application at the Chief Clerk's Office, upon payment of the proper fee.

Bring this summons with you when you come to the Court or to the Chief Clerk's Office for any purpose connected with this action.

INDORSEMENT ON COPY OF ORDINARY SUMMONS AFTER SERVICE.

This Summons was served on the above-named Defendant by leaving the same at by me on the day of 191 at o'clock of the noon.

Bailiff.

No. 2.

[Default Summons.]

IN THE COURT OF Between No. Plaintiff.
and Defendant.

TAKE NOTICE that unless within ten clear days after personal service of this summons on you, you return to the Chief Clerk of this Court at the notice given below, dated afterwards be allowed to make any defence to the claim which the plaintiff makes on you, as per margin, the particulars of which are hereunto annexed; but the plaintiff may, without giving further proof in support of such claim than the affidavit filed in Court herein, proceed to judgment and execution. If you return such notice to the Chief Clerk within the time specified, the Chief Clerk will send you, by post, notice of the day upon which the action will be tried.

	\$	s.	d.
Claim
Court Fees
Solicitor's Fees
Total

Dated this day of 19

Chief Clerk.

TAKE NOTICE that payment of the amount sued for herein will be accepted by instalments of payable on the

Plaintiff or Plaintiff's Solicitor.

To the Defendant.

[N.B.—This summons must be personally served on the defendant within a period of six months from the date of service.]

NOTICE OF INTENTION TO DEFEND.

In the District Court of

No.

VERSUS

I intend to defend this Action.

Dated this day of 19

Defendant or Defendant's Solicitor.

If you pay the debt and costs, as per margin on the other side, into the Chief Clerk's Office, within seven clear days after the date of the service of this summons, and without returning the notice of intention to defend, you will avoid further costs.

If you do not return the notice of intention to defend, but allow judgment against you by default, the order upon such judgment will be to pay the debt and costs forthwith or by instalments.

If you admit a part only of the claim, you must return the notice of intention to defend within the time specified on the summons; and you may by paying into the Chief Clerk's office at the same time the amount so admitted together with costs, avoid further costs unless the plaintiff at the trial prove an amount exceeding your payment.

Summonses to Witnesses and for the production of documents by them will be issued upon application at the Chief Clerk's office, upon payment of the proper fee.

Bring this summons with you when you come to the Court or to the Chief Clerk's office for any purpose connected with this action.

INDORSEMENT ON COPY OF DEFAULT SUMMONS AFTER SERVICE.

This Summons was served by personally on at on the
day of 19 at o'clock of the noon.

Bailiff.

[Default Summons on Bill of Exchange, &c.] No. 3.

IN THE COURT OF

Between

and

No.
Plaintiff.
Defendant.

TAKE NOTICE that unless within ten clear days after personal service of this Summons on you, you obtain leave from the Judge of this Court to defend this action, the Plaintiff may proceed to judgment and execution.

Dated this day 19 .

Chief Clerk.

To the Defendant.

N.B.—This Summons must be personally served on the Defendant within *six calendar months from the date hereof.*

INDORSEMENT TO BE MADE ON THE SUMMONS BEFORE SERVICE THEREOF.

The Plaintiff claims £ for principal and interest [*or* £ balance of principal and interest] due to him as payee [*or* endorsee] of a Bill of Exchange [*or* Promissory Note], a copy of which is herunto annexed and also £ for noting and bank expenses, and the sum of £ for Court fees [and for Solicitor's costs herein]. And if the amount of these be paid to the Chief Clerk of the Court four days from the service hereof, no further proceedings will be taken.

Leave to defend, to be endorsed on the back hereof, may be obtained upon application to the Judge of this Court, supported by Affidavit, showing that there is a defence to the action on the merits, or disclosing facts that the Defendant should be allowed to defend the action.

TAKE NOTICE that payment of the amount sued for herein will be accepted by instalments of payable on the

Plaintiff or Plaintiff's Solicitor.

If you pay the amount sued for into the Chief Clerk's Office, within ten clear days after the date of service of this Summons you will avoid further costs.

If you do not apply for, or do not obtain leave to defend, the order upon the judgment will be to pay the debt and costs forthwith or by instalments.

If you admit a part only of the claim, you may, if you get leave to defend, by paying into the Chief Clerk's Office at the same time the amount so admitted together with costs, avoid further costs, unless the Plaintiff at the trial proves at the trial an amount exceeding your payment.

Summonses for Witnesses and for the production of documents by them will be issued upon application at the Chief Clerk's Office, upon payment of the proper fee.

Bring this summons with you when you come to the Court or to the Chief Clerk's Office for any purpose connected with this action.

LEAVE TO DEFEND AND NOTICE OF TRIAL.

You having obtained leave to defend this Action, take notice that the same will be tried the above Court on day of 19 at the hour of in the noon.

Chief Clerk of the Court.

To the Defendant.

INDORSEMENT ON COPY OF DEFAULT SUMMONS AFTER SERVICE.

This Summons was served by personally on at on the
day of 19 , at o'clock of the noon.

Bailiff.

No. 9

PETTY CIVIL COURTS.

1911

No. 4.

[Summons to Witness.]

IN THE COURT OF

Between

No.

and

Plaintiff,

Defendant.

You are hereby required to attend at the Petty Civil Court of on the day of 19 at the hour of in the noon, to give evidence in the above action on behalf of the and also to bring with you and produce at the time and place aforesaid the several documents hereunder specified and all other books, papers, writings and other documents relating to the above action which may be in your custody, possession, or power. In default of doing so you will be liable to a penalty of £5.

Dated this day of 191 .

Chief Clerk.

To

No. 5

[Notice to parties added.]

IN THE COURT OF

Between

No.

and

Plaintiff,

Defendant.

I hereby give you notice that by an Order of this Court dated the day of 191 , you were ordered to be added as a in the above action, a copy of the Summons in which is hereby annexed.

And further take notice that the hearing of the above action has been adjourned to the day of 191 ., at o'clock in the forenoon, and that if you do not attend at the above Court upon the day and at the hour above-mentioned, either in person or by your Solicitor, such order will be made and proceedings taken as the Judge shall think fit.

Dated this day of 191 .

Chief Clerk.

To

No. 6.

[Writ of Execution.]

IN THE COURT OF

Between

No.

and

Plaintiff,

Defendant.

To the Marshal or Bailiff of the said Court.

These are to require you forthwith to cause Execution to be made and levied, according to Law on the personal chattels of the said to the amount of £

	£	s.	d.
Debt
Interest
Solicitor's Fee
Costs
Execution Fee
Marshal
	<hr/>		
	£		

Given at the above Court, this day of 191 .

By the Court,

Chief Clerk.

No. 9

PETTY CIVIL COURTS.

1911

[Notice of Discontinuance.] No. 7.

IN THE COURT OF

No

Between

and

Plaintiff,

Defendant.

TAKE NOTICE that I shall not proceed further in this action and that I hereby withdraw from the same.

Dated this day of 191 .

Plaintiff.

To

[Confession of Claim.] No. 8.

IN THE COURT OF

No.

Between

and

Plaintiff,

Defendant.

I, the above-named Defendant, do hereby confess and admit that the sum of £ the amount claimed [or part of the amount claimed] by the Plaintiff in this action is due to him from me [and that I will pay the same by instalments of .]

Dated this day of 191 .

Signed in the presence of

The above-name Defendant.

[Interpleader Summons.] No. 9.

IN THE COURT OF

No.

Between

and

Plaintiff,

Defendant.

Claimant.

WHEREAS has made a claim to certain goods and chattels taken in execution under process issuing out of this Court in this action, you are hereby summoned to appear at a Court to be held on the day of 191 at the hour of in the noon when the said claim will be adjudicated upon, and such order made thereupon as to the Judge shall seem fit.

Dated this day of 191

Chief Clerk.

To the above-named

No. 9

PETTY CIVIL COURTS.

1911

No. 10.

[Affidavit for leave to defend Default Summons.]

IN THE COURT OF No.

Between

Plaintiff,

and

Defendant.

I, , the above-named defendant, make oath and say as follows :

1.

2. On the grounds above-stated I am advised and verily believe that I have a good defence to this action on the merits to the whole of the plaintiff's claim [or to so much of the plaintiff's claim] as relates to the sum of £

Sworn at

No. 11.

[Affidavit of debt on Default Summons.]

IN THE COURT OF

No. of 191

Between

Plaintiff,

and

Defendant.

I, the above-named plaintiff, make Oath and say that the above-named defendant is indebted to me in the sum of £ for

Sworn at the Chief Clerk's Office at Port-of-Spain this day of 191 .

Plaintiff.

Or when Affidavit is made by a Clerk :-

I make Oath and say that I am a person in the employ of the above-named plaintiff, and that I am duly authorized by him to make this Affidavit, and that it is within my own knowledge that the aforesaid debt of £ was incurred for and that such debt, to the best of my knowledge and belief, still remains unpaid and unsatisfied.

Sworn at the Chief Clerk's Office at Port-of-Spain this day of 191 .

No. 12.

[Notice of Trial of Default Summons.]

IN THE COURT OF

No.

Between

Plaintiff,

and

Defendant.

TAKE NOTICE that this action will be tried in the above Court on the day of 191 at the hour of in the noon.

To

Chief Clerk.

SCHEDULE II.

TABLE OF FEES:

In actions for £10 and under.

COURT FEES:				£	s.	d.
Issuing Summons	...	...	...	0	4	0
Summons for Witness	...	...	...	0	1	0
Issuing Writ of Execution...	...	...	...	0	1	0

N.B.—The above fees shall be the only fees to be charged throughout the entire process of the action.

Marshal's or Bailiff's Fees:				£	s.	d.
On service of every execution	...	...	...	0	5	0
Where charge for possession of levy is necessarily incurred, such charge shall be limited to 2/6 per diem.						

SOLICITOR'S FEES:				£	s.	d.
<i>Where the claim is for a Liquidated Demand—</i>						
On every Summons where the subject matter or sum recovered or amount claimed shall not exceed £2 10 ...				0	5	0
Where the subject matter or sum recovered or amount claimed shall exceed £2 10 but does not exceed £5 ...				0	7	6
Where the subject matter or sum recovered or amount claimed shall exceed £5 ...				0	10	0
<i>Where the claim is for an Unliquidated Demand—</i>						
Where the sum recovered is £5 or upwards ...				1	1	0
In every other case: any amount not exceeding One Guinea.						
For settling Particulars of Claim, when necessary ...				0	1	0

COSTS OF WITNESSES:
Such costs to be allowed for witnesses as the Judge shall direct.

In actions for over £10.

COURT FEES:
The same as in cases for £10 and under.

COUNSEL:
No fee in ordinary cases—But upon application at the trial the Judge may allow such fee as he thinks fit, not exceeding £5 5 0.

SOLICITORS:
A fee of £2 10 0, exclusive of disbursements.

*See rules of Court 17
4th Jan. 1925
In new table
of Fees*

SCHEDULE III.

FORM I.

PORT-OF-SPAIN DISTRICT COURT
OF
PETTY CIVIL COURT FOR THE DISTRICT OF

On the _____ day of _____ 19____, _____ Plaintiff,
the _____, hereby gives the Court to understand that the judgment Defendant,
creditor to wit, the _____, has a claim against the judgment debtor Solicitor for
arising out of a judgment of this Court; and accordingly asks leave to serve a

judgment summons upon the judgment debtor at _____, being out of the district.

Signature of Solicitor or judgment creditor

Leave granted,
Judge. _____

FORM II.

PORT-OF-SPAIN DISTRICT COURT
or
PETTY CIVIL COURT FOR THE DISTRICT OF _____

Plaintiff,
Defendant.

On the _____ day of _____ 19 _____, Solicitor for the plaintiff hereby gives the Court to understand that the plaintiff has a claim against the defendant for a sum not exceeding ten pounds (or which the plaintiff reduces by abandonment to ten pounds), and that the defendant is resident without the district of this Court; and accordingly asks leave to serve a summons upon the defendant at _____ being out of the district.

Signature of Solicitor or Plaintiff.

Leave granted,
Judge. _____

FORM III.

PORT-OF-SPAIN DISTRICT COURT
or
PETTY CIVIL COURT FOR THE DISTRICT OF _____

Plaintiff,
Defendant.

On the _____ day of _____ 19 _____, Solicitor for the plaintiff gives the Court to understand that the plaintiff has a claim against the defendant, the cause of action whereof arose within this district; and accordingly asks leave to serve a default summons on the defendant at _____, being out of the district.

Signature of Solicitor or Plaintiff.

Leave granted,
Judge. _____
