

CHAPTER 420

THE SUMMARY JURISDICTION ACT

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SUMMARY JURISDICTION

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1. This Act may be cited as the Summary Jurisdiction Act. **Short title.**

2. In this Act— **Interpretation.**

"Bailiff" means the Provost-Marshall, or the officer appointed by him to execute the process of the Court;

"Clerk" means the Registrar of the High Court;

"Court" or "Summary Court" means the Court of Summary Jurisdiction established by this Act;

"decision" includes every order, or other determination of a case;

"Judge" means the presiding Judge for the time being;

"judgment," and "decree," and "action," and "suit," shall respectively be deemed synonymous terms;

"judgment creditor" means any person to whom any money is, for the time being, payable under any decree, or order, of the Court;

"judgment debtor" means any person by whom any money is, for the time being, payable under any decree, or order, of the Court.

PART I

The Court—Judges, Officers and Seal

Establishment of the Court.

3. A Court, to be called "The Court of Summary Jurisdiction," is hereby established, which shall be a Court of Record with such jurisdiction as is hereinafter defined.

Judges.

4. The Judges, for the time being, of the High Court shall be Judges of the Court of Summary Jurisdiction, and shall transact the business thereof without additional salary.

officers.

5. The Officers of the High Court for the time being shall be the officers of the Court of Summary Jurisdiction, and shall transact therein, without additional salary, such duties as the Court shall prescribe.

Seal.

6. The Court shall have and use, as occasion may require, a seal bearing the inscription "Court of Summary Jurisdiction, Antigua and Barbuda", and all writs and other process of the Court shall be sealed and stamped therewith:

Provided that until such a seal is available a stamp bearing the words "Court of Summary Jurisdiction, Antigua and

Barbuda", and countersigned by the Clerk may be used instead of such a seal.

PART II

Jurisdiction

7. The Court shall be held before one Judge, who shall have full power and authority to hear and determine in a summary way, and without the intervention of a jury, all disputes and differences between party and party touching any matter of debt, breach of covenant or contract or promise, injury to the person, or other matter, provided the debt or damages or balance sought to be recovered shall not exceed three thousand dollars:

General jurisdiction.

Provided that the Court shall not have any jurisdiction over the following suits, that is to say—

(a) Suits for malicious prosecution, false imprisonment, libel, slander, seduction, or breach of promise of marriage.

(b) Suits which are within the civil jurisdiction vested in Magistrates under any Act for the time being in force within Antigua and Barbuda.

8. The Court shall have full power and jurisdiction to hear and adjudicate without a jury, actions of trespass and title to land, wherein the damages or property claimed shall not exceed three thousand dollars:

Trespass and title to land.

Provided that, in case the defendant disputes the value of the property in question, the Judge may, before entering into the case, enquire into and fix the value thereof, and such valuation shall be conclusive for the purpose of deciding whether the Judge has jurisdiction.

9. In all cases the Court shall have jurisdiction in equity, and, where there is conflict between Law and equity, the rules of equity shall prevail, and govern the proceedings in the Court.

Jurisdiction in equity.

10. (1) Where the Court is of the opinion that, for the purpose of avoiding or preventing a trespass, or for ascertaining whether a trespass has been committed, or the

Power of Court to order survey of disputed boundary.

extent of any trespass or for the proper determination of the issues in dispute before it, or for any other reason, it is necessary or expedient that the position of any boundary or the point of commencement of any boundary or of any point on any boundary should be ascertained and reproduced on a plan, the Court may, if it thinks fit, order the boundary or any points therein which may be in dispute to be ascertained by a land surveyor and reproduced on a plan for the information of the Court, and may give such directions as it may deem necessary, for the effective execution of its order.

(2) The expenses of the survey shall form part of the costs of the action and shall be divided equally between the parties to the action each of whom shall deposit with the Clerk his proportionate share of the said expenses before the survey is commenced.

(3) After the plan has been prepared it shall be lodged with the Clerk and the parties to the action shall be entitled to cross-examine the surveyor thereon.

(4) The expenses of the survey shall be deposited by the parties with the Clerk within thirty days from the date of the order of the Court and if the plaintiff shall fail or refuse to deposit his share of the expenses within the prescribed period, the action shall be dismissed provided however that the Court may on application by the plaintiff and on payment by him of his share of the expenses within twenty-one days after the action was dismissed restore the same to the list for hearing on such terms as to costs or otherwise as it may deem just and equitable.

(5) Where the defendant shall make default in depositing his share of the expenses within the prescribed time, and the plaintiff is willing to pay the expenses himself, the Court may, after giving notice to the defendant, permit the plaintiff to deposit the whole of the expenses of the survey with the Clerk, and if the defendant is successful in the action he shall not be entitled to the costs thereof.

Transfer of suit to
High Court.

11. If the Court, on any special grounds, shall be of opinion that any suit instituted in the Court, although within

the jurisdiction conferred thereon by this Act, ought to be tried in the High Court, it shall be lawful for the Court to order that the suit be transferred to the High Court; and thereupon the Clerk shall annex to the writ of summons an office copy of such order, and shall transmit the same, together with any documents filed in the cause, to the High Court; and the plaintiff shall, within fifteen days from the date of such order, file his plaint in the High Court, and the case shall proceed as if the same had originated there. The costs of the proceedings in the Court below shall be costs in the cause.

12. In all suits instituted in the High Court, if the sum recovered shall not exceed three thousand dollars, and the subject matter of the suit is within the jurisdiction of the Court established by this Act, the plaintiff shall pay the entire costs of the suit, unless the presiding Judge shall certify that the suit was a fit and proper one to be instituted in the High Court, or unless the same was so instituted under the last preceding section:

Penalty for instituting suits unnecessarily in High Court.

Provided that this section shall not apply to suits for unliquidated damages unless the amount recovered shall not exceed five hundred dollars.

13. The Court shall hold sittings in Antigua at the Court House in the City of Saint John's on the first day of every month of the year:

General sitting the Court.

Provided that in case any of such days should fall on a Sunday or on any public holiday the sitting of the Court shall be held upon the next following day which is not a Sunday or public holiday.

14. A Judge may, at any time, appoint special sittings of the Court for the hearing and determination of any cause, action, or suit, whenever circumstances render it, in his opinion, expedient so to do, at least three days' notice thereof being given by affixing such notice outside the Court House at the place where such special sitting is to be held, and upon similar notice being given to the plaintiff and defendant by the Clerk.

Special sitting

PART III

Clerk of the Court

Clerk may
administer
oaths, &c.

15. The Clerk shall have power to administer oaths, and take solemn declarations or affirmations in lieu of oaths.

Taxing of costs
by Clerk.

16. The Clerk shall be the Taxing Master, and shall tax all bills of costs in accordance with the scale of fees for the time being in force, subject to a review of such taxation on summary application to a Judge in Chambers.

Powers vested
in Clerk.

17. The Clerk shall have power—

(1) To open, adjourn and close the Court:

Provided that, in the event of the Clerk closing the Court, all pending undisposed of matters shall stand over to the next general, or special, sitting of the Court in the same place;

(2) To hear, determine and order judgment in all undisputed cases of contract within the jurisdiction of the Court, and also, in the same matters, to hear, determine and give judgment, in default of appearance on either side:

Provided that it shall not be obligatory on the Clerk to hear, determine, or give judgment in any case, in which event such case shall stand over for the hearing and decision of a Judge;

(3) In all cases where he shall, under the powers conferred by the last preceding subsection, order judgment, to exercise the powers conferred on a Judge by section 41; and

(4) To issue summonses, and to hear and dispose in Chambers of all such unopposed applications arising in any suit, either before or after judgment, as may be brought before him:

Provided that it shall not be obligatory on him to act under this subsection, and that he may refer any such application brought before him to a Judge for his decision:

And provided further that the Clerk shall not be empowered to hear or determine any judgment debtor, garnishee or interpleader summons.

PART IV

Procedure and Practice

18. All suits under this Act shall be numbered consecutively in each year, and shall be commenced by a writ of summons in the form contained in the Schedule or as near thereto as circumstances permit, and the said writ shall be filled up with the particulars in the said form prescribed, and shall be served within Antigua and Barbuda, at least six days before the day on which the defendant is required to appear and, in default of such service within the time specified, the suit shall not abate, but such service shall be good for the next sitting of the Court.

Institution of suits.**Schedule.**

19. The service of writs, orders, and other documents shall be effected by the Bailiff, or other proper officer in Antigua and Barbuda, by delivering a copy of the documents to be served to the defendant, or other person to be served, or to his attorney on record, or by leaving the same, at the usual or last known place of abode or business of the defendant, or other party to be served, with a proper person for the delivery thereof to such party. In cases where service cannot be effected in manner as aforesaid, and in cases where the service is to be effected in any place without Antigua and Barbuda the Clerk may direct such service to be effected in such manner as to him shall seem meet. The original writ, order or other document shall, when the service thereof has been effected within Antigua and Barbuda, be returned forthwith into Court, but when effected without Antigua and Barbuda, then the document shall be returned at any such time as the Clerk may specially direct, with an indorsement thereon, in all cases, of the place, time and mode of service.

Service of process.

20. It shall not be necessary for the defendant to enter an appearance to the said writ, but, after service thereof, the suit shall be heard and determined in a summary way without written pleadings:

Summary hearing.

Provided that the Judge may order the plaintiff to furnish further or better particulars of his claim, or to file, within such time as he shall direct, a written statement thereof, and may likewise order the defendant, within such time as aforesaid, to file a written answer to such statement.

Notice of hearing and special defence.

21. Except by consent, or by leave of the Court, it shall not be competent to the defendant to enter into any special defence such as "set off," "illegality," "want of consideration," or "the limitation of the suit," unless at least twenty-four hours written notice thereof has been first given to the plaintiff or his solicitor, and, in case of set off pleaded, the defendant shall serve the plaintiff with a copy of the account or contra demand intended to be set off, and no evidence shall be allowed in proof of any demand or item not embraced in such set off.

Non-appearance of plaintiff or defendant.

22. If the plaintiff shall fail to appear at the hearing of the suit, the Court may, in its discretion, either enter up judgment of nonsuit or adjourn the hearing. If the defendant shall fail to appear, and it shall be proved to the satisfaction of the Court that the writ was duly served, the Court may proceed to hear and determine the case *ex parte*, or may adjourn the same; and, in case judgment shall be given for the plaintiff in the absence of the defendant, the Court may, on his application, if it shall think fit, upon being satisfied that there was, and still is, a defence to the action on the merits, and that there has been no delay, on the part of the defendant, in making such application, set aside the judgment and rehear the case.

Proceedings not to be set aside for want of form.

23. No suit, or proceeding therein, shall be treated or considered as invalid or subject to be set aside on account of any verbal or technical error; but all errors and mistakes may in all cases be amended or altered by the Court in its discretion; and, unless the Court shall otherwise direct, all applications to the Court or in Chambers, which may be necessary in the course of any suit, may be made verbally and without any preliminary formality.

Executors, minors, &c., may sue or be sued.

24. Any executor or administrator may sue or be sued in the Court, and judgment and execution shall be such as, in the like case, would be given or issued in the Supreme Court; and any person, under the age of twenty-one years, may sue for wages, or work as a servant in the same manner as if he were of full age.

Claim not to be split, but excess may be abandoned.

25. No cause of action, which shall exist at any one time, amounting in the whole to a sum exceeding three thousand dollars as aforesaid, shall be split or divided so as

to be made the ground of two or more different actions, in order to bring such cases within the jurisdiction of the Court; but, if the Court shall find that the plaintiff in any case shall have split his cause of action as aforesaid, the Court shall dismiss the said action, without prejudice, however, to the plaintiffs right to sue upon the cause of action in such other manner as he may be advised:

Provided that, if such plaintiff shall be satisfied to recover a sum not exceeding seven hundred and twenty dollars, then the Court shall and may entertain the action of such plaintiff, and, in case any order shall be made in favour of such plaintiff, the same shall be expressed to be, and shall be, in full discharge of the whole cause of action.

26. (1) Mutual debts and liquidated demands may be set off against each other; and, where a defendant raises a defence by way of set off, which in the opinion of the Court, is not admissible as set off, the Court may, either before or at the hearing, on his application, give him liberty to withdraw such defence and to bring a cross-suit, and may make such order for the hearing of the suit and cross-suit, together or otherwise, on such terms, as to costs and other matters, as seem just.

Set off and cross-suit.

(2) Where in any action a set off or counter claim is established as a defence against the plaintiffs claim, the Court may, if the balance is in favour of the defendant, give judgment for the defendant for such balance, or may otherwise adjudge to the defendant such relief as he may be entitled to upon the merits of the case.

27. The Court shall have power, if it sees fit to do so, upon the application of the plaintiff in an action for detention of any chattel, to order the return of the chattel detained without giving the defendant the option of paying the value assessed or otherwise agreed upon; and, in case the defendant shall refuse to comply with such order, the Court may order him to be imprisoned for any term, not exceeding three months, and execution to issue against his goods and chattels for the amount of such assessed or agreed value as aforesaid, and for the costs recovered.

Specific delivery of chattels.

Reference in
matters of
account.

28. Whenever any action or proceeding before the Court shall involve, or consist wholly or partly of, matters of account which cannot be conveniently investigated in the ordinary way, the Judge may, with the consent of both parties, refer such matter of account to any competent person for a report thereon, and may, from time to time, remit such report to the referee for reconsideration, and may determine the action or proceeding before the Court in accordance with such report or not, as he shall think fit. The Judge may award any sum which he shall deem just and sufficient, under the circumstances by way of remuneration to the referee, and such sum shall be costs in the cause, and shall be paid by such party, and at such times, as the Court shall order, and the payment thereof may be enforced in the same manner as the payment of costs.

Relief from
adverse claims.

29. Where, in any suit whatever, the defendant claims no interest in the money claimed or other subject matter thereof, but the right thereto is claimed by, or supposed to belong to, a third party, and the defendant is ready to pay the money claimed into Court, or dispose of the subject matter of the suit as the Court shall order, it shall be lawful for the Court, on the application of the defendant, and on being satisfied that there is no collusion between him and such third party, to order such third party to appear before the Court to state the nature of his claim, and to maintain or relinquish the same, and, if he maintain it, the Court may order him to be made a defendant in the suit in lieu of, or in addition to, the original defendant, and may dispose of the question in a summary manner.

Production of
documents.

30. The Court may, in any proceeding, order either party or any witness to produce before it any books, papers, and documents in his possession, custody or control, the production of which shall appear necessary for the proper determination of the matter in dispute.

Evidence, books
of account,
affidavits.

31. The Court, if it shall, in its discretion, think fit, may permit either party to use his books of account as evidence in support of his claim or defence, and may also take and admit evidence by affidavit, whenever a special ground for receiving the same shall be shown, to the satisfaction of the Court, by the party tendering it.

32. The Court may, in any cause or matter, where it shall appear necessary for the purpose of justice, make any order for the examination upon oath before any officer of the Court, or any other person or persons, and at any place, of any witness or person, and may order any deposition so taken to be filed in the Court, and may empower any party to any such cause or matter to give such deposition in evidence therein on such terms, if any, as the Court may direct.

Examination of witnesses out of Court.

33. The Court may, if in any case it deems fit, require a plaintiff who may be out of Antigua and Barbuda, either at the commencement of any suit, or at any time during the progress thereof, to give security for costs to the satisfaction of the Court, by deposit or otherwise; and may stay proceedings until such security be given.

Security for costs.

34. If it shall be shown to the satisfaction of the Court that the defendant, with intent to obstruct or delay the execution of any judgment which may be passed against him, is about to remove any of his goods, chattels, or effects out of Antigua and Barbuda, it shall be lawful for the Court, in its discretion, on the application of the plaintiff, to order that the goods, chattels, and effects of the defendant, or any part thereof, be forthwith attached and taken into the hands of the Bailiff as a pledge or surety to answer the just demands of the plaintiff, until the trial of such suit and judgment, thereon:

Attachment of goods before judgment.

Provided that the Court may at any time, upon reasonable cause being shown, and upon such terms, if any, as to security or otherwise as may seem just, remove the said attachment and order the property seized to be returned.

35. If it shall appear to the Court that the attachment of the property of the defendant was applied for on insufficient grounds, or if the suit of the plaintiff is dismissed, or judgment is given against him by default, or otherwise, and it shall appear to the Court that there was no probable ground for instituting the suit, the Court may, on the application of the defendant, award against the plaintiff such amount, not exceeding the sum of three thousand dollars, as it may deem a reasonable compensation to the defendant for the expense or injury occasioned to him by the attachment of his property:

Compensation⁶ needless attachment. ¹

Provided that the Court shall not award a larger amount of compensation under this section than it is competent to such Court to decree in an action for damages. An award of compensation under this section shall bar any suit for damages in respect of such attachment.

Arbitration.

36. The Court may, in any cause, with the consent of both parties to the action, order the same, with or without other matters within the jurisdiction of the Court in dispute between such parties, to be referred to arbitration to such person or persons, and in such manner, and on such terms, as it shall think reasonable and just; and such reference shall not be revocable by either party, except with the consent of the Court; and the award of the arbitrator, or arbitrators, or umpire, shall be entered as the judgment in the cause, and shall be as binding and effectual, to all intents and purposes, as if given by the Court:

Provided that the Court may, if it shall think fit, on application to it at the first Court held at the expiration of one week after the entry of such award, set aside any such award so given as aforesaid, or may, with the consent of both parties, revoke the reference, or order another reference to be made in the manner aforesaid, and the said arbitrator, arbitrators, or umpire is and are hereby empowered to administer an oath to all such witnesses as may appear, or be called before him or them.

Nonsuit.

37. The Judge shall have power to nonsuit the plaintiff in every case in which satisfactory proof shall not be given to him entitling either the plaintiff or the defendant to the judgment of the Court.

New trial.

38. The Judge shall have power, if he shall think fit, to order a new trial to be had, upon such terms as he shall think reasonable, and, in the meantime, to stay the proceedings.

**Eastern Caribbean
Supreme Court
Act applicable in
cases not provided
for.
Cap. 143.**

39. In all matters of procedure or evidence, not provided for by this Act, the provisions of the Eastern Caribbean Supreme Court Act, shall apply to causes and proceedings in the Court in the same and the like manner as such provisions apply to causes and proceedings in the Supreme Court, and shall in all respects govern the same.

PART V

Decrees and Orders

40. Every decree or order of the Court shall be entered up in a minute book by the Clerk, and such entry or minute shall have the full force and effect of a formal decree or order, but the Court may direct a formal decree or order to be drawn up on the application of either party.

Entry of judgment.

Formal decree.

41. The Court may order that money to be paid may be paid by instalments, with or without interest.

Payment by instalments.

42. In each and every case when the Judge shall have made any decree, or order, for the payment of money, the party prosecuting such decree, or order, shall apply to the Clerk for the issue of a writ, or writs, of execution directed to the Bailiff, who is hereby authorized and empowered to levy the amount thereof of the goods, chattels, and effects of the judgment debtor. Such writ, or writs, may be in the form contained in the Schedule.

Enforcement of decree for payment of money.

Schedule.

43. (1) Judgment by confession, or by consent of parties, may be entered at any time, and in every such case, a memorandum of such confession or consent, and of the particulars of the judgment to be entered, shall be signed by the parties, or their solicitors, in the presence of the Clerk and filed in Court.

Judgment by confession or consent of parties.

(2) When judgment by confession, or by consent of parties, is entered under this section, the plaintiff shall recover his costs of suit according to the scale of fees fixed by this Act, unless otherwise agreed between the parties.

44. Where a decree, or order, directs payment of money by instalments, execution shall not issue, until after default in payment of some instalment; and execution, or successive executions, may then issue for the whole of the money and costs then remaining unpaid, or such portion thereof as the Court may order, either in the original decree, or order, or at any subsequent time.

Where decree for payment by instalments.

45. A writ of execution shall be executed after sunrise and before sunset, and in the following manner, that is to say: The Bailiff shall, in the first instance, if practicable,

Mode of execution.

seize, take and levy upon the goods and chattels of the judgment debtor (except his wearing apparel and bedding, and that of his family, and the tools and implements of his trade to the value of twenty-four dollars) and shall also seize and take any money or bank notes, and any cheques, bills of exchange, promissory notes, bonds, specialities, or guarantees for money, belonging to the judgment debtor, and shall hold the same as a security for the amount directed to be levied by such execution, or so much thereof as shall not have been otherwise levied or raised for the benefit of the judgment creditor; and the judgment creditor may sue in the name of the judgment debtor, or in the name of any person in whose name the judgment debtor might have sued, for the recovery of the sum or sums secured or made payable thereby, when the time of payment thereof shall have arrived.

Return of writ.

46. The Bailiff shall forthwith return the writ into Court with an endorsement thereon setting forth the place, time, and mode of execution thereof.

Mode of sale.

47. The Court shall, in every case, have power by special order, to regulate the sale of any property taken in execution under a decree or order of the Court.

Judgment debtor summons.

48. Where a judgment remains wholly or in part unsatisfied (whether a writ of execution has issued or not), the judgment creditor may apply to the Court for a summons, requiring the judgment debtor to appear and be examined respecting his ability to make the payment directed, and the Court shall, unless it sees good reason to the contrary, issue such summons. On the appearance of the judgment debtor, he may be examined on oath by, or on behalf of, the judgment creditor, and by the Court, respecting his ability to pay the money directed to be paid, and for the discovery of property applicable to such payment, and as to the disposal which he may have made of any property. Whether the judgment debtor appear or not, the judgment creditor and all other witnesses whom the Court thinks requisite, may be examined on oath, or otherwise, respecting the matters aforesaid. The Court may, upon such investigation as aforesaid, make any interim order for the protection of any property applicable, or available, in discharge of the

judgment, as it shall think expedient and may exercise all and any of the powers conferred on the High Court by section 4 of the Debtors Act.

Cap. 131

49. Any judgment creditor may sue out a summons calling upon any person indebted to, or having in his hands money belonging to, any judgment debtor, hereinafter called a garnishee, to show cause why he should not pay over such debt or money to the Bailiff, in satisfaction of the judgment debt, and, upon failure to show sufficient cause, the Court may, by order, compel the garnishee to pay over such debt or money, at such times, and in such manner, as shall seem meet, by attachment, or by directing execution to issue in manner herein provided. The service of such summons shall bind such debt in the hands of the garnishee.

Garnishee summons.

50. All moneys payable under a judgment levied by execution, or otherwise, under the process of the Court, shall be paid into Court, unless the Court shall otherwise direct.

Moneys levied to be paid into Court.

PART VI

Interpleader

51. Where any property of any kind shall be seized or taken into execution, or attached or taken into the hands of the Bailiff, under any decree or order in any suit or proceeding under this Act, which is claimed by any person not a party to the suit, such claim shall be determined by the Court in a summary way, upon a summons to be taken out by such claimant against the party prosecuting the decree or order.

Interpleader summons.

PART VII

Miscellaneous

52. The signature of the Judge shall not be required to any writ or other document issuing from the Court, if it purport to be signed by the Clerk, by order of the Judge, and is stamped with the seal of the Court.

Signature of judge dispensed with.

53. Any act, matter or thing by this Act authorized to be done by the Court, except the trial of a suit or action, may be done by any Judge thereof sitting in Chambers.

Power of judge in Chambers.

Rules of Court.**54.** Rules of Court to regulate—

(a) The practice, procedure and forms to be used under this Act; and

(b) The costs of proceedings under this Act, including the costs of barristers and solicitors and the allowance to witnesses,

may be made in the same manner and subject to the same conditions as rules of the Supreme Court.

Saving of Rules.

55. Notwithstanding the provisions of section 54, the rules of Court in force immediately before the passing of the above-mentioned section are hereby declared to be in force with retrospective effect as from the passing of such section, and shall continue in force until revoked by subsequent rules of Court.

Forms.**Schedule.**

56. Subject to any such rules as aforesaid, the forms contained in the Schedule with such variations and additions as circumstances require, may be used for the purpose of carrying out the provisions of this Act, and shall, as regards the form thereof, be valid and sufficient.

Scale of Fees.**Schedule.**

57. The scale of fees contained in the Schedule shall be in force, and all questions whatever relating to the amount of any fees shall be summarily determined by the Judge:

Provided that nothing herein contained shall be deemed to affect any special agreement between a barrister or solicitor and his client in regard to the amount of his fees or remuneration.

Power of the Court as to costs.

58. The costs of every proceeding shall be in the discretion of the Court, and may be apportioned in any manner which to the Court shall seem just and reasonable, and costs may be awarded though the suit be dismissed for want of jurisdiction.

Allowance to parties and witnesses.

59. The Court may allow such reasonable sum or sums of money for the attendance and loss of time, and for travelling expenses of parties and witnesses as it shall think fit, not exceeding the scale fixed by rules of court.

60. The costs of, and incidental to, the execution of Costs of process.
any process in a suit shall be paid, in the first place, by the party at whose instance the same is issued, subject to the final order of the Court thereon, and the Bailiff shall not be bound to serve any document, or execute any process, unless the fee, to which he shall be entitled in respect thereof, shall have been previously paid, or tendered to him.

PART VIII

Appeals

61. Subject to the provisions of the Supreme Court Right of appeals.
Order and to any Rules made thereunder, an appeal shall lie to the Court of Appeal from any judgment of a Judge of the Court upon any point of law, or upon the admission or rejection of evidence, but no appeal shall lie—

(a) against any decision upon any question of conflicting evidence or of the sufficiency of evidence to support the decision, or upon any question of fact; or

(b) except by leave of the Judge, where the debt or damage does not exceed the sum of five hundred dollars.

SCHEDULE

Ss. 18, 42, 56.

FORMS.

1.

WRIT OF SUMMONS.

(Antigua and Barbuda Coat of Arms)

IN THE COURT OF SUMMARY JURISDICTION OF ANTIGUA AND BARBUDA

Suit No. }	Between	{	A.B., Plaintiff, and C.D., Defendant.
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LAWS OF ANTIGUA AND BARBUDA

20

CAP. 420)

Summary Jurisdiction

ELIZABETH THE SECOND, by the Grace of God, Queen of Antigua and Barbuda and of Her other Realms and Territories, Head of the Commonwealth.

To (Name and address of defendant).

We command you that you do attend our Court of Summary Jurisdiction at , on , the day of , at o'clock in the forenoon, being the day and time appointed for the hearing of a suit instituted against you by (name and address of plaintiff), particulars of whose claim are annexed hereto.

Take notice that, if you fail to attend the hearing of the suit, or at any continuation or adjournment thereof, the Court may give leave to the plaintiff to proceed therein, ex parte, to judgment and execution.

Witness , Judge of our said Court , this day of , 19 .

By order,

Clerk.

Particulars of Claim.

N.B. —Insert the particulars of the claim in the usual form. If the items are too numerous, as in some claims for goods sold, the entry may be as follows—

To goods sold, or money lent, or wages due by you |
&c., as per bill of memorandum annexed |
Interest from to

Endorsement on Writ.

The within writ was served on the within named defendant at , by delivering a true copy thereof (or describe other mode of service) on the day of , 19 .

Bailiff.

2.

SUBPOENA.

(Antigua and Barbuda Coat of Arms)

IN THE COURT OF SUMMARY JURISDICTION OF ANTIGUA AND BARBUDA

Suit No.	}	Between	{	A.B., Plaintiff, and C.D., Defendant.
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ELIZABETH THE SECOND, by the Grace of God, Queen of Antigua and Barbuda and of Her other Realms and Territories, Head of the Commonwealth.

To

You (and each of you) are hereby commanded that, all excuses being laid aside, you (and each of you) be and appear in your own proper person before the Court of Summary Jurisdiction at _____, on the _____ day of _____, at _____ o'clock in the forenoon, or at any continuation or adjournment of the said Court, to testify all and singular that you know in a certain cause or matter now pending between the above-named plaintiff and defendant, then and there to be heard and determined (and you are required to bring with you _____).

Therefore fail not at your peril.

Witness _____, Judge of the said Court _____, this day of _____, 19____.

By order,

Clerk.

3.

WARRANT TO ATTACH PROPERTY BEFORE JUDGMENT.

(Antigua and Barbuda Coat of Arms)

IN THE COURT OF SUMMARY JURISDICTION OF ANTIGUA AND BARBUDA

LAWS OF ANTIGUA AND BARBUDA

22

CAP. 420)

Summary Jurisdiction

Suit No.	}	Between	{	A.B., Plaintiff, and C.D., Defendant.
----------	---	---------	---	---

ELIZABETH THE SECOND, by the Grace of God, Queen of Antigua and Barbuda and of Her other Realms and Territories, Head of the Commonwealth.

To Bailiff, and his assistants.

Whereas it has been shown, to the satisfaction of the said Court, that _____, the defendant in the above suit, with intent to obstruct, or delay, the execution of any judgment which may be passed against him, is about to remove out of Antigua and Barbuda his goods and chattels, or some part thereof. You are hereby commanded to seize, attach and to take into your hands the goods, chattels, and effects of the said defendant (*or certain goods and chattels specified*), and to hold the same until the further order of the said Court; and you are also commanded, forthwith after the execution of this writ, to return the same into the said Court, with the place, time and particulars of execution endorsed thereon.

Witness _____, Judge of the said Court, this
day of _____, 19 ____.

By order,

Clerk.

4.

FORMAL DECREE.

(Antigua and Barbuda Coat of Arms)

IN THE COURT OF SUMMARY JURISDICTION OF ANTIGUA AND BARBUDA

Suit No.	}	Between	{	A.B., Plaintiff, and C.D., Defendant.
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It is decreed in the above suit that the above-named plaintiff do recover from the above-named defendant the sum of \$ _____ together with \$ _____ for costs; and the said defendant is hereby ordered to pay the sum of \$ _____ (*forthwith, or by the following instalments namely, as the case may be.*)

Witness , Judge of the said Court, this
day of , 19 .

Debt, \$
Costs, \$

By order,

Clerk.

\$

5.

WRIT OF EXECUTION BY SEIZURE OF GOODS AND CHATTELS.

(Antigua and Barbuda Coat of Arms)

IN THE COURT OF SUMMARY JURISDICTION OF ANTIGUA AND BARBUDA

Suit No.	} Between	{	A.B., Plaintiff, and C.D., Defendant.
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ELIZABETH THE SECOND, by the Grace of God, Queen of Antigua and Barbuda and of Her other Realms and Territories, Head of the Commonwealth.

To Bailiff, and his assistants.

Whereas , the above-named defendant, has failed to satisfy a decree made against him in the above suit on the day of , 19 , in favour of the above-named plaintiff, for \$, together with \$ for costs.

You are hereby commanded to levy the sum of \$ (insert total amount of decree and costs) of the goods, chattels, and effects of the said defendant, excepting the wearing apparel, and bedding of the said defendant, or his family, and the tools and implements of his trade to the value of \$24, but including money, or bank notes, and any cheques, bills of exchange, promissory notes, specialities, or securities for money, belonging to the said defendant, and to return this writ into the said Court with an endorsement thereon of the date and place of execution.

Witness , Judge of the said Court, this
day of , 19 .

By order,

Clerk.

6.

INTERPLEADER SUMMONS.

(Antigua and Barbuda Coat of Arms)

IN THE COURT OF SUMMARY JURISDICTION OF ANTIGUA AND BARBUDA

Suit No.	}	Between	{	A.B., Plaintiff, and C.D., Defendant.
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In the matter of E.F., a claimant of property seized, under process of the Court, in the above suit.

To A.B., the above named plaintiff.

Take notice, that you are hereby summoned to appear before the said Court on _____, the _____ day of 19____, at the hour of _____ o'clock in the forenoon to show cause why certain goods and chattels seized, under the process of the Court, in the above suit, should not be declared and adjudged to be the property of E.F., the above-named claimant thereof and be delivered to him accordingly.

Witness _____, Judge of the said Court, this day of _____, 19____.

By order,

Clerk.

7.

JUDGMENT DEBTOR SUMMONS.

(Antigua and Barbuda Coat of Arms)

IN THE COURT OF SUMMARY JURISDICTION OF ANTIGUA AND BARBUDA

Suit No.	}	Between	{	A.B., Plaintiff, and C.D., Defendant.
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To _____, the above-named defendant.

Take notice, that you are hereby summoned to appear before the said Court on _____, the _____ day of 19____,

at the hour _____ o'clock in the forenoon, then and there to be examined respecting your ability to satisfy the judgment recovered against you, in the above suit, on the _____ day of _____, last for \$ _____ and costs.

Witness _____, Judge of the said Court, this day of _____, 19 ____.

By order,

Clerk.

8.

GARNISHEE SUMMONS.

(Antigua and Barbuda Coat of Arms)

IN THE COURT OF SUMMARY JURISDICTION OF ANTIGUA AND BARBUDA

Suit No. } Between { A.B., Plaintiff, and C.D., Defendant.

To E.F. Garnishee.

Whereas on the _____ day of _____, last, judgment was entered for the plaintiff, in the above suit, for \$ _____ and costs, which said judgment remains unsatisfied: And whereas it is alleged that you are indebted to the defendant in the sum of \$ _____, or some other sum of money. Take notice that you are hereby summoned to appear before the said Court on the _____ day of 19 ____, at the hour of _____ o'clock in the forenoon, to show cause why you should not pay over such sum of \$ _____ or other sum as aforesaid, or some part thereof, to the Bailiff in satisfaction of the said judgment.

Witness _____, Judge of the said Court, this day of _____, 19 ____.

By order,

Clerk

FEES AND ALLOWANCES

Section 57

(1) FEES OF BARRISTERS AND SOLICITORS.

- (i) Any uncontested case where the sum or the value of the property in dispute—

does not exceed \$250.00	\$15.12
exceeds \$250.00 and does not exceed \$500.00	35.00
does not exceed \$350.00	60.00
does not exceed \$1,000.00	90.00
exceeds \$1,000.00	110.00
- (ii) In any contested case in addition to the fees mentioned in (i) above an additional fee of \$40.00 shall be allowed.
- (iii) Notwithstanding the fees specified in paragraphs (i) and (ii) above a trial Judge may, in a case involving difficult points of law or for any other reason of an exceptional nature, allow an inclusive general fee not exceeding \$300.00.

The above mentioned fees shall include and cover all costs whatsoever, except Fees of Court and any special Fees and Allowances hereinafter prescribed.

Where costs are awarded to a successful plaintiff, the expression "sum in dispute" means the sum recovered; and where costs are awarded to a successful defendant, it shall mean the sum claimed.

(2) SPECIAL FEES OF COUNSEL AND SOLICITORS.

Summons in Chambers	\$25.00
Interpleader Summons	35.00
Garnishee Summons	35.00
Fee on adjourned hearing if allowed by the trial Judge	5.00

The said fees shall include and cover all costs incident to the special proceedings referred to including affidavits, copies of documents, examinations and attendances, except Fees of Court and necessary disbursements.

(3) ARBITRATION.

The same general fee may be allowed as on the trial of a cause in Court.

FEES OF COURT

1.	For every writ of Summons and copy including filing and hearing.	\$5.00
2.	For every copy thereof.	.50
3.	Subpoena not exceeding three persons (and copy thereof).	1.50
4.	Every notice required.	.50
5.	Drawing formal decree.	1.20
6.	Copy.	.25
7.	Every order not being a nonsuit or judgment.	1.20
8.	Copy.	.25
9.	Filing any document.	.50
10.	Paying money into court.	.50
11.	Paying money out of court (exclusive of receipt stamp).	.50
12.	Warrant of execution, arrest or attachment.	1.50
13.	Copy.	.50
14.	Summons in Chambers, copy and hearing.	2.50
15.	Every other application in Court or in Chambers.	1.20
16.	Entering up judgment or award.	1.50
17.	Copies of documents per folio of 90 words.	.25
18.	Taxation of Costs.	1.20
19.	Interpleader Summons and hearing.	2.50
20.	On taking affidavits for each deponent.	.75
21.	Interpleader Motion.	2.40

FEES OF BAILIFF

22.	Service or Execution of any Writ, summons, notice or other document.	.50
23.	At a greater distance than one mile from the Court House for every extra mile or part of a mile in addition to the fee;	
	Provided that mileage shall be calculated to a place and not to and from a place.	.15

24.	For every personal arrest.	2.50
25.	For conveying person arrested from place of arrest for every mile or part of a mile.	.25
26.	For discharging person arrested at desire of Plaintiff.	100
27.	For releasing property seized or attached at desire of plaintiff.	.50
28.	For each man in possession, including his board per <i>diem</i> . For the sale, including advertisements, catalogues and commissions and delivery of goods on the net proceeds of sale.	5 cents in the dollar
