TOBAGO.

"AN ACT TO ALTER AND AMEND THE POLITICAL CONSTITUTION OF THIS ISLAND."

Whereas it is necessary to alter the present political constitution of the Government of this Island:

Be it enacted by the Governor and Legislative Assembly of the Island of Tobago as follows:

1. From and after the coming into operation of this Act, the present Legislative Assembly, and all and every the functions and privileges thereof, shall cease and determine absolutely.

2. It shall be lawful for Her Majesty the Queen in Council to create and constitute a Legislature for this Government in such form and with such powers as to Her Majesty in Council may best seem fit, and from time to time to alter or amend such Legislature, or any of the forms or powers thereof.

3. This Act may be cited as "The Constitution Act, 1876."

4. The Acts and parts of Acts whose titles are set forth in the schedule hereto annexed are hereby repealed.

SCHEDULE.

Extent of Repeal.	Title of Act.
The whole, with the exception of sections two and three.	23 Vict. c. VII. The Act entitled "An Act to extend the Franchise and otherwise provide for the better Representation of the People."
The whole - -	27 Vict. c. 2. "An Act to amend the Franchise Act, 1860, 23 Vict. c. 7."
The whole - -	35 Vict. c. 1. "An Act to extend the provisions of the Franchise Act, 1860."
The whole - -	38 Vict. c. 9. "An Act to amend and simplify the Legislature of the Island of Tobago."

CHAPTER 48.

An Act to amend the Law with reference to Bankers' Books Evidence.

[11th August 1876.]

WHEREAS serious inconvenience has been occasioned to bankers and also to the public by reason of the ledgers and other account books having been removed from the banks for the purpose of being produced in legal proceedings:

And whereas it is expedient to facilitate the proof of the transactions recorded in such ledgers and account books:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited for all purposes as the Bankers' Books Evidence Act, 1876.

Interpretation clause.

2. The word "bank" in this Act shall mean any person or persons, partnership or company, carrying on the business of bankers, and who at the commencement of each year shall have made their return to the Commissioners of Inland Revenue, and any savings bank certified under the Act of 1863.

The words "legal proceedings" in this Act shall include all proceedings, whether preliminary or final, in courts of justice, both criminal and civil, legal and equitable, and shall include all proceedings, whether preliminary or final, by way of arbitration, examination of witnesses, assessment of damages, compensation, or otherwise, in which there is power to administer an oath.

The words "the court" in this Act shall mean the court, judge, magistrate, sheriff, arbitrator, or other person authorised to preside over the said legal proceedings for the time being, and shall include all persons, judges, or officers having jurisdiction and authorised to preside over or to exercise judicial control over the said legal proceedings or the procedure or any steps therein.

The words "a judge of one of the superior courts" shall mean respectively a judge of Her Majesty's High Court of Justice in so far as this Act applies to England and Wales, a lord ordinary of the outer house of the Court of Session in Scotland in so far as it applies to Scotland, and a judge of one of the superior courts at Dublin in so far as it applies to Ireland.

Entries in books by affidavit admissible in evidence.

3. From and after the commencement of this Act the entries in ledgers, day books, cash books, and other account books of any bank shall be admissible in all legal proceedings as primâ facie evidence of the matters, transactions, and accounts recorded therein on proof being given by the affidavit in writing of one of the partners, managers, or officers of such bank, or by other evidence that such ledgers, day books, cash books, or other account books are or have been the ordinary books of such bank, and that the said entries have been made in usual and ordinary course of business, and that such books are in or come immediately from the custody or control of such bank. Nothing in this clause contained shall apply to any legal proceeding to which any bank whose ledgers, day books, cash books, and other account books may be required to be produced in evidence shall be a party.

Originals need not be produced.

4. Copies of all entries in any ledgers, day books, cash books, or other account books used by any such bank may be proved in all legal proceedings as evidence of such entries without production of the originals, by means of the affidavit of a person who has examined the same, stating the fact of said examination, and that the copies sought to be put in evidence are correct.

Proviso as to notice to parties in a suit.

5. Provided always, that no ledger, day book, cash book, or other account book of any such bank, and no copies of entries therein contained, shall be adduced or received in evidence under this Act, unless five days notice in writing, or such other notice as may be ordered by the court, containing a copy of the entries proposed to be adduced and of the intention to adduce the same in evidence, shall have been given by the party proposing to adduce the same in evidence to the other party or parties to the said legal proceeding, and that such other party or parties is or are at liberty to inspect the original entries and the accounts of which such entries form a part.

Power under order of court to inspect books and take copies.

6. On the application of any party to any legal proceedings who has received such notice, a judge of one of the superior courts may order that such party be at liberty to inspect and to take copies of any entry or entries in the ledger, day books, cash books, or other account books of any such bank relating to the matters in question in such legal proceedings, and such orders may be made by such judge at his discretion either with or without summoning before him such bank or the other party or parties to such legal proceedings, and shall be intimated to such bank at least three days before such copies are required.

Judge may order that copies are not admissible.

7. On the application of any party to any legal proceedings who has received notice, a judge of one of the superior courts may order that such entries and copies mentioned in the said notice shall not be admissible as evidence of the matters, transactions, and accounts recorded in such ledgers, day books, cash books, and other account books.

Bank not compellable to produce books except in certain cases.

8. No bank shall be compellable to produce the ledgers, day books, cash books, or other account books of such bank in any legal proceedings, unless a judge of one of the superior courts specially orders that such ledgers, day books, cash books, or other account books should be produced at such legal proceedings.

Proof as to status of bank.

9. The fact of any such bank having duly made their return to the Commissioners of Inland Revenue may be proved in any legal proceedings by production of a copy of such return, verified as having been duly made by the affidavit in writing of one of the partners, or of the manager, or of one of the officers of such bank, or by the production of a copy of a newspaper purporting to contain a copy of such return, published in such newspaper by the said Commissioners of Inland Revenue.