

No. 31.] *Royal Court Ordinance, 1888, Amend-ment Ordinance, 1915.* [1915.



I assent.  
**G. B. HADDON-SMITH,**  
Governor.  
**28th December, 1915.**

SAINT LUCIA. No. 31 of 1915.

AN ORDINANCE to amend the Royal Court Ordinance, 1888.

[ 29th December, 1915. ]

**B**E it enacted by the Governor, with the advice and consent of the Legislative Council of Saint Lucia, as follows:—



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Short title.

1. This Ordinance may be cited as the Royal Court Ordinance, 1888, Amendment Ordinance, 1915, and shall be read and construed as one with the Royal Court Ordinance, 1888, hereinafter called the principal Ordinance.

2. Sections 2, 6, 8, 11-14, 16, 19-22, 26, 30, 31, 33, 39, 45, and 52-55 of the principal Ordinance are hereby repealed, and the following sections are substituted therefor:—

Original Civil Jurisdiction.

“(1) The Court shall have and exercise an original jurisdiction in all civil causes and matters whatsoever within this Colony, save and except such matters as are exclusively assigned to the District Courts.

Appellate Jurisdiction.

(2) The Court shall have and exercise jurisdiction in respect of appeals from the judgments or orders of the District Courts in the exercise of their civil, criminal, or statutory jurisdiction.

Admiralty Jurisdiction.

(3) The Court shall have and exercise Admiralty Jurisdiction within the meaning and intent of the Colonial Courts of Admiralty Act, 1890, or any statutory modification thereof, and may, for the purposes of that jurisdiction exercise all the powers which it possesses for the purposes of its original civil jurisdiction.

Practice and Procedure.

(4) The practice and procedure of the Court in the exercise of its several jurisdictions shall be regulated by the Code of Civil Procedure, the Admiralty Rules, and Rules of Criminal Procedure.

Appeals.

(5) The manner in which, the time within which, and the limitations subject to which, appeals shall be made from any final judgment or order of the Court or Judge are set forth and determined in the statutory provisions and rules of procedure relating to appeals.

Sittings in Civil and Appellate Jurisdiction.

(6) The Court shall sit in the exercise of its original civil and appellate jurisdictions on the first Tuesday in every month, except the months of August and September, when the Court is in vacation.

Sittings in Admiralty Jurisdiction.

(7) The Court shall sit in the exercise of its Admiralty jurisdiction on such day or days as shall be appointed by the Judge, whenever there are causes pending.

Adjourned or special sittings.

(8) The Judge or, in his absence, the Registrar may adjourn the Court from day to day, or to any subsequent day in the same month, and at any sitting held by virtue of



such adjournment, or any special sitting fixed by order of the Court or Judge, all causes which may then be ready for hearing shall be thereupon determined.

(9) The Judge shall attend in Chambers on such day or days in every week as may be necessary for disposing of the applications to be made therein. Notice of such attendance shall be posted in some conspicuous place in the Court House, and in the office of the Registrar. Chamber Days.

(10) Subject to any contrary provision of law, every order made by the Judge in Chambers shall be as valid as if pronounced in open Court, and the Judge may transfer any cause or matter from Court into Chambers or from Chambers into Court as he may think fit. Validity of orders in Chambers.

(11) (a) Whenever the Chief Justice is unable to perform his duties by reason of absence, illness, or any other cause, so much of his work in Chambers as cannot be dealt with by the Registrar shall be performed by the Magistrate for the First District, unless the Governor, by writing under his hand, appoints some person to act as and instead of the Chief Justice; Provisions for discharge of duties of Chief Justice in certain cases.

(b) In any such case of inability, or if the Chief Justice is personally interested or a necessary witness in any cause or matter, the Governor may, by writing under his hand, appoint some duly qualified person to act as and instead of the Chief Justice, during such period, or for the trial or hearing of such cause or matter, or otherwise, as the appointment shall prescribe;

(c) The person so acting as and instead of the Chief Justice shall, for the purposes and within the limits of his appointment or statutory power, as the case may be, have all the powers of the Chief Justice, and all acts done by him shall be as valid as if done by the Chief Justice, whether in Court or in Chambers.

(12) Subject to the terms of his appointment, the Registrar of the Royal Court shall be Registrar of Deeds and Mortgages, Sheriff, and Administrator-General. Duties of Registrar.

(13) (a) When the Registrar is temporarily absent from the performance of his duties, or when he is personally interested in any cause or matter, it shall be lawful for the Chief Clerk, or any Clerk appointed by the Chief Justice for the purpose, to perform such duties as his deputy; Provision for discharge of duties of Registrar in certain cases.

(b) The Chief Clerk or other deputy shall, in any such case, have and exercise all the functions and authorities of



the Registrar, and all acts done by him shall be as valid as if done by the Registrar in any of his capacities.

**Appeals.**

(14) Any person who is aggrieved by any decision of the Registrar, or who complains that he has been deprived of any right, title, or priority by any act or default of the Registrar, may appeal to the Judge in Chambers in a summary manner, and the Judge shall make such order therein as the justice of the case may require.

**Discretionary powers.**

(15) The Registrar in any of his capacities, shall have a discretionary power in respect of formalities, where no specific provision is made by law in respect thereof.

**Service or execution.**

(16) Any service or execution by the Sheriff may be made by a Sheriff's officer, bailiff of a District Court, Police or Rural Constable, or other person appointed by the Sheriff for the purpose.

**Tariffs of fees and costs.**

(17) The Chief Justice may, with the approval of the Governor, make tariffs of fees payable to the officers of the Court, including counsel, solicitors, examiners, and interpreters, and may settle the fees and costs payable in actions and other proceedings before the Court, and may fix a scale of remuneration for witnesses, and may prescribe that in criminal cases such remuneration be paid by the Treasurer."

**Amended Sections.**

3. (1) In section 41 of the principal Ordinance, the words from 'shall' to 'and' in the 10th and 11th lines thereof shall be omitted.

(2) In section 43 thereof, subsections (2), (3) and (4) shall be omitted.

(3) In section 46 thereof, after the word 'Constable,' whenever it occurs, shall be added the words 'or other duly authorised person.'

**Repeal Schedules.**

4. The Fifth Schedule to the principal Ordinance, and items 17 and 18 of the Fourth Schedule thereto are hereby repealed, and the following substituted therefor:—

" 17. On the gross proceeds of sale of any moveable property and upon all moneys levied or paid or returned into Court under an execution or which is to be distributed otherwise than as the proceeds of sale of any immovable	...	...	...	...	2½ per cent.
" 18. On the gross proceeds of sale of any immovable—					
Up to £500	...	...	...	...	5 per cent.
Over 500 up to £1,000	...	...	...	...	4 per cent.
" 1,000   " 2,000	...	...	...	...	3 per cent.
" 2,000	...	...	...	...	2½ per cent.

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“Where, however, a resale takes place for non-payment of the whole or of any portion of the purchase money required to be paid in cash by the conditions of sale, of a prior sale, or resale, the percentage shall only be charged once, but it shall be calculated on the amount of the proceeds of the abortive sale, or resale, or of the actual sale, or resale, whichever amount is higher.

No stamp duty shall be payable on the price of any adjudication, or on any conveyance, by the Sheriff.”

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*Passed the Legislative Council this 14th day of December, 1915.*

B. P. E. BULSTRODE,  
*Clerk of Councils.*

1915—1454.