

T H E

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LAWS OF JAMAICA,

PASSED IN THE YEAR

1867.

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A
T A B L E
OF
ALL THE PUBLIC LAWS:

CONTAINING

The Titles of those passed between the 5th January and the 16th December, 1867, in the thirtieth and Thirty-First Years of the Reign of Queen Victoria.

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Amended 20 7 74



JAMAICA—No. 1 of 1867.

A Law to Prohibit the Keeping of Swine in the City of Kingston, and Town of Port Royal. [5th January, 1867.]

BE it enacted by the governor of Jamaica, by and with the advice and consent of the legislative council thereof, as follows:

First—From and after the passing of this law, it shall not be lawful to keep swine in the city of Kingston, or town of Port-Royal.

Prohibition to keep swine.

Second—The custodes of the respective parishes of Kingston, Port-Royal, and Saint Andrew's shall, on the passing of this law, call a special session of the peace, which special session shall cause notices to be posted up on the entrance doors of the court-house, police-stations, and market-places of the city of Kingston, and town of Port-Royal, and in such parts of the parish of Saint Andrew as are hereinafter by this law comprised, in the city of Kingston respectively, and in such other conspicuous places as they may think fit within the limits aforesaid, that all persons having swine within the said city or town, or such parts of Saint Andrew, do remove and take them thereout within thirty days from and after a day to be therein named, which day shall be so fixed that there shall be thirty clear days after the notices are posted for the removal of all swine.

Notice of thirty days to be given.

Third—Every person found, after the expiration of the said thirty days, keeping swine, either in the city of Kingston, or town of Port-Royal, shall be liable to pay a penalty not exceeding two pounds for every head of swine, besides being liable to forfeit the said animal.

Penalty.

Fourth—After the expiration of the said thirty days every policeman may, upon view, take up any swine which he shall find in the

Police to take up swine upon view, and to enter premises.

To Prohibit the Keeping of Swine in the City of Kingston, &c.

On warrant of justice of the peace.

the streets, lanes, or open places of the said city or town ; and any justice of the peace, on application of any policeman, and proof of the possession, or reasonable suspicion of the possession of any swine by any person in the city of Kingston, or town of Port-Royal, may grant a warrant authorizing any policeman to enter upon the premises of the person complained against, and to take and seize any swine there found.

Penalty for obstructing police

Fifth—Any person who shall hinder or obstruct any policeman attempting to take and seize any swine, or who shall prevent any person, having such warrant as aforesaid, from entering upon the premises mentioned therein, shall be liable to a penalty not exceeding five pounds.

Swine found after 30 days to be killed.

Sixth—All swine found after the said thirty days in either the city of Kingston, or town of Port-Royal, shall be killed.

Limits of city of Kingston.

Seventh—For the purposes of this law the city of Kingston shall comprise all the parish of Kingston as it is or may hereafter be defined, to the westward of the lands of the lunatic asylum, and to the westward of the lands of Waterloo Lodge and of Camperdown and Deanery Penns, and including the villages of Allman's Town, Fletcher's Town, Hannah's Town, and Smith's Village, in the parish of Saint Andrew : Provided, That it shall be lawful for the governor to grant special licenses for the keeping of swine within these limits, on pennis of not less than five acres in extent.

Recovery of penalties.

Eighth—All penalties under this law shall be recovered and enforced by summary conviction before two justices, and in default of payment, by imprisonment, with or without hard labour, not exceeding sixty days ; and one moiety of the said penalties shall be to the informer, or to him who shall sue or prosecute for the same, and the other to the general government of this island.

Definition of "swine".

Ninth—The words [word] "swine" shall comprehend all animals of that kind, and shall apply to one or more of such animals.



Rep: 23 of 79

JAMAICA—No. 2 of 1867.

A Law to Raise by Loan, Thirteen Thousand and Seventy-Five Pounds for Immigration Purposes
[11th January, 1867.]

WHEREAS it is expedient and necessary to authorize the raising of the sum of thirteen thousand and seventy-five pounds for immigration purposes, to replace so much withdrawn from the funds authorized to be raised for that purpose, and carried to the general revenue of this island: It is enacted by the governor of Jamaica, with the advice and consent of the legislative council thereof, as follows:

Preamble.

First—It shall be lawful for the governor of this island to raise, by loan on debenture, the said sum of thirteen thousand and seventy-five pounds for the purposes of immigration.

Governor authorized to raise £13,075.

Second—Such debentures shall be signed by the financial secretary and the receiver-general, and shall be in such form, and for such sums as the governor shall determine, and shall be transferable and negotiable, and shall be redeemable at the furthest at the end of five years from the date of the earliest of such debentures.

Debentures redeemable in five years.

Third—The receiver-general, from time to time, shall pay the half-yearly interest, as the same shall fall due, on all such debentures, at the rate of six pounds *per centum per annum*.

Interest at £6 per centum half yearly.

Fourth—For the redemption of the debentures, to be issued under this law, there shall be raised, and included in the general estimates of each year, besides the interest payable as aforesaid, a proportionate part of the principal sum of thirteen thousand and seventy-five pounds, which proportionate part, until required, shall be invested by the receiver-general in such manner, and upon such public funds, or government securities, as the governor shall direct.

Proportionate part of principal to be raised annually.

Fifth—All sums of money which shall be borrowed under the

Loan charged on island revenue.

To Raise a Loan for Immigration Purposes.

the authority of this law, and all interest thereon, shall be a charge on, and paid out of the general revenue of this island.

Monies borrowed to be carried to "The Further Immigration Fund Account."

Sixth—All monies to be borrowed under the provisions of this law, shall be paid into the colonial bank, to the credit of the receiver-general, and shall be entered in the books of the receiver-general to the credit of "The Further Immigration Fund Account, 1861," for the purposes for which the monies carried to the said account are by law directed to be applied.

Lost debentures may be renewed.

Seventh—The governor, on proof to his satisfaction that any debenture issued under this law has by accident been lost or destroyed before the same shall have been paid off, may, if the number and amount of such debenture be ascertained, and upon being furnished with due security for indemnifying the government of this island for any loss to which it may at any time be subjected by reason thereof issue a new debenture, corresponding in all respects with the debenture so lost or destroyed, or if any debenture when so lost or destroyed, shall be overdue, may cause the money due thereupon to be paid off and discharged: Provided, That before any debenture shall be renewed, or payment made as aforesaid, notice shall be published for four consecutive weeks in "The Jamaica Gazette by Authority" of the date, number, and other particulars of any debenture alleged to be lost or destroyed.



JAMAICA—No. 3 OF 1867.

A Law to Extend the Limits prescribed by the Act Twenty-Eighth Victoria, Chapter Twenty-Four, for Drainage purposes. [11th February, 1867.]

WHEREAS doubts are entertained whether the powers given by the second section of the act twenty-eighth Victoria, chapter twenty-four, entitled "*An act to provide for the reconstruction of the most public thoroughfares of the city of Kingston,*" are available for the purposes hereinafter mentioned, beyond the limits defined in the said act: It is enacted by the governor of Jamaica, with the advice and consent of the legislative council thereof, as follows:

Preamble.

For the more complete drainage of the rain and sewage waters of the city of Kingston, the powers given by the second section of the said recited act shall extend and may be put in force beyond the limits prescribed by the said act, in the manner, and to the limits hereinafter mentioned; that is to say,

Extension of powers under 28th Vic., cap. 24, sec. 2.

To the eastward to Barnes's Gully, and along the course thereof to the sea, including a space equal to twenty feet in breadth, of and along the eastern or further bank of the said gully, where not affected by buildings.

To the northward, along the lower part of the Race Course, in the parish of Saint Andrew, eastward to Barnes's Gully, and throughout the course of the said gully to the sea, including in like manner a space twenty feet in breadth, of and along its eastern or further bank

To the westward to the Admiral's Pen Gully, in the parish of Saint Andrew, and along its course to the sea, through Kingston Pen, crossing the Jamaica Railway, and

To Extend the Limits prescribed by the Kingston Drainage Act.

and the lands thereof, including, in like manner, a space of twenty feet in breadth, of and along the western or further bank of the said gully or water course.

To the westward, through certain lots of land belonging to the city of Kingston, the lands known as the brickkilns and the lands of Kingston penn, crossing the Jamaica Railway, and the lands thereof to the sea.

And over, under, and along the several streets, lanes, and open places between the limits mentioned in the said act, and the several above mentioned limits.



JAMAICA—No. 4 OF 1867.

A Law to Remove the Obligatory and Penal Restrictions of the Acts Fifth William and Mary, Chapter One, and Ninth George the First, Chapter One.

[26th February, 1867.]

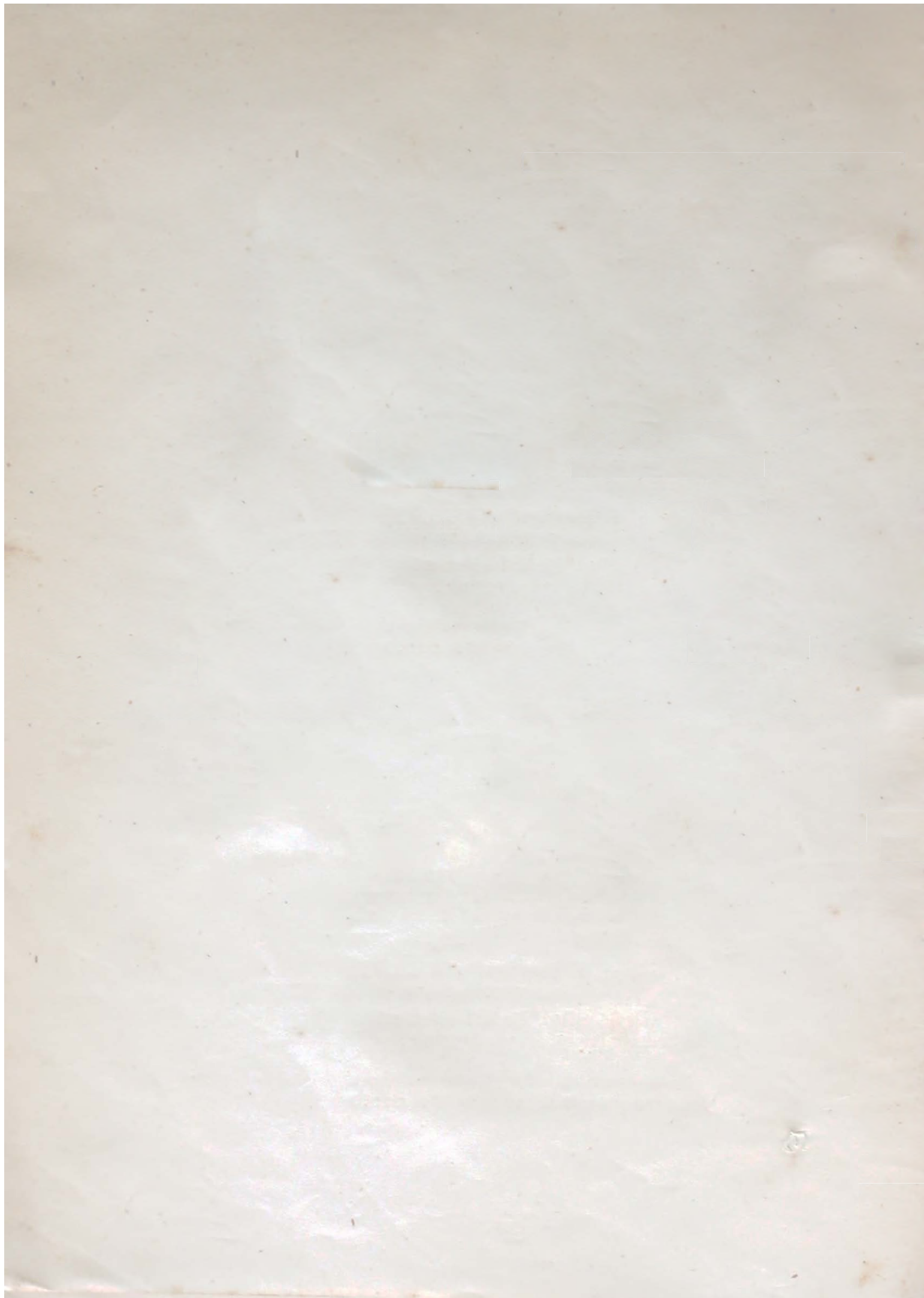
IT is hereby enacted by the governor of Jamaica, with the advice and consent of the legislative council thereof, as follows :

First—The third section of the act fifth William and Mary, chapter one, entitled “*An act for establishing a perpetual anniversary fast on the seventh of June,*” and the third section of the act ninth George the first, chapter one, entitled “*An act for establishing a perpetual anniversary fast on the twenty eighth of August,*” are hereby respectively repealed.

3d section of
5 Wm. and M.
c. 1, and 9 Geo.
1, c. 1, repeal-
ed.

Second—The other sections of the said respective acts shall no longer be read as obligatory but permissive.

Other clauses
permissive.





Repealed. 18 of 1882

JAMAICA—No. 5 OF 1867.

A Law to abolish the Surry County Gaol.
[26th February 1867.]

WHEREAS an unnecessary expense is caused by retaining two county gaols at places so near to each other as Kingston and Spanish-Town, and one gaol at one of these places will answer all the purposes, both of the county of Middlesex and of the county of Surry: And whereas the Surry county gaol at Kingston, if vacated, can be made available for the paupers of the parish of Kingston, or for other useful purposes, and for an improved lock-up, and for the temporary detention of certain prisoners: It is enacted by the governor of Jamaica, with the advice and consent of the legislative council thereof, as follows:

Preamble.

First—The county gaol of Surry, in Kingston (except as hereinafter mentioned), shall cease to be a prison or county gaol, and the inspector of prisons shall, under the order of the governor, cause the several prisoners therein to be removed to the present county gaol of Middlesex, in Spanish Town; and, upon the removal of such prisoners as aforesaid, the pay of the officers and attendants of the said county gaol of Surry, in Kingston, shall cease and determine.

County gaol of Surry discontinued as a gaol.

Second—The present county gaol of Middlesex, at Spanish-Town, shall be the gaol as well for the county of Surry as for the county of Middlesex, it shall be called the Middlesex and Surry county gaol; and it shall be lawful for the provost marshal general, or his deputies, to imprison in the Middlesex and Surry county gaol, in Spanish-Town, all persons who shall be taken by him or them upon civil process in the county of Sur-

Middlesex county gaol gaol of both counties.

To abolish the Surry County Gaol.

ry, who, but for the passing of this law, might have been by him or them imprisoned in the county gaol of Surry, in Kingston.

Persons from Surry may be committed to Middlesex and Surry county gaol.

Third—All persons who, but for the passing of this law, might have been committed to the county gaol of Surry, in Kingston, may be committed to, and received into the Middlesex and Surry county gaol, in Spanish-Town.

Notices of opposition [to] insolvent debtors to be left at last gaol.

Fourth—All notices of opposition to insolvent debtors, applying for their discharge in the county of Surry, shall hereafter be left with the deputy-marshal in charge of the Middlesex and Surry county gaol, and such delivery of any such notice shall be a sufficient service upon any insolvent seeking his discharge in the county of Surry.

Convenient places to be set apart for lock-up.

Fifth—Convenient places in the buildings now forming the said county gaol of Surry, hereafter to be discontinued as a gaol, shall be set apart to be used as a temporary lock-up for the purposes for which the present cage in Kingston is now used, and as a lock-up for such other parishes as have been heretofore accustomed to use the said gaol as a lock-up, and as a temporary place of confinement for prisoners undergoing trial, or being immediately about to undergo trial at the circuit court at Kingston, and as a temporary place of confinement for debtors whose cases are undergoing, or are immediately about to undergo examination in Kingston on the ground of insolvency.

Lock-up in Kingston discontinued.

Sixth—The lock-up in the city of Kingston, known as the cage, shall be discontinued as a place for the detainer and confinement of prisoners, either before or after conviction; and the inspector of prisons, under the authority of the governor, shall appoint a proper place of detention within the buildings now forming the said county gaol of Surry, hereafter to be discontinued as a gaol, where prisoners before conviction shall be kept.

Inspector of police, Kingston, to station a sergeant at late Surry county gaol.

Seventh—It shall be the duty of the inspector of police for Kingston to station a sergeant of police at the place of detention so set apart, from the hour of six at night to six in the morning, who shall have the same power, and shall act under the same regulations in the matter of bailing persons brought into

To abolish the Surry County Gaol.

into the said place of confinement, as the sergeant of police in charge of the cage, before the passing of this law.

Eighth—The governor may appropriate the remaining portion of the buildings of the said Surry county gaol for the use of the paupers of the parish of Kingston, or for such other public or parochial purpose as he may think fit.

Governor to appropriate the remainder of buildings.

Ninth—This law shall come into operation on such day as shall be fixed for that purpose by the governor, and notified in the "Jamaica Gazette, by Authority."

Commencement of act.

11

1831 to 1837

1831 to 1837

According to the records of the ...

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See Law 13 of 1877
In Aid. Law 8 of 74



JAMAICA—No. 6 OF 1867.

*Incorporated with Law 7 of 82.
To be read as one with Law 22 of 1882*
A Law to Establish Boards of Health.

[12th March, 1867.]

WHEREAS it is expedient to make more effectual provision for improving the sanitary condition of this island, and for taking precautions against the introduction, origin, or spread of epidemic, endemic, and contagious or infectious disease amongst the population: It is hereby enacted by the governor of Jamaica, with the advice and consent of the legislative council, as follows:

Preamble.

First---It shall be lawful for the governor to constitute and appoint certain persons, to be by him named, a board for carrying out the provisions of this law, to be called the "Central Board of Health of Jamaica;" and the governor may, from time to time, remove all or any of the persons so appointed, and appoint others in the stead of such of them as shall die, depart from this island, be removed, or be incapable of acting.

Governor to appoint central board of health,

Second---The powers and duties invested in the said board may be executed by such number of the members as the governor shall from time to time constitute a quorum thereof.

who may act by a quorum.

Third---The said board may appoint, from time to time, one or more superintending inspectors to visit the towns, villages, and other localities of this island, and to make public inquiry as to all sanitary matters in respect whereof the said board may desire to be informed.

Board may appoint superintending inspectors.

Fourth---During any inquiry by a superintending inspector under this law, he may, and he is hereby empowered, to summon before him any persons whomsoever, and to examine them upon oath or affirmation, touching any matter relating to the purposes of the inquiry; and whosoever wilfully disobeys any such summons, or refuses to answer any question put to him by such inspector, for the purposes of the said inquiry, shall be liable to a penalty not exceeding forty shillings.

who may summon and examine persons.

Fifth

To Establish Boards of Health.

Local boards
of the different
parishes.

Fifth—There shall be local boards of health for the parish of Kingston, and for the several other parishes of this island, for the purpose of carrying out the provisions of this law, under the said central board of health.

A. Law 14773

Members com-
missioners of
health.

Sixth—The members of the said local boards of health shall be called "Commissioners of Health."

Municipal
boards local
boards of
health,

Seventh—The municipal board of the parish of Kingston shall be the local board of health for Kingston, and the municipal boards of the several other parishes shall be the local boards of health for such parishes respectively.

Rep. Law 14773

who shall di-
vide parishes
into districts,
and appoint
commissioners.

Eighth—It shall be the duty of the said local boards of health for the several parishes to divide their parishes into sanitary districts, and to appoint one or more fit persons to be a commissioner or commissioners of health for each such district.

Duties of Com-
missioners.

Ninth—It shall be the duty of the commissioner or commissioners of health for each such district to furnish the local board of the parish with full information as to the sanitary state of the district, and all matters connected with the public health, and to enforce the rules and orders of the local board; and he or they shall further discharge the other duties, and exercise all the powers of a commissioner of health, as defined by this law.

Local boards
to appoint of-
ficers.

Tenth—The local boards of health may from time to time appoint and remove, subject to the approval of the central board of health, health officers, inspectors of nuisances, and such other officers and servants as may be necessary to enable them to carry out the provisions of this law, and shall make bye-laws for regulating their duties in like manner as the bye-laws hereinafter mentioned.

Health officers
under 4 Vic.
cap. 2, officers
under this law.

Eleventh—The health officers, to be appointed under this law, shall be in addition to the health officers under the act fourth Victoria, chapter thirty-two, and such last-mentioned health officers shall, on the passing of this law, be invested with the like powers as the health officers under this law.

Offensive mat-
ters, pig-styes,
&c., to be
abated.

Twelfth—If the occupier of any house, or the owner of any uninhabited house, or his agent, within any town or village of this island,

To Establish Boards of Health.

island, shall wilfully or negligently suffer any offensive deposit or collection, fluid or otherwise, to remain in any place beneath or adjoining to such house, or if any such person shall allow the contents of any water-closet, privy, vault, or cesspool to overflow upon the surface of the ground, or if any person shall keep any pig-stye, stable, cow-house, sheep or goat pen, or poultry yard in an offensive state, so as to be a nuisance, and complaint thereof be made to the local board of health, such owner, occupier, or person shall be liable, after the expiration of forty-eight hours' notice, given by such local board, to abate such nuisance, for every such offence, to a penalty not exceeding forty-shillings, and to a further penalty not exceeding twenty shillings for every day the offence be continued and the local board of health may abate, or cause to be abated such nuisance, and the expenses and costs incurred by them in so doing shall be repaid to them by the owner of the premises upon which such nuisance has existed, or his agent, or the occupier thereof, or other person so offending, and be recoverable as hereinafter provided, in case of default or failing, such owner, agent, occupier, or other person, the said costs and expenses shall be defrayed from the funds of the parish in which such premises are situated.

Penalty.

Penalty.

Thirteenth—The occupier of any house, or the owner of any uninhabited house within any of the towns or villages of this island, or his agent, shall at all times keep the same, and the yards and enclosures thereto attached, clean and clear of filth, rank vegetation, and of decaying or offensive animal or vegetable matters, under a penalty not exceeding forty shillings, to be recoverable, in any case of neglect, after the expiration of forty-eight hours' notice as aforesaid, to effect such cleansing.

Houses and
Yards to be
kept clean.

Fourteenth—It shall be lawful for the local boards of health to make, from time to time, at their discretion respectively, bye-laws, with respect to the removal of all dust, ashes, rubbish, filth, manure, dung, and soil, rank vegetation, or decaying or offensive animal or vegetable matters collected, placed, or found in or about any lot, house, stable, cow-house, pig-stye, sheep or goat pen, slaughter-house, tannery, street, lane, yard, or place whatsoever, and for preventing the deposit thereof upon or by the side of any street or lane, or so as to be a nuisance to any person; and, with respect to the sweep-

Local boards to
make bye-laws.

in

To Establish Boards of Health.

ing, cleansing, and watering of such streets and lanes, and with respect to the times and manner of cleansing, and emptying water-closets, privies, vaults or cesspools; and with respect to the providing, in proper convenient situations, within the towns and villages of their respective parishes or districts, boxes or other conveniences for the temporary deposit and collection of dust, ashes, dung, filth and rubbish, and other kinds of household refuse, and the removal and disposal of the same; and with respect to the lime-washing and disinfecting of the houses and building within the towns and villages in their respective parishes or districts; and also with respect to the carrying out of such other sanitary measures as may be directed by the central board of health, and, to submit the same to the central board of health, and through them, to the governor, for approval and confirmation; and on the said bye-laws being so approved and confirmed, and published three times in the "Jamaica Gazette, by Authority," they shall be binding on all persons to whom they relate; and it shall be lawful for the said local boards of health to repeal or alter any such bye-laws by any subsequent bye-laws, to be approved and confirmed, and published in the same manner as is heretofore enacted, with respect to the original bye-laws made: Provided always, That a copy of all such bye-laws, when so approved and confirmed as aforesaid, shall be suspended in the offices of the central board, and of the local boards respectively.

and thereby
impose penal-
ties.

Fifteenth—The said local boards may, by any such bye-laws, imposed upon offenders against the the same, such reasonable penalties, as they shall think fit, not exceeding the sum of forty-shillings for each offence; and, in case of a continuing offence, a further penalty, not exceeding the sum of twenty shillings, for each day after written notice of the offence from the said local board: Provided always, That such bye-laws, imposing any penalty, may be so framed as to allow of the recovery of any sum less than the full amount of the penalty.

Local boards to
prevent water-
closets, &c. be-
coming nui-
sances,

Sixteenth—The local boards of health shall take care that all sewer and drains whatsoever, and all water-closets, privies, vaults, cesspools, and receptacles for rubbish and filth within their respective parishes or districts, are placed and constructed and kept so as not to be a nuisance, or injurious to health, or dangerous to property; and an inspector of nuisances, or other person

To Establish Boards of Health.

person may, by written authority of the said local board (who are hereby empowered to grant such authority upon the written application of any person showing that the sewer, drain, water-closets, privy, vault, cesspool, or receptacle, in respect of which application is made, is a nuisance, or injurious to health, or dangerous to property, but not otherwise); and after twenty-four hours' notice to the owner or occupier of the premises to which such sewer, drain, water-closet, privy, vault, cesspool, or receptacle is attached or belongs; or in case of emergency, without notice, enter such premises with or without assistants, and examine such sewer, drain, water-closet, privy, vault, cesspool, or receptacle; and if the sewer, drain, water-closet, privy, vault, cesspool, or receptacle, in respect of which such examination is made, be found to be in proper order and condition, he shall cause any damage done to be made good as soon as can be, and the expense thereof shall be defrayed by the board; but if upon such examination, such sewer, drain, water-closet, privy, vault, cesspool, or receptacle shall appear to be in bad order and condition, or to require alteration or amendment, the said local board shall cause notice to be given to the owner or occupier of the premises upon or in respect of which the examination was made, requiring him forthwith, or within such reasonable time as shall be specified in such notice, to do the necessary works; and if such notice be not complied with, the person to whom it is given shall be liable to a penalty not exceeding forty shillings, and to a further penalty not exceeding twenty shillings for every day during which he continues to make default; and the said local board may, if they shall think fit, execute such works, and the expenses incurred by them in so doing shall be recoverable by them from the owner, occupier, or agent as hereinafter provided, or, failing such owner, occupier, or agent, such expenses shall be defrayed by the local board of health from funds at their disposal.

Seventeenth—The said local boards of health shall cause to be either cleansed or filled up, all swamps, pools, old vaults, open ditches, or places within the towns and villages of their respective parishes containing any filth, matter, or thing of an offensive nature, and which may certified to them by the health officer

Local boards to cause swamps, pools, &c. containing offensive matter to be filled up.

To Establish Boards of Health.

officer, or an inspector of nuisances, as the case may be, to be likely to prove prejudicial to health; and, for that purpose, shall give notice to the person allowing or causing any such nuisance, or to the owner or occupier of any premises whereon the same exists, requiring him, within a certain time, to be specified in such notice, to clean or fill up any such swamp, pool, old vault, open ditch or place, or to construct a proper drain for the discharge thereof, as the case may require: Provided always, That if the person to whom such notice shall have been given as aforesaid, shall fail to comply therewith within the time prescribed, the said local boards of health shall execute the work referred to, or mentioned therein, and the expenses incurred by them in so doing shall be recovered by them as hereinafter provided from the party liable: Provided also, That it shall be lawful for the said local boards, upon proof made to their satisfaction of the inability of such party, from poverty to defray such expense, to permit the expenses incurred in the manner last-mentioned, to be defrayed out of the funds at their disposal.

To authorize
visitation of
ships.

Eighteenth—It shall be lawful for the local boards of health to empower the health-officers, and inspectors of nuisances, with or without assistance, to enter into and inspect any ship or vessel lying in the ports or harbours of their respective parishes or district; and, if necessary, to direct that the same be cleared of filth and offensive matters; and further, at their discretion to order and direct that such ship or vessel, or any part thereof, which may appear to them to require lime-washing, or the use of any disinfecting or other process, shall be effectually lime-washed or disinfected; and further to direct that the necessary measures may be taken to secure cleanliness and ventilation therein, to promote the health of the crew; and that such removal of filth and offensive matters, lime-washing, disinfecting, or other process or measures, shall be performed within such time, and in such manner as may be by them determined; and in the event of the directions of the health-officer, or inspector of nuisances, as the case may be, not being complied with within the time which they may have specified in their directions, the necessary measures shall be taken by the health-officer or inspector of nuisances, at the expense of the local board, and the expenses incurred by such local board, in the execution of such directions, shall be recoverable

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To Establish Boards of Health.

person upon the premises who can be so served) by fixing such order or copy upon some conspicuous part of such premises; and, if such order be not duly complied with, the owner of the house, lot, or premises against which it is made, or his agent, or the occupier thereof, shall be liable to a penalty not exceeding forty shillings, and to a further penalty not exceeding twenty shillings, for every day during the continuance of his defaults; and the local board shall, by themselves, their officers or servants, enter such house, lot, or premises, and cleanse, whitewash, or purify the same, or remove or abate the cause or causes of complaint, in respect whereof the said order shall have been made, and do all such works, matters, and things as may be necessary for carrying such order into effect; and any cattle or other animal may be sold, and any dung, manure, offal, filth, or refuse, and any other matter or thing removed by order of such local board as aforesaid, may be destroyed or sold; and, in case of sale, the proceeds arising therefrom shall be paid to the local board, and such sum or sums of money as the local board shall certify to be reasonable for the service so performed, together with costs, shall be recoverable from the owner of the premises, or such agent, or occupier as aforesaid, as hereinafter provided: Provided nevertheless, That if it shall appear to the local board that the occupier or possessor of the lot, or part of the lot, and buildings thereon, if any, was unable to carry such order into effect, or if there shall be no such owner, agent, or occupier, the said board may determine that the expense shall be defrayed out of the funds at their disposal.

Commissioners
&c. may enter
and inspect
markets, pro-
vision shops,
and slaughter
houses.

Twentieth—The said commissioners, health officers, and inspectors of nuisances, or any one or more of them may, and they are hereby empowered, at all reasonable times, with or without assistance, to enter into and inspect any market, market-house, wharf, shop, store, building, yard, stall, or place kept or used for the sale of butchers' meat, fresh or salted meats of any kind, or vegetables of any kind, or fresh or salted fish, and also to enter into any slaughter-house, and to examine any animal, carcase, meat, flesh, fish, or vegetables intended for the food of man; and if it shall appear that the same is unfit for such food, the same may be seized; and if it appear to a justice of the peace, upon the evidence of a competent witness, that any such animal, carcase, meat, flesh, fish, or vegetables is or are unfit for the food of man, he shall order the same to be

To Establish Board of Health.

be destroyed, or to be disposed of so as to prevent its being exposed for sale, or used for such food; and the person to whom such animal, carcase, meat, flesh, or fish belongs, or vegetables belong, or in whose custody the same is found, shall be liable to a penalty, not exceeding forty shillings, for every such animal, carcase, fish, or vegetable, or piece of meat, flesh, or fish so found.

Twenty-first—It shall be lawful for the governor to authorize the several local boards of health to establish suitable places for the reception of person sick of any epidemic, endemic, contagious, or infectious disease; also to provide suitable litters and vehicles for the transport of the sick; and, where necessary, suitable places for the reception and interment of the dead; and also to establish temporary places of refuge for the healthy, during the prevalence of such disease in particular localities; and also to appoint, in the event of the occurrence of any such disease, house-to-house visitors, who shall perform such duties, and receive such remuneration as the said governor shall determine.

Temporary places for reception of sick, and conveniences, and temporary places of refuge for the healthy, to be appointed during prevalence of epidemic.

Twenty-second—The governor may, on the occurrence of any epidemic, endemic, contagious, or infectious disease, authorize the several local boards of health to establish a dispensary or dispensaries, provided with a proper and sufficient supply of medicines and other medical appliances and comforts, to be furnished gratuitously to parties unable to pay for the same, and to appoint duly qualified medical men and dispensers to take charge of, and superintend such dispensaries, who shall receive such remuneration as the governor shall determine.

Governor in such case to authorize local boards to establish dispensaries, &c.

Twenty-third—The local boards shall appoint such nurses and attendants as may be required for the places for the reception of the sick, and of refuge hereinbefore mentioned, and shall defray the expenses of the same, and of such places, out of the funds at their disposal.

To appoint nurses and attendants.

Twenty-fourth—The central board of health may, with the sanction of the governor, order the discontinuance of the interment of the dead in any of the burial-grounds of the churches or chapels, or elsewhere, whenever the number of bodies interred, or the mortality in the parish, shall render such further interment

Central board, with sanction of governor, may order discontinuance of burial grounds.

To Establish Boards of Health.

interment dangerous, and may, with the like sanction, provide other burial-grounds for the purpose.

Certain houses and rooms let for hire to be registered with local boards as lodging houses.

Twenty-fifth—Any house, or rooms in a yard, not being an hotel or tavern, in any town or village in this island, and wherein persons are nightly received to sleep, upon payment of hire, whether such persons shall reside in the same during the day, or otherwise, shall be subject to be declared by the local board of health a common lodging-house, and be registered with the said local board as such; and thereupon and thereafter, such common lodging-house shall be subject to such bye-laws as may be from time to time made by the said local board for the proper government and regulation of such lodging-houses, especially as regards the number of inmates to be permitted to lodge therein, the measures to be taken for securing cleanliness and ventilation therein, and with respect to the inspection thereof, and the conditions and restrictions under which such inspection may be made; and the person keeping any such lodging-house shall give access to the same when required by any person who shall produce the written authority of the said local board in this behalf, for the purpose of inspecting the same, or for introducing or using therein any disinfecting process; and the expenses incurred by the said local board, introducing or using any disinfecting process, shall be recoverable by them as hereinafter provided, from the person keeping the lodging-house in which the same shall have been used or introduced; and whosoever shall refuse to admit therein, at any time, any person authorized by the said local board as last aforesaid, shall, for every such offence, be liable to a penalty not exceeding forty shillings.

Police to be assisting under this law.

Twenty-sixth—All police officers and constables shall aid and assist in carrying out the provisions and objects of this law; and if any violation of any of the provisions of this law or of any rules, orders, directions, or bye-laws, to be made in pursuance thereof, shall become known to any of them respectively, he shall forthwith report the same to one of the commissioners of health, health officers, or inspectors of nuisances; and the inspector of police shall issue such orders and instructions for the guidance of the police force in this behalf as the central board of health may, with the approval of the governor, direct.

Penalty on violation of orders of central board.

Twenty-seventh—If any person or persons shall wilfully violate, or refuse, or neglect to carry out any of the orders and directions

To Establish Boards of Health.

directions made, or to be made by the central board of health, under the authority of this law, for the punishment of which there shall be no special provision, such offender or offenders shall be liable respectively to a penalty not exceeding five pounds.

Twenty-eighth—If any person or persons shall wilfully violate any bye-law of any local board of health, made, confirmed, and published as aforesaid, or shall refuse to observe any directions given to him or them by the commissioners of health, health-officers, or inspectors of nuisances, under the authority and for the purposes of this law, such person or persons shall, for every such offence, be respectively liable to a penalty not exceeding the sum of five pounds.

Penalty on violation of bye-laws of local board.

Twenty-ninth—Whosoever wilfully obstructs any commissioner of health, or health-officer, or other officer or person duly employed in the execution of this law, or destroys, or pulls down, injures, or defaces any board or paper upon which any bye-law, notice, or other matter is printed or inscribed, shall, if the same were set up by the authority of the central board of health, or of any local board, be liable for every such offence to a penalty not exceeding five pounds.

Penalty on obstructing commissioner &c.

Thirtieth—The notification, in the "Jamaica Gazette, by Authority," of any orders or directions made by the central board of health, purporting to have been approved by the governor, and to be signed by the chairman and secretary of such central board, and the production of a written or printed copy of the bye-laws of any local board of health, purporting to be signed by the chairman and clerk of such local board, shall be sufficient evidence thereof respectively.

Notification in Gazette of orders of central board, and copies of bye-laws, evidence.

Thirty-first—All notices under this law may be in writing or in print, or partly in writing and partly in print; and all notices, orders, and directions, with reference to any ship or vessel, may be served by delivery to the master or consignee, or to some person on board such ship or vessel.

Notices how to be made.

Thirty-second—Any notice, order, warrant, or authority made, given, or issued, by any local board of health under this law, may be signed by the chairman or clerk of such local board.

and how signed.

Thirty-third

To Establish Boards of Health.

Notices, &c.
purporting to
be duly signed,
evidence.

Thirty-third—In any proceedings under this law, any notice order, certificate, or other instrument, purporting to be signed by the chairman or secretary of any local board, commissioner of health, health-officer, inspector of nuisances, or any other person authorized and acting under this law, shall, on production, be admitted in evidence, and shall be presumed to have been duly signed by the person, and in the character by whom and in which it purports to be signed, until the contrary is shown.

Notices and or-
ders how
served.

Thirty-fourth—Every notice, order, or other instrument by this law required to be served on any person, may, if personal service cannot be effected, be served by delivery thereof to some person on the premises therein specified, or, if there be no person there by fixing, or causing to be fixed, the same upon some conspicuous part of such premises.

Protection to
persons acting
under this law.

Thirty-fifth—Any action or prosecution against any person for any thing done in pursuance or execution, or intended execution of this law, shall be laid and tried in the parish, precinct or district where the thing was done, and shall be commenced within three months after the thing done, and not otherwise.

Notice in writing of every such action, and of the cause thereof, shall be given to the intended defendant one month at least before the commencement of the action.

In any such action the defendant may plead generally that the act complained of was done in pursuance, or execution, or intended execution of this law, and give this law, and the special matter, in evidence at any trial to be had thereupon.

The plaintiff shall not recover, if tender of sufficient amends is made before action brought, or if a sufficient sum of money is paid into court after action brought by or on behalf of the defendant.

If a verdict passes for the defendant, or the plaintiff becomes nonsuit, or discontinues the action after issue joined, or if, on demurrer or otherwise, judgment is given against the plaintiff, the defendant shall receive his full costs, as
between

To Establish Boards of Health.

between attorney and client, and shall have the like remedy for the same as any defendant has by law for costs in other cases.

Though a verdict is given for the plaintiff he shall not have costs against the defendant, unless the judge, before whom the trial is had, certify his approbation of the action.

Thirty-sixth---If any person shall think himself aggrieved by any order or claim made upon him by any local board in carrying out the provisions of this law, he may appeal to the central board: Provided, That such person shall give to the local board fourteen days' notice of his intention to make such appeal.

Appeal to central board.

Thirty-seventh—Every person who, upon any examination under the provisions of this law, shall wilfully and corruptly give false evidence, shall be liable to the penalties inflicted upon persons guilty of wilful and corrupt perjury.

False evidence perjury.

Thirty-eighth—In case of any demand or complaint under this law, to which two or more owners or occupiers of premises may be jointly answerable, it shall be sufficient to proceed against any one or more of them without in any manner proceeding against the other or others of them; but nothing herein contained shall prevent the parties so proceeded against from recovering contribution in any case in which they would be entitled to contribution by law.

Proceedings may be had against one or more joint owners, &c.

Thirty-ninth—Whenever, in any proceeding under this law, whether written or otherwise, it shall become necessary to mention or refer to the owner of any house, building, or tenement whatsoever, or his agent, or the occupier thereof, it shall be sufficient to designate him as the owner, agent, or occupier of such house, building, or tenement respectively, without name, or further description.

Owner or occupier may be referred to in proceedings without naming.

Fortieth—All fines and penalties imposed by this law, where not otherwise declared how to be recovered, shall be recovered in a summary manner before any two justices of the peace for the parish or precinct where the offence was committed; and, in default of immediate payment, by imprisonment, for any period not exceeding ten days, unless the same be sooner paid.

Recovery of penalties.

Forty-first—All monies recoverable for expenses incurred by
D any

Recovery of expenses.

To Establish Boards of Health.

any of the local boards against any person or persons under this law, may be recovered on the complaint, and in the name of the chairman of such local board before any two justices of the peace of the parish or precinct, who are hereby authorized to adjudge the person or persons proceeded against to pay to the said chairman the amount of such expenses, and the costs of the proceedings; and such order may be drawn up to be enforced by distress and sale, as well of the goods and chattels of the person or persons proceeded against, as of any goods found on the premises whereon the expenses were incurred, on which a landlord might distrain for rent in arrear; and in default of distress, or sufficient distress, imprisonment not exceeding thirty days, unless the expenses and costs be sooner paid.

Further provisions for recovery of expenses.

Forty-second—Notwithstanding the summary remedy given as aforesaid, such expenses may be recovered with costs before the ordinary tribunals of this island as a debt, in the name of the chairman of such local board, and the process shall not abate by his death, removal, resignation, or ceasing to be chairman, but may be continued by suggestion in the name of any succeeding chairman, and be enforced by the chairman for the time being.

Rep: Law 5771



JAMAICA—No 7 OF 1867.

A Law to declare in what manner Land, on which the Quit Rents and Land Tax have not been Paid, shall be Forfeited to her Majesty. [19 March, 1867.]

WHEREAS the several acts, passed for the forfeiture of land for the non-payment of quit-rents have been found insufficient, and it is expedient to provide for the more effectual recovery of lands by the crown, when liable to forfeiture, as aforesaid: It is enacted by the governor of Jamaica, with the advice and consent of the legislative council thereof, as follows:

First—It shall be the duty of the receiver-general, upon the passing of this law, to cause the several books in which during the period payments were made into his office, in redemption of quit rents and land tax, and afterwards whilst certificates were granted by the receiver-general of the payment of five years' quit rents and land tax, the particulars of all lands, the subject of the several deeds and patents were entered, to be brought up and completed to the thirty-first day of December, one thousand eight hundred and sixty-six, in all the several particulars, and under the head of the different parishes of this island, in chronological order, in the form previously adopted in the said books.

Second—The receiver-general shall cause such subsequent entries to be made from the docketts which have been, during the intervening time, furnished to his office by the secretary of this island.

Third—If for any part of such time the docketts cannot be found in the office of the receiver-general, or of the sole commissioner of audit, the governor shall, on the report of the receiver-

Preamble.

Receiver general to complete former land tax books,

from islands secretary's docketts.

Secretary to supply missing docketts.

Forfeiture of Land for the Non-payment of Quit Rents.

second schedule hereto annexed, and cause a duplicate copy thereof to be entered into the book by this law required to be kept by such collector of dues, and shall, at the like period in each successive year, make up and furnish to the receiver-general, and enter in the said book, like statements in the particulars aforesaid, for that year; and where, during each particular period, payments shall be made in respect of previous years' quit rents and land tax, such collector of dues shall distinguish the same as shewn in the said schedule.

Eighth—Each such return, as well that sent to the receiver-general as that entered in the book, shall be declared to at the foot thereof by such collector of dues, in the form subjoined to the second schedule to this law, and such declaration shall be made before a justice of the peace of the parish.

To be declared to.

Ninth—It shall be the duty of the receiver-general, under the direction of the governor, to have printed forms of such schedules prepared, of uniform size, and to have a sufficient number of copies, to meet several years' returns, bound up in a book, and furnished with other copies of such schedule in which to make the return, to be sent by him to the respective collectors of dues.

Receiver-general to furnish forms of returns.

Tenth—The returns so made shall, by the receiver-general, be endorsed or signed with the date of their receipt, and the returns for the whole island for the year shall afterwards be bound up together, and kept as a record in the office of the receiver-general.

Receiver-general to endorse, and afterwards bind up same.

Eleventh—The several collectors of dues shall be bound to keep and preserve in their respective offices, the books in which the duplicate copy of these returns is required to be entered as aforesaid; and on any collector of dues ceasing to be such collector, he, or in case of his death, his executors or administrators, shall hand over the said book to the successor in office of such collector of dues, to be by him kept and preserve as aforesaid, and such books, as well as those kept by the receiver-general, shall be opened to the inspection of the public during office hours.

Collectors to keep such books in their offices.

Twelfth—The returns, so furnished to the receiver-general as aforesaid, shall be sufficient evidence upon which to found the certificate

Returns to evidence to be

Forfeiture of Land for the Non-payment of Quit Rents.

second schedule hereto annexed, and cause a duplicate copy thereof to be entered into the book by this law required to be kept by such collector of dues, and shall, at the like period in each successive year, make up, and furnish to the receiver-general, and enter in the said book, like statements in the particulars aforesaid, for that year; and where, during each particular period, payments shall be made in respect of previous years' quit rents and land tax, such collector of dues shall distinguish the same as shewn in the said schedule.

Eighth—Each such return, as well that sent to the receiver-general as that entered in the book, shall be declared to at the foot thereof by such collector of dues, in the form subjoined to the second schedule to this law, and such declaration shall be made before a justice of the peace of the parish.

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Collectors to keep such books in their offices.

Twelfth—The returns, so furnished to the receiver-general as aforesaid, shall be sufficient evidence upon which to found the certificate

Returns to evidence to be

Forfeiture of Land for the Non-payment of Quit Rents.

found certificate of receiver-general.

certificate of the receiver-general, as to the payment of quit rents and land tax, or the non-payment thereof for the period, or any portion of the period comprised in such returns; and the book containing such entries, produced from the custody of any collector of dues, and the certificate of the receiver-general of the facts shewn by such returns, shall respectively be primary evidence of the facts stated therein, and of the non-payment of monies which, if paid, should, under this law, appear as paid therein.

Forfeiture of quit rents and land tax unpaid for ten years for the past, and three years for the future.

Thirteenth—In every case where it shall appear that the quit rents and land tax are in arrear, and have not been paid in respect of any land in this island for the space of ten years, whether such ten years shall have wholly elapsed before the passing of this law, or be made up by periods partly before and partly since the passing of this law, or where such quit rents and land tax shall be in arrear and unpaid for three years after the passing of this law, such land may be proceeded against as forfeited to her majesty, her heirs and successors, for non-payment of such quit rents and land tax.

Notwithstanding intermediate payments.

Fourteenth—Notwithstanding payment of any part of such quit rents and land tax may have been made, yet, if it shall be shewn that exclusive of the amount paid, there are quit rents and land tax in arrear and unpaid, in respect of any land, for ten years in the one case, or three years in the other case hereinbefore referred to, such land may be proceeded against as forfeited as aforesaid.

Proceedings under this law not to be taken until after 1st Jan. 1868.

Fifteenth—To enable all persons in arrear for quit rents and land-tax to pay up the same, and avoid the forfeiture hereby declared, proceedings under this law shall not be taken until after the first day of January, one thousand eight hundred and sixty-eight.

Proceedings to be at instance of government.

Sixteenth—All proceedings for the forfeiture of land for non-payment of quit rents and land-tax shall issue at the instance of the government of this island, and shall be commenced by writ, in the following form:

Jamaica, ss.

Forfeiture of Land for the Non-payment of Quit Rents.

Jamaica, ss. }
 County }
 Parish or precinct } Victoria by the grace of God, of the united kingdom of Great Britain and Ireland Queen, and of Jamaica lady, defender of the faith, and so forth, Writ.

To the provost-marshal-general of our said island, greeting :

Whereas we are given to understand that the quit rents and land tax, payable to us in respect of _____ acres of land, situate in the parish of _____ butting and bounding _____ for the space of ten or three years (as the case may be) and upwards, before the issuing of this our writ, have remained and have been in arrear and unpaid : And whereas we are informed that A.B. is at present in the possession of the said land (or "that there is no person at present in the possession of the said land," as the case may be) : Now we command you that you do, by yourself or your lawful deputies, warn seven good and lawful men of the said parish (or precinct) of _____ to be and appear before our judge of our circuit court, for the parish (or precinct) of _____ on the _____ day of _____ next, at _____ to inquire whether or not the quit rents and land tax, in respect of the said land, have remained and been in arrear and unpaid for the space of ten or (three years) (as the case may be), before the issuing of this our writ ; and whether (the said A. B. or) any person is in the possession of the said land at the time of the issuing of this our writ : And we also command you, that you (where a party is stated to be in possession, add "give notice of this our writ to the said A. B." and) return this writ, in all things duly executed, with the names of the persons by you warned, to our said judge of our said circuit court of the said parish (or precinct) of _____ at the time and place aforesaid

Witness, &c.

Seventeenth—Such writ shall issue upon a precept or fiat, signed by the attorney-general, and directed to the clerk of the supreme court.

To issue on fiat of attorney-general.

Eighteenth—Where any person shall be named in the writ as in the possession of the land, the writ shall issue in time for service for the parish or precinct where the land lies, and a copy of the writ shall be served upon the person in possession of the land, in like manner as actions are served, and the service thereof returned to the supreme court.

If person in possession he is to be served with copy of writ,

Nineteenth.

To Establish Boards of Health.

Notices, &c.
purporting to
be duly signed,
evidence.

Thirty-third—In any proceedings under this law, any notice order, certificate, or other instrument, purporting to be signed by the chairman or secretary of any local board, commissioner of health, health-officer, inspector of nuisances, or any other person authorized and acting under this law, shall, on production, be admitted in evidence, and shall be presumed to have been duly signed by the person, and in the character by whom and in which it purports to be signed, until the contrary is shown.

Notices and or-
ders how
served.

Thirty-fourth—Every notice, order, or other instrument by this law required to be served on any person, may, if personal service cannot be effected, be served by delivery thereof to some person on the premises therein specified, or, if there be no person there by fixing, or causing to be fixed, the same upon some conspicuous part of such premises.

Protection to
persons acting
under this law.

Thirty-fifth—Any action or prosecution against any person for any thing done in pursuance or execution, or intended execution of this law, shall be laid and tried in the parish, precinct or district where the thing was done, and shall be commenced within three months after the thing done, and not otherwise.

Notice in writing of every such action, and of the cause thereof, shall be given to the intended defendant one month at least before the commencement of the action.

In any such action the defendant may plead generally that the act complained of was done in pursuance, or execution, or intended execution of this law, and give this law, and the special matter, in evidence at any trial to be had thereupon.

The plaintiff shall not recover, if tender of sufficient amends is made before action brought, or if a sufficient sum of money is paid into court after action brought by or on behalf of the defendant.

If a verdict passes for the defendant, or the plaintiff becomes nonsuit, or discontinues the action after issue joined, or if, on demurrer or otherwise, judgment is given against the plaintiff, the defendant shall receive his full costs, as
between

Forfeiture of Land for the Non-payment of Quit Rents.

Verdict to be
sent to clerk
of supreme
court:

Twenty-seventh—The judge of the circuit court shall transmit the said writ, together with the verdict of the jurors, to the office of the clerk of the supreme court, and the clerk of the court shall thereupon, or, if judgment shall have passed by default, insert an abstract relating to such land, in a table to be kept in some public part of his office, in the following manner:

INFORMATIONS

Forfeiture of Land for the Non-payment of Quit Rents.

INFORMATIONS FOR FORFEITED LANDS.

Day Writ Issued.	Person in Possession.	Parish.	Quantity and Abutments. If Default or Verdict.	Final Judgment, when to Pass.

Forfeiture of Land for the Non-payment of Quit Rents.

Proclamations
to be made in
supreme and
circuit courts.

Twenty-eighth—The attorney-general shall afterwards, on producing the writ and verdict, or the endorsement of default and judgment, cause proclamation to be made of such writ and return, or interlocutory judgment, on the second Tuesday of the supreme court, for two successive terms, and also at the circuit court of the parish or precinct where the writ was returnable, or would have been returned, for two successive sittings next after such supreme court; where interlocutory judgment shall go by default, the first proclamation may be made in the term of the supreme court in which the default is marked.

On non-ap-
pearance after
proclamations
final judg-
ment.

Twenty-ninth—After proclamation shall have been made in two successive supreme courts, and also in two successive circuit courts, if no person shall traverse the inquisition or interlocutory judgment, and put in his claim to the same, or pray leave to enter such traverse and claim on the second Tuesday of the supreme court next succeeding the last proclamation, final judgment shall be pronounced for the crown; and thereupon a writ of *amoveri facias* shall, if necessary, issue for the purpose of giving to the crown the possession of the land so forfeited as aforesaid; and, under such writ of *amoveri facias* all parties found in possession of the land, or any part thereof, shall be removed, and the judgment, so entered up on the proceedings, shall be binding and conclusive on, and a perpetual bar to all parties whomsoever claiming any estate or interest in the said land; and the governor shall thereafter be entitled to grant and dispose of the said land by a patent to any person or persons whomsoever.

Writ of *amoveri
facias* to issue.

Traverser must
set up title.

Thirtieth—No person shall be entitled to traverse the inquisition or interlocutory judgment, without asserting title to the land.

Quit rents and
land tax may
be paid into
court.

Thirty-first—It shall be lawful for any person, on pleading to the writ, or upon making his traverse and claim, to pay to the receiver-general the amount of the arrear of quit rents and land tax, and the costs of the crown in the proceedings; and thereupon the attorney-general shall enter a satisfaction on the said proceedings.

Traverser to
put in issue

Thirty-second—No traverse and claim shall be admitted unless they put in issue the payment of the quit rents and land tax

Forfeiture of Land for the Non-payment of Quit Rents.

tax for the time alleged; and if such traverse and claim be for part of the land, it shall describe the land claimed; and whatever may be the determination on such traverse and claim, final judgment on the last proclamation shall be given for the residue.

non-payment
of quit rents
and land tax.

Thirty-third—Every such traverse and claim shall be tried before a jury in the circuit court of the parish where the land lies.

To be tried be-
fore a jury.

Thirty-fourth—Where the party claims only to be entitled to part of the land, he shall, on his plea or traverse, set out the land for which he claims by the number of acres, and its abutments, and he may in like manner, pay the quit rents and land tax in respect of the part so claimed, and the cost to date, and thereupon the attorney-general shall enter satisfaction as to such part; and on the reference to the jury they shall give their verdict as to the residue; or the party, on pleading, may take issue on the points alleged in the writ as to part of the lands only, and admit that he has no claim on the residue, and the jury shall in that case be sworn to try the issues joined as to the land so claimed, and to enquire of the truth of the several points contained in the writ as to the residue.

Proceedings
where part ad-
mitted or
claimed.

Thirty-fifth—Any owner or person entitled in fee to any land may surrender the same in payment of the quit rents and land tax thereon.

Tenants in fee
may surrender
lands.

Thirty-sixth—The act ninth George the third, chapter nine, entitled "*An act directing in what manner the lands of absentees not paying quit rents, and having no assets in the island whereon to distress, shall be forfeited and regranted, and for the further securing his majesty's quit rents,*" and the act twenty-first Victoria, chapter thirty-four, the "*Main Road Fund Act, 1857,*" sections twenty-six to thirty-seven inclusive, and the form No. 3 in the schedule to the latter act, are hereby repealed.

Repeal of acts.

Forfeiture of Land for the Non-payment of Quit Rents.

SECOND SCHEDULE.
STATEMENT of Land Tax, and Arrears Paid in the Parish of _____ for the year 18 _____

Surname. In (alphabetical order.)	First Name.	Estate or part of Estate.	Acres of Land.	Feet of Land.	Land Tax. (For current Year paid.)	Arrears of Land Tax.	For what Years.

I, A. B. collector of dues for the parish of _____ do solemnly and sincerely declare that the above schedule contains a full, just, and true statement of all monies which have been paid to, or received by me from any person whomsoever, on account of the land tax for the parish of _____ during the year from the first day of August, one thousand eight hundred _____ to the first day of August, one thousand eight hundred _____ distinguishing what has been paid on account of the arrears for previous years; and I make this solemn declaration, conscientiously believing the same to be true, and by virtue of the provisions of an act, made and passed in the sixth year of her majesty's reign, entitled *An act to abolish oaths and affidavits, except in certain cases, and to substitute declarations in lieu thereof, and to suppress voluntary and extra judicial oaths and affidavits.*

Taken and acknowledged

Rep: in Court Law 67 69
Amended Law 24 of 75
Sec 24 partly repealed 27 79



JAMAICA—No. 8 OF 1867.

A Law to Organize a Constabulary Force.

(19th March, 1867.)

Preamble.

WHEREAS it is expedient to constitute an improved police force, to be called "The Jamaica Constabulary Force," which shall be partially under military organization and discipline: It is enacted by the governor of Jamaica, with the advice and consent of the legislative council thereof, as follows:

Governor to constitute a new police force, and to appoint inspector-general, and other officers and constables of the force,

First—It shall be lawful for the governor to constitute a new police force, which shall be called "The Jamaica Constabulary Force," which shall be partially under military organization and discipline, wherewith to replace the existing policemen; and it shall be lawful for the governor to appoint an inspector-general of police, who, subject to the orders of the governor, shall have the command and superintendence of the said force, also a deputy inspector-general of police, who shall be next in order of rank and command to the inspector-general of police, and who, in his absence, subject to the like orders, shall have the command and supervision of the force; also a sufficient number of inspectors of police, of sub-inspectors of police, of sergeants-major of police, of sergeants of police, of corporals of police, and of police constables of the first and second class, who shall all stand with each other in order of rank and command as they have been here named: And it shall be lawful for the governor to revoke any appointment so made, and from time to time fill up all vacancies that may occur from removal, death, absence, incapacitation, or other cause, by fresh appointments; and it shall be lawful for the governor to authorise the inspector-general of police at any time to enrol fit men as sergeants, corporals, or constables of the first or second class; and every enrolment, so authorised and made, shall be an appointment under this law.

Second

To Organize a Constabulary Force.

Second—Every such inspector-general and deputy inspector-general shall, on his appointment, and so long as he shall continue to hold such office, be a justice of the peace for every parish in this island ; and every such inspector, sub-inspector, sergeant-major, sergeant, corporal, and constable shall, on his appointment by the governor, or enrolment by the inspector-general, and so long as he may continue a member of the force, become and be a constable in every parish of this island, and shall have all the powers of a constable as by law established, or hereafter to be established.

Inspector-general and deputy inspector-general to be justices ; inspectors and others to be constables throughout the island.

Third—The governor may from time to time frame, alter, or annul such rules relative to the said police force as may be necessary for the purpose of preventing neglect or abuse, and to render the said force efficient in the discharge of its duties, and for the discipline, good order, and guidance of the constabulary force, and for the general government of the several persons to be appointed thereto under this law, with respect to the services required of them, and their conduct in the performance thereof ; their discipline, classification, and rank ; and their promotion and degradation from one rank to another ; and their distribution, posting, and removal from station to station ; and their inspection and description of arms, accoutrements, and other necessaries to be furnished to them, or which they themselves may have to provide ; and also from time to time may fix and determine the punishment, either by fine not exceeding ten days' pay, or imprisonment for a term not exceeding seven days in barrack cell or otherwise, or by both fine and imprisonment, applicable to all cases of neglect, or violation of duty, disobedience, or other misconduct, which may be committed by any sub-officer or constable in the said constabulary force ; and to frame, alter, or annul such rules and forms of procedure relative to such cases of neglect, for violation of duty, disobedience, or misconduct, as may be necessary.

Governor to frame rules for the force.

Fourth—The inspector of police, when posted to any parish or district, shall be charged with the general government, direction, and superintendence of the police force from time to time posted or established within the said parish or district, subject to the orders of the governor, and of the inspector-general : When not posted to a parish or district, an inspector of police shall have such command, and such duties connected

Duties of inspectors of police.

F

with

To Organize a Constabulary Force.

of sub-inspectors and sergeants-major.

with this force, and the general police health, or conservancy of the island, as the governor may direct: The sub-inspectors and sergeants-major, appointed under this law, may be appointed to have charge, under the command of any superior officer of the police, of any place or district that may be assigned to them respectively in aid of the inspectors, and under and subject to their command and control.

No person of the force to hold other public employment without consent of governor.

Fifth—No person of any rank, appointed to the "Jamaica Constabulary Force," shall, whilst he holds such appointment, hold any other public employment without the consent of the governor, signified in writing, under the hand of the colonial secretary.

Strength of the force,

Sixth—The following shall be considered the full strength of the "Jamaica Constabulary Force," as constituted by this law:

One inspector-general.

One deputy inspector-general.

Fifteen inspectors.

Fifteen sub-inspectors.

Fifteen sergeants-major.

Thirty-four sergeants.

Sixty-eight corporals.

Two hundred constables, first class.

Six hundred constables, second class.

but not necessary to raise the whole at once.

But it shall not be necessary to raise the whole of this force, or to continue the force at the full strength, unless it may seem to the governor necessary to do so; and the force may be increased above this strength if at any time it may seem necessary to the legislature to do so, on which event the additional force will come as fully under this law as the original force above enumerated.

Vacancies of and above sergeants-major to be filled by governor others by inspector-general.

Seventh—Vacancies occurring in the rank of sergeant-major or in any higher rank, shall be filled by the governor; and vacancies occurring in any rank below that of sergeant-major shall be filled by the inspector-general subject to the general orders of the governor.

Requisites for appointment to the force.

Eighth—No person shall be appointed as sergeant, corporal, or constable, unless he shall be of a sound constitution, able-bodied, and not below the age of eighteen years, or above the age of thirty-five years; of a good character for sobriety, fidelity, and activity, and, whenever practicable, able to read and write.

Ninth

To Organize a Constabulary Force.

Ninth—The men at present in the police force, under “The Police Act 1861,” shall be disbanded by degrees, as the raising of the “Jamaica Constabulary Force” may render such disbanding practicable; but any man so disbanded, if considered fit to be a member of the “Jamaica Constabulary Force,” may be enrolled in this force, whatever may be his age.

Present police men to be disbanded by degrees, but any fit for the force may be enrolled.

Tenth—No person to be appointed under this law to be an inspector-general, deputy inspector-general, inspector, sub-inspector, sergeant-major, sergeant, corporal, or constable; shall be capable of holding the said office until he shall take and subscribe the oath here following (that is to say):

To be sworn.

I, *A. B.*, do swear that I will well and truly serve our sovereign lady the queen, in the office of [*inspector-general, deputy inspector-general, inspector, sub-inspector, or constable, as the case may be*], without favor or affection, malice or ill will, and that I will see and cause her majesty's peace to be kept and preserved; and that I will prevent, to the utmost of my power, all offences against the same; and that while I shall continue to hold the said office I will, to the best of my skill and knowledge, discharge all the duties thereof faithfully, according to law.—So help me God.

Which oath shall be administered by any of her majesty's justices of the peace.

Eleventh—It shall be lawful for the governor to provide hospitals for the men of the “Jamaica Constabulary Force,” at such stations or places as to him may seem fit, and to engage a medical man to attend at every such hospital, and to provide for medicines, food, attendance, and other necessaries for the sick men of the force who may be sent into hospital, and to deduct such sum as may be requisite to defray the whole or part of the charges so incurred, from the daily pay of the sick men in hospital, according to their rank.

Governor may provide hospitals, medical men, medicines, &c. for the sick men of the force.

Twelfth—The governor may set apart, for the use of the “Jamaica Constabulary Force,” any barracks or other building of or belonging to the government of this island, and may make such further provision for the accommodation of the men of this force at the several posts to be assigned to them, as may be necessary.

Governor to set apart for the force barracks, &c.

Thirteenth—A suitable building, with drill ground attached, shall

A central depot with pro-

To Organize a Constabulary Force.

per staff to be established.

shall be set apart by the governor, in Spanish-Town, or elsewhere, as a central depot, under a proper staff, for the purpose of training the officers, sub-officers and men, and of maintaining the whole force always in an effective state of drill and discipline.

Officers and men to undergo a course of drill.

Fourteenth—All inspectors, sub-inspectors, sergeants-major, sergeants, corporals, and constables, who shall be received into the "Jamaica Constabulary Force," shall undergo a course of drill at the central depot, on the admission into the force, and shall be returned to the central depot for the same purpose periodically, as long as they shall continue in the force.

Number of horses attached.

Fifteenth—There shall be attached to the force a sufficient number of horses, to be used for the more rapid transmission of pressing orders, reports, and important despatches, to be usually distributed as follows:—

Four horses for orderlies at the depot, for head quarter purposes.

Three horses for the orderlies of the inspector-general.

Two horses for the orderlies of the deputy inspector general.

Two horses for the orderlies of each inspector, except the inspector of the depot.

One horse for the orderly of each sub-inspector.

A sufficient number of the force to be appointed to attend courts of justice.

Sixteenth—The inspector-general, subject to the approbation of the governor, shall, from time to time, direct a sufficient number of men, belonging to the said force, and of such rank as shall be proper, to attend on the several courts of justice of this island during their sittings.

Duties of the Police.

Seventeenth—The duties of the police under this law shall be to keep watch by day and by night, to preserve the peace, to detect crimes, apprehend or summon before a justice, persons found committing any offence, or whom they may reasonably suspect of having committed any offence, or who may be charged with having committed any offence, to serve and execute all summonses, warrants, subpoenas, notices, and criminal processes issued from any court of criminal justice

To Organize a Constabulary Force.

justice, or by any justice of the peace in a criminal matter and to do and perform all the duties appertaining to the office of a constable, but it shall not be lawful to employ any man of the "Jamaica Constabulary Force" in the service of any civil process, or in the levying of rents, rates, or taxes for or on behalf of any private person, or incorporated company.

Eighteenth—It shall be the duty of the officers, sub-officers, and constables of the "Jamaica Constabulary Force" to apprehend smugglers, or others found in the commission of offences against the revenue, and to seize all goods liable to seizure for breach of revenue laws, and otherwise to aid in the detection of such offences, and to give such assistance to the officers of the revenue in all departments as they may be ordered by the governor to give.

To aid in protection of the revenue.

Nineteenth—It shall be lawful for any officer, sub-officer, or constable of the said force, without warrant to apprehend any person found committing any offence punishable upon indictment or summary conviction, and to take him forthwith before a justice of the peace, who shall inquire into the circumstances of the alleged offence, and either commit the offender to the nearest gaol, prison, or lock-up house to be thereafter dealt with according to law, or take bail by recognizance, with security in such amount as such justice of the peace shall direct, for his appearance on such day as he shall appoint, before any two justices of the peace, to be dealt with according to law.

Members of the force may arrest without warrant in certain cases.

Twentieth—When any person shall be so apprehended as aforesaid, after the hour of six in the evening, and before the hour of six in the morning, such person shall be taken to the station-house or lock-up; and it shall be lawful for the inspector, sub-inspector, or the sergeant-major, or sergeant of the said force in charge of the station-house, or lock-up, to take bail by recognizance, with security for the appearance of such person before any two justices of the parish in which such station-house or lock-up shall be situated, on a day to be mentioned in the said recognizance, to be dealt with according to law; and, upon the offender refusing so to do, or being unable to find such security, it shall be lawful for such inspector, sub-inspector, sergeant-major, or sergeant to detain such offender in custody until he can be brought before a justice of the peace, and dealt with in like manner as is directed in the case

How to proceed where arrest at night.

To Organize a Constabulary Force.

case of a person apprehended under this law without warrant, at any other time of the day than in this section above mentioned.

How when person in their custody without warrant.

Twenty-first—Where any person shall be in the custody of any inspector, sub-inspector, sergeant-major, or sergeant of the said force, without the warrant of a justice of the peace, whether such person shall have been originally apprehended by any such inspector, sub-inspector, sergeant-major, or sergeant, or afterwards delivered into his custody, or lodged in any station-house or lock-up under his care or superintendence, it shall be lawful for such inspector, sub-inspector, sergeant-major, or sergeant, if he shall deem it prudent, to take bail by recognizance, without any fee or reward, for the appearance of such person at a time and place to be specified, before such justice of the peace as shall be then and there present; and the name, residence, and occupation of such person, and his surety or sureties (if any) entering into such recognizance, together with the condition thereof, and the sums respectively acknowledge, shall be entered in a book to be kept for that purpose, which shall be laid before such justice or justices present at the time and place when and where such person was required to appear; and if such person or persons shall not appear, and the justice or justices present shall not think fit to enlarge the recognizance, or, having enlarged the recognizance, if any such person shall fail to appear at the time then appointed, it shall be lawful for any justice then present at the time originally appointed, or at the time appointed by the enlargement of the recognizance, to cause a record of the recognizance to be drawn up, and shall return the same to the proper court to be enforced, as in the case of other forfeited recognizances: Provided, That nothing herein contained shall authorize any inspector, sub-inspector, sergeant-major, or sergeant of the said force to take bail for any person charged with a capital felony.

If inspector, &c. decline to take bail, he must, on request, take party before justice.

Twenty-second—If any inspector, sub-inspector, sergeant major, or sergeant shall decline or refuse to take bail by recognizance as aforesaid, from any person in his custody, and such person shall so require, it shall be the duty of such inspector, sub-inspector, sergeant-major, or sergeant, forthwith after being so required, to take, or cause to be taken, such person before some justice of the peace conveniently near for the

To Organize a Constabulary Force.

the purpose of having such person dealt with by such justice according to law; and all recognizances taken before any justice of the peace for the appearance of persons apprehended without warrant, shall be taken without fee or reward by any justice or other person whatever.

Twenty-third—Officers, sub-officers, and constables of the “Jamaica Constabulary Force” may be enlisted for a term of five years; and no officer, sub-officer, or constable of the said force, so enlisted, shall be at liberty to withdraw himself from that force until the expiration of that term; and no officer, sub-officer, or constable of the said force, who has not been enlisted for a term, shall be at liberty to withdraw himself from that force until the expiration of six months from the time he shall have given notice, in writing, of his intention so to do, to the officer under whose immediate orders he shall be; and if any sub-officer or constable shall so resign or withdraw himself before the expiration of such term, or without such previous notice, he shall, for such offence, forfeit and pay a penalty not exceeding ten pounds, upon conviction before two justices of the peace; and it shall be lawful for such justices, in case such penalty shall not be paid, to commit such person to the penitentiary, or other prison, or gaol, with or without hard labour, for any period not exceeding three calendar months.

Term of enlistment.

Twenty-fourth—A sum, equal to eight pence in the pound sterling, shall be deducted from the pay of all officers and men, of every rank, belonging to the “Jamaica Constabulary Force,” and shall be paid into a fund, of which the receiver general, subject to the orders of the governor, shall have the care, to be employed according to such rules as the governor shall from time to time approve and promulgate in the pensioning of aged or incapacitated officers and men, who have served not less than five years in the said force: In case of the force being at any time hereafter disbanded, if the amount then standing at the credit of the fund hereby created shall exceed what is necessary to provide for all pensions then allotted, the surplus shall be distributed amongst the officers and men of the force when disbanded, in the proportion to each officer and man of the deductions from his pay, made according to this law.

Deduction from pay for superannuation fund.

Twenty-fifth

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Examination
of complaints
against mem-
bers of the
force.

Twenty-fifth—It shall be lawful for the governor to appoint the inspector-general, or the deputy inspector-general, or any inspector or sub-inspector, or any other person or persons, whether singly, or two or more of them sitting together, from time to time, as occasion may require, to examine into the truth of any charge or complaint preferred against any officer, sub-officer, or constable of the "Jamaica Constabulary Force," of any neglect or violation of duty, disobedience or other misconduct, and to report his or their finding on the same: And in case the person charged or complained of not being above the rank of a sergeant of police, it shall be lawful for the inspector-general to appoint a person or persons for the same purpose: The reports of such inquiries, in the case of a charge or complaint against a sergeant-major, or any officer of higher rank, shall be made to the governor, through the inspector-general; and in other cases shall be made to the inspector-general: When the report is made to the inspector-general, he shall decide upon the case, and when it is made to the governor, the inspector-general shall give his opinion upon the case, and the governor shall decide upon it; and in any case the governor, if he see fit, may take up a case so reported and decided, by way of appeal, and may pass final orders therein: And the person or persons so appointed to inquire into a charge or complaint shall have the same power of summoning witnesses, and of examining witnesses on their oath or affirmation, that justices in petty session possess; and any person knowingly and wilfully giving false evidence, upon oath or affirmation on such inquiry, shall be deemed for all purposes to be guilty of willful and corrupt perjury, and shall be liable to the penalties thereof.

Power to the
governor or
inspector ge-
neral to inflict
fine, &c. upon
party found
guilty.

Twenty-sixth—When any such charge or complaint as aforesaid shall have been made, examined into, and decided upon, in the manner above provided, it shall be lawful for the inspector-general, or the governor, as the case may be, if his decision be against the person so charged or complained of, to inflict upon such person a fine of one fourth of his pay for a term not exceeding six months, or such other punishment, either by fine or imprisonment, or both, as the governor may, in virtue of the powers hereinbefore conferred, fix and determine.

Penalty on sub-
officer or con-
stable for ne-

Twenty-seventh—If any sub-officer or constable shall neglect or refuse to execute any warrant lawfully directed to be by him executed,

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executed, or shall be guilty of any neglect or violation of duty in his office, he shall, for every such offence, be liable to a penalty not exceeding forty shillings, or imprisonment, with or without hard labour, not exceeding one month, unless the penalty shall be sooner paid; and the amount of any such penalty may be deducted out of any pay accruing due to any such offender; and all such penalties shall be paid to the clerk of the magistrates, to be accounted for as other fines and penalties are or shall be by law required to be accounted for, and the same shall be applied in manner hereinafter directed.

neglect or violation of duty.

Twenty-eighth—Officers and men of the “Jamaica Constabulary Force,” summoned as witnesses to attend courts of justice out of the parish in which they are stationed (whether examined or not), shall be entitled to be paid their reasonable travelling expenses, by order of the court, as in cases of other witnesses attending to give evidence before courts.

Any of the force summoned as witnesses out of their parish to be paid expenses.

Twenty-ninth—If any person, who shall have been appointed to the police force, established under this law, shall be dismissed from, or cease to belong to the said police force, all powers and authorities vested in him shall immediately cease and determine; and every sub-officer or constable shall, within one week after he shall have been dismissed from, or cease to belong to the said force, deliver over all and every the arms, ammunition, and accoutrements, uniform, and other appointments which may have been supplied to him for the execution of his office to such person, and at such time and place as shall be directed by the inspector, under whose command he was at the time of dismissal, or ceasing to belong to the force; and every person making default herein shall, upon conviction thereof before any two justices, be subject and liable to a penalty not exceeding ten pounds, or imprisonment, with or without hard labour, for any period not exceeding six months, unless the penalty shall be sooner paid: And it shall be lawful for such justices, or any other justices or justice to issue their or his warrant to any constable to search for and seize, to the use of her majesty, all and every the arms, ammunition, accoutrements, uniform, and other appointments which shall not be so delivered over, wherever the same may be found.

Consequences of dismissal from the force.

Thirtieth—The inspector-general, and deputy inspector-general, and the several inspectors and sub-inspectors, during
G their

Exemption from taxes as

To Organize a Constabulary Force.

to police
horses.

their continuance in office shall be exempted from the payment of taxes or duties in respect of their police horses ; that is to say, the inspector-general, in respect of three horses ; the deputy-inspector-general, in respect of three horses ; each inspector, in respect of two horses ; and each sub-inspector, in respect of one horse.

Actions
against persons
of the force to
be in tort.

Thirty-first—Every action to be brought against any officer, sub-officer, or constable of this force, for any act done by him in the execution of his office, shall be an action on the case as for a tort ; and in the declaration it shall be expressly alleged that such act was done either maliciously, or without reasonable or probable cause ; and if, at the trial of any such action, the plaintiff shall fail to prove such allegation, he shall be nonsuited, or a verdict shall be given for the defendant.

When protect-
ed by justices'
warrant.

Thirty-second—When any action shall be brought against any officer, sub-officer or constable of this force, for any act done in obedience to the warrant of any justice, the party against whom such action shall be brought, shall not be responsible for any irregularity in the issuing of such warrant, or for any want of jurisdiction of the justice issuing the same, but may plead the general issue, and give such warrant in evidence at the trial ; and, on proving that the signature thereto is the handwriting of the person whose name shall appear subscribed thereto, and that such person was reputed to be, and acted as a justice of the peace for the parish or precinct, and that the act or acts complained of was or were done in obedience to such warrant, there shall be a verdict for the defendant in such action, who shall recover his costs of suit : Provided, That it shall be the duty of the officer, sub-officer, or constable, if required so to do, in the execution of any warrant to him directed to produce the same to the party or parties taken into custody thereunder, and permit a copy thereof to be taken by him or them, or on his or their behalf, either at the time of their capture, or at any time afterwards, while the warrant remains in his custody.

Limitation of
actions.

Thirty-third—No action shall be brought against any officer, sub-officer, or constable of this force, for anything done by him in the execution of his office, unless the same be commenced within two calendar months after the act complained of shall have been committed.

Thirty-fourth

To Organize a Constabulary Force.

Thirty-fourth—If any person shall have in his possession any arms, ammunition, clothing, accoutrements, or other appointments, furnished for the use of this force, and shall not satisfactorily account for his possession thereof, or if any person shall put on, or assume the dress, name, designation, or description of, and assume to act as, or to personate an officer, sub-officer or constables of this force, every person so offending shall, on conviction before any two justices of the peace, in addition to any other punishment to which he shall have subjected himself, be liable to a penalty not exceeding ten pounds, or to imprisonment, with or without hard labor, not exceeding six months.

Penalty on possession of arms, &c. by persons not of the force.

Thirty-fifth—If any retailer, tavern keeper, or keeper of any house, shop, or other place for the sale of liquors, whether spirituous or othorwise, shall knowingly harbour or entertain any sub-officer or constable of this force, or permit him to abide or remain in his house, shop, room, or other place during any portion of the time appointed for his being on duty or when he shall have been ordered on service, such retailer, tavern keeper, or keeper of such house, shop, or other place as aforesaid, shall for every such offence, forfeit and pay a sum not exceeding two pounds.

Penalty for harboring men of the force.

Thirty-sixth—If any person shall assault or resist, or aid, or incite any other person to assault or resist any officer, sub-officer, or constable of this force in the execution of his duty, every such offender shall be liable to a fine not exceeding ten pounds, or in the discretion of the justices, shall be liable to be indicted and punished for a misdemeanor.

Penalty for obstructing police.

Thirty-seventh—All fines and penalties imposed by this law, where not otherwise declared how to be recovered, shall be recovered in a summary manner before any two justices of the peace for the parish or precinct where the offence was committed; and in default of immediate payment, by imprisonment, with or without hard labour, for any period not exceeding thirty days, unless the same be sooner paid; and any fines or penalties imposed for the breach of any regulations at any time in force for the government of the police, under the authority of this law, shall be enforced by deducting the amount thereof from any pay due, or accruing due, to any sub-officer or constable.

Fines, &c. how recoverable.

Thirty-eighth

To Organize a Constabulary Force.

Fines and penalties, &c. to be paid to receiver-general,

Thirty eighth—All fines and penalties imposed on any sub-officer or constable, or any other person, under the authority of this law, and the regulations aforesaid, and all penalties, and proportions of penalties and damages awarded to any sub-officer or constable on any summary conviction, as the prosecutor of any information or otherwise, shall be paid immediately to the receiver-general, and shall be carried by the receiver-general to a separate account of "The Constabulary Force Reward Fund," to be appropriated for the payment of such rewards or gratuitous bounties, or other like purposes, as the governor may from time to time award.

to be invested in Kingston savings bank.

Thirty-ninth—All fines and penalties, and proportions of penalties and damages, on receipt thereof, shall be paid over by the receiver-general to the trustees and managers of the Kingston savings bank, to be kept at interest, and with accumulations as by law authorized; and the said trustees and managers shall keep an account thereof, under the name of "The Constabulary Force Reward Fund," and they shall pay the same, or any part thereof, from time to time, on the warrant of the governor, to be from time to time directed to them.

Excess beyond what can be placed in such book to be invested as governor may direct.

Fortieth—It shall be lawful for the governor to direct the investment in any loan or public security, under any act or law of this island, or bank, of any amount, being portion of such "Reward Fund," as may have accumulated, or may from time to time accumulate, in excess of the sum whereon, by law or regulation, interest is allowed to be paid in the Kingston savings bank, and the principal and interest of every such investment may be applied by the governor, in like manner, and for the like purposes, as "The Constabulary Force Reward Fund" is by this law in that behalf made applicable.

Surplus of former reward funds to be carried to reward fund under this law.

Forty-first—It shall be lawful for the governor, from time to time to direct any surplus of monies at the credit of the "Police Reward Fund," and the "Constabulary Reward Fund," established under the "Police Act, 1856," and the "Constabulary and Reward Fund Act, 1864," after providing for any pension or other annual allowances which, at the time of the passing of this law, shall be charged on the said respective funds, to be carried to the credit of, and to be invested and applied as portion of the "Constabulary Force Reward Fund," under this law.

Forty-second

To Organize a Constabulary Force.

Forty-second—It shall be lawful for the governor to direct, and the receiver-general shall, on the warrant of the governor make payment of any extraordinary expenses which shall appear to have been necessarily incurred in detecting and apprehending offenders, and executing the powers and duties given or imposed under this law, such expenses being first certified by the inspector of the district in which the same shall have been incurred, and countersigned by the inspector-general.

Payment of extraordinary expenses.

Forty-third—The word “officer, in this law, shall include and mean all officers of the police force above the rank of sergeant-major; the word “sub-officer,” all sergeants-major, sergeants, and corporals of the same force.

Interpretation clause.

Forty-fourth—No appointment or proceeding under this law shall be subject to any stamp duty.

No appointments or proceedings liable to stamp duty.

Forty-fifth—The acts of the eighteenth George the third, chapter seventeen, fourth William the fourth, chapter thirty-seven, and so much of the tenth section of the sixth William the fourth, chapter thirty-two, as empowers the justices and vestries of the several parishes to raise money for the payment of constables, and the twenty-fourth Victoria, chapter eleven, the “Police Act, 1861,” and the twenty-seventh Victoria, session one, chapter thirty, the “Constabulary and Reward Fund Act, 1864,” (except in so far as they repeal other acts), are hereby repealed.

Repeal of acts.

Forty-sixth—It shall be the duty of every constable, or rural constable appointed under the said repealed act of the twenty-seventh Victoria, session one, chapter thirty, on the passing of this law to deliver up to the inspector or sub-inspector of the force under this law, in the district where he resides the warrant, badge, and baton by him held as such constable; and every person neglecting so to do, after notification in the “Jamaica Gazette,” requiring such delivery, shall forfeit and pay the sum of twenty shillings, to be recovered as other penalties under this law.

Constables and rural constables to deliver up warrants, &c.





JAMAICA—No. 9 OF 1867.

A Law to Amend and Continue in Force, for a Limited Period, the Duties of Stamps. [19th March, 1867.]

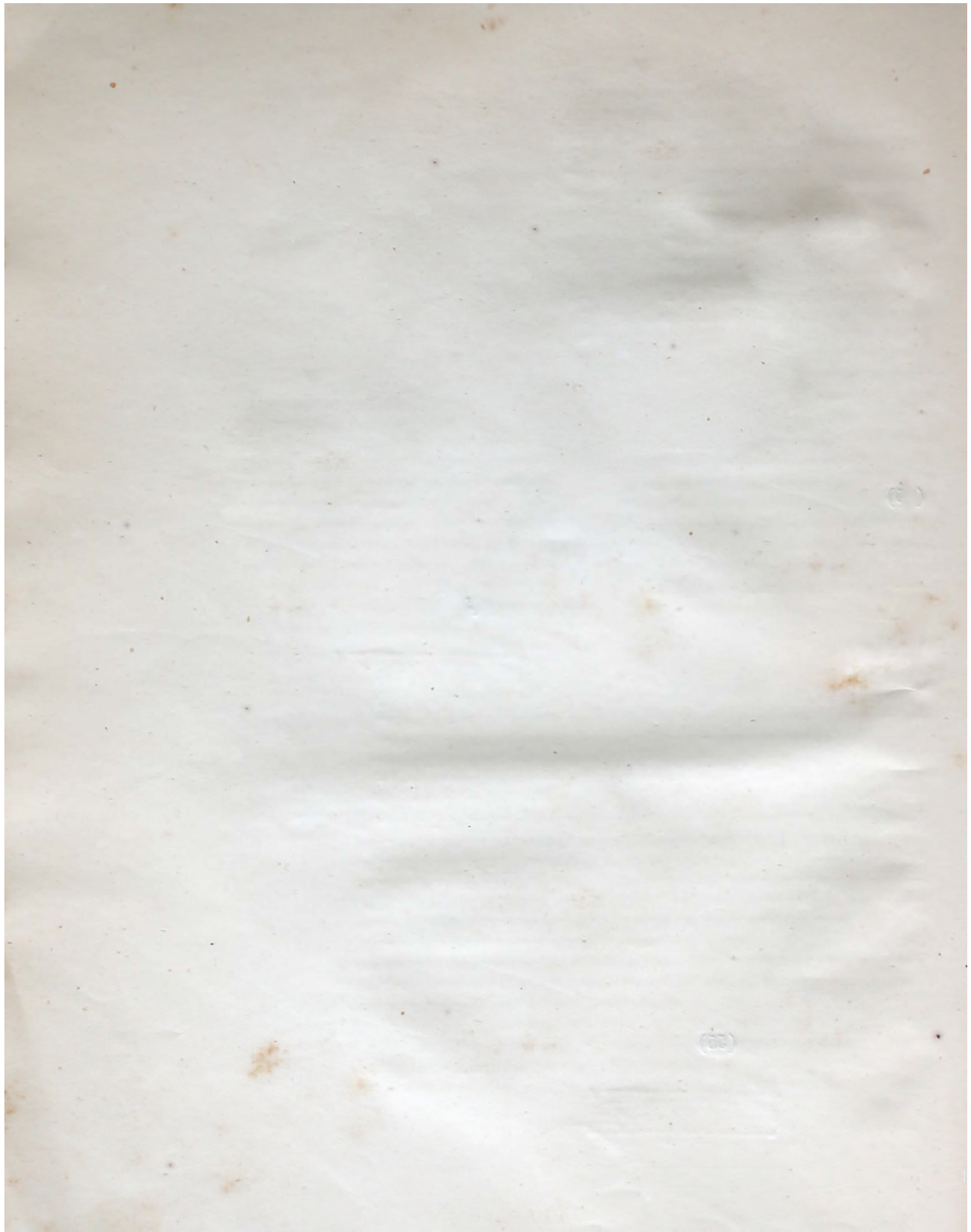
BE it enacted by the governor of Jamaica, with the advice and consent of the legislative council thereof, as follows :

First—The act, twenty-eighth Victoria, chapter nine, “ The Stamp Duty Act, 1865,” is hereby continued in force from the thirty-first day of March, one thousand eight hundred and sixty-seven, to the thirty-first day of December, one thousand eight hundred and sixty-seven.

Stamp act, 1865, continued in force to 31st December, 1867.

Second—From and after the passing of this law, the discount by the said act allowed upon the purchase of stamps, shall cease and determine.

Discount to cease.





Expired

JAMAICA—No. 10 OF 1867.

A Law for Registering all Lands, and for Laying a Duty in respect thereof, and for Laying a Duty upon Houses heretofore Exempted from License and Registration Duties.
[27 March, 1867.]

WHEREAS it is expedient that there should be a register of all lands in this island, and for this purpose that all persons in possession of land should give in a return, and pay the duty hereinafter assessed upon them for the same: And whereas it is necessary to raise a tax or duty on houses heretofore exempted from the duty on houses, as hereinafter mentioned: It is therefore enacted by the governor of Jamaica, with the advice and consent of the legislative council thereof, as follows:

Preamble.

First—Every person in possession of land in this island, as owner, tenant, or in any other character, shall, on the thirtieth day of April now next ensuing, or within fourteen days thereafter, give in to the collector of dues, or other officer of the revenue who may be appointed to receive the same, in the parish where such lands are situate, a just and true return of all lands in his possession, giving the name of the property, or the name of the property of which it formerly formed part, and stating, to the best of his knowledge or belief, the name of the owner, or reputed owner, of such land, the name of the occupier thereof, and the character in which he holds the said land, and the quantity of acres of which it consists, and with a declaration at foot to the truth thereof; and the return and declaration shall be to the effect set forth in the form A, to this law annexed.

Persons in possession of land to make return to collector of dues, &c.

Second—The returns under this law shall embrace all lands whatsoever,

Returns to in-

For Laying a Duty on Lands, Houses, &c.

clude lands re-
deemed. whatsoever, whether the same shall have been heretofore re-
deemed from the quit rents and land tax or not.

Duty of one
penny per acre
to be paid. Third—Every person making such return shall pay to such
collector of dues, or other officer as aforesaid, the sum of one
penny for every acre, and for every fractional part of an acre
of land in his possession.

on all lands in-
clusive of lands
redeemed. Fourth—The duty under this law shall be distinct from, and
exclusive of the quit rents and land tax now by law payable,
and shall be paid as well in respect of lands liable to the former
tax, as of lands redeemed from such quit rents and land tax.

Collector, &c.
to enter parti-
culars in re-
turn. Fifth—Every such collector of dues, or other officer, shall
enter in a book, to be provided by the receiver-general, under
the direction of the governor, and to be by each collector of
dues, or other officer, kept for the purpose, and that in such
form and manner as shall be directed by the governor, the par-
ticulars of all land hereinbefore directed to be returned to him,
or which, in the absence of any return, shall be assessed by
him as hereinafter mentioned, distinguishing such lands as shall
be returned from what shall be so assessed; and such book
shall be always kept in the office of the collector of dues, or
such other officer, and a copy of the entries therein, certified
by the declaration of the collector of dues, or other officer,
shall be furnished to the receiver-general at such times, and in
such manner, as the governor shall direct.

Exemption
under license
and registra-
tion duties
act deter-
mined. Sixth—The exemption under the "License and Registration
Duties' Act, 1865," or any other act of this island, of houses
on any estate or pen from the house tax, if occupied by the
owner or tenant of the estate or pen, or his family, or by the
attorney, overseer, or other servants of the estate or pen, free
of rent, shall cease from the passing of this law; and every
such house, if of the annual value of twelve pounds and up-
wards, shall be liable to, and shall pay the duty of one shilling
and six pence in the pound of the annual value thereof; and if
under the annual value of twelve pounds, shall be charged as
houses under that value by this law.

Interpretation
clause. Seventh—The word "house," shall mean every occupied or
inhabited dwelling-house, shop, store, wharf, warehouse, office,
or place of business, and shall, for the purpose of such valua-
tion

For Laying a Duty on Lands, Houses, &c.

tion, include and comprise the out offices, yards, and curtilages attached thereto; and, for the purposes of taxation under this law, the true annual value of every house shall, when tenanted at a rent, be taken to be the rent actually payable thereon by the year; and where otherwise occupied, the full and just yearly rent at which the same is really and *bona fide* worth to be let, shall be taken as such true annual value.

Eighth—All houses under the annual value of twelve pounds (not being the dwellings of labourers located on any estate or pen), shall be assessed and charged with a duty thereon, as follows; that is to say,

Duty on house under £12.

Class 1. Every house thatched or shingled, but without flooring, and without land, or to an extent less than one acre, a duty of two shillings.

Class 2. Every house thatched or shingled, with flooring, but without land, or to an extent less than one acre, a duty of four shillings.

Class 3. Every house thatched or shingled, and whether with or without flooring, if the owner or occupier possesses land in the same parish, either attached or detached from such house, equal in extent to one acre or more, a duty of six shillings.

Ninth—Every person in the possession or occupation of any house by this law made liable to the duty hereby imposed, shall, on the thirtieth day of April next ensuing, or within fourteen days thereafter, give in to the collector of dues of the parish, or other officer as aforesaid, in which such house is situate, a just and true return of such house, and the annual value thereof; and if under the annual value of twelve pounds, shall shew whether the owner or occupier thereof holds any other lands not assessed to the taxes or duties on houses under this or any other law; and the person making such return shall declare to the truth thereof, and pay to the collector of dues, or other officer as aforesaid, the full amount of the duties imposed on such house by this law, and obtain from him an acquittance of the same.

Persons in possession or occupation to make returns.

Tenth—Where no return in respect of the duties, or any of them, under this law, shall be made, the collector of dues, or other

In default of return collect

Laying a Duty on Lands, Houses, &c.

tor, &c may
assess.

other officer as aforesaid, shall assess the person neglecting to make such return, to the best of his judgment, and according to such information as he may be able to obtain, and shall add thereto one-fourth part of such duties as a surcharge or penalty, and shall deliver to the person assessed, or leave at his usual or last known place of abode, or on the premises assessed, a statement of such duties and surcharge, with a demand for payment of the same ; and if within ten days after such service, the person so charged shall not make a return, as required by this law, and pay the duties for which, by such return he shall appear liable, together with a sum equal to one fourth of such duties, the assessment shall be binding and conclusive upon the person charged.

Payment of
duty exempts
others coming
into possession.

Eleventh—The payment of the duty upon any house under this law shall, during the current year exempt any person who may afterwards come to the possession of such house from the payment thereof ; but, if such duty shall not be paid, it may be recovered and enforced against any person who may, at any time during the current year, be or have been in the possession thereof.

Pro vision as to
houses occupi-
ed after 30th
April, 1867.

Twelfth—If any house unoccupied at the thirtieth day of April, one thousand eight hundred and sixty-seven, shall at any time thereafter during the year become occupied, the owner or occupier shall, within fourteen days after the house shall become occupied, make the return in the form B, to this law annexed, in respect of such house, to the collector of dues, or other officer as aforesaid, of the parish wherein such house is situate, and shall pay to such collector of dues or other officer as aforesaid, the duty, or proportion of duty calculated for so many quarters of a year (the fractional part of a quarter being reckoned as a quarter), as shall remain of the current year, according to the annual value of such house ; and, in default of such return the collector of dues, or other officer as aforesaid, may assess such owner or occupier to the duty, or proportion of duty in respect of such house, and add the surcharge thereon, in like manner, and proceed thereon as in other cases of assessment under this law.

Where several
persons in pos-
session.

Thirteenth—If any house, charged with duty under this law, shall be in the possession of more than one person, the collector of dues, or other officer as aforesaid, may, to enforce pay-
ment

Laying a Duty on Lands, Houses, &c.

ment, proceed against all or any of the parties, or the landlord thereof, as well as against any goods on any such premises on which a landlord might distrain for rent in arrear.

Fourteenth—If any person shall wilfully make a false or untrue declaration under this law, such person shall, on conviction thereof, be liable to the like pains and penalties as are imposed by law on persons guilty of wilful and corrupt perjury.

False declaration perjury.

Fifteenth—The several duties payable by or assessed upon any person under this law, may be paid in one entire sum, except when such duties amount to or exceed the sum of four pounds, in which case they may be paid by moieties, the first on the thirtieth day of April, and the second on the first day of August, one thousand eight hundred and sixty-seven, or within ten days thereafter respectively.

Duties to be paid in one sum.

Exemption.

Sixteenth—The several moieties shall be payable and recoverable under the powers contained in or referred to by this law, the first moiety as and in like manner as here directed, in respect of the whole duty, and the second moiety shall be recoverable by the powers aforesaid, at any time after the expiration of ten days from the time the same shall become payable, and any surcharge shall be payable and enforceable, together with the first moiety.

How moieties recoverable.

Seventeenth—If any person making a return of the said duties shall not therewith pay the said duties, or, if any person assessed shall not make a return of and pay the duties to which he is liable, and the surcharge thereon, within ten days after the delivery of the assessment to him, the collector of dues, or other officer as aforesaid, without the necessity for any other authority than the directions under this law for the recovery of the said duties so returned or included in the assessment, and the surcharge thereon (if surcharged), and the costs of distress, may distrain the goods and chattels of the person so liable as aforesaid to the said duties, wheresoever found, as well as any goods found on the premises charged to the said duties, on which a landlord might distrain for rent in arrear.

On default of payment distress.

Eighteenth—All distresses under this law may be made upon such property, and shall be kept for such time, and shall be conducted, sold, and disposed of as other distresses for duties under

How distresses to be dealt with.

For Laying a Duty on Lands, Houses, &c.

under "The License and Registration Duties Act, 1865," and "The Tax Collection Act, 1864," or any other law or laws which may be in force in relation to such last-mentioned duties; and all clauses in such laws for the protection of the person distraining, or which authorize the granting of relief to poor and indigent persons, and which give other remedies for the recovery of the said duties, shall be applicable, and applied in respect to the person acting under this law, and the taxes or duties hereby imposed.

How collector
&c. to proceed
when return
untrue.

Nineteenth—If the collector of dues, or other officer as aforesaid, shall show, to the satisfaction of any two justices of the peace of the parish wherein the property liable to the duties is situated, that any person has charged himself in any return with less duty than he is liable to pay, every such person shall not only be liable to pay the amount of the duties so evaded, but an additional sum by way of penalty, equal to the amount of the taxes evaded, to be recovered in a summary manner before the said justices, and, in case of non payment, to be enforced by distress and sale of the offender's goods, or imprisonment not exceeding three months, unless such duties and penalty shall be sooner paid, and the duties and penalty may be enforced under the act thirteenth Victoria, chapter thirty-five, or any other act in respect to summary proceedings, which may be adapted to meet the requirements of this law; and, notwithstanding any thing in the thirteenth Victoria, chapter thirty-five contained, the taxes and penalty may be included and recovered in one proceeding.

Collector, &c.
to account to
receiver-general.

Twentieth—The monies of the duties under this law shall be accounted for to the receiver-general by the collector of dues, or other officer as aforesaid, and be paid into the colonial bank, to the credit of the receiver-general, as collected and received, within five days after the expiration of each month; and such collector of dues, or other officer as aforesaid, shall keep such books, and make such returns, in relation to the said duties, as and in such form as the governor shall from time to time direct.

Penalty on col-
lector, &c. not
paying over.

Twenty-first—Each collector of dues, or other officer as aforesaid, who shall neglect to comply with the requirements of this law, shall be subject and liable, in addition to the payment of the monies received and not accounted for, to the like penalties

Laying Duty on Lands, Houses, &c,

penalties, recoverable in the manner, as are in the "License and Registration Act, 1865," and "Tax Collection Act, 1864," imposed on collectors of dues neglecting to comply with the provision of these laws, as to the duties therein mentioned.

Continuance
of law.

Twenty-second—This law shall continue in force until the thirtieth day of April, one thousand eight hundred and sixty eight; and, notwithstanding the expiry thereof, all duties thereunder may be enforced, and all offences against its provisions be dealt with and prosecuted, and all penalties thereby imposed be recovered, as if this law had continued in force.

SCHEDULE A.

RETURN of Land in the Parish of

Name of Property or former Property of which a part	Owner, or reputed Owner.	Occupier, and in what character.	Acres of Land.

I do solemnly and sincerely declare that the above return is, in all respects, to the best of my knowledge and belief, a just and true return of all lands in my possession, or under my charge, within the parish of



JAMAICA—No. 11 OF 1867.

Amended by 23 of 1891.

A Law for Laying a Duty on Imports, Exports, and the Tonnage of Vessels.

[27 March, 1867.]

BE it enacted by the governor of Jamaica, with the advice and consent of the legislative council thereof, as follows :

First—On and after the coming into operation of this law there shall be raised, levied collected, and paid unto her majesty, her heirs and successors, for the use of the government of this island, upon the several articles imported into this island, and enumerated in the schedule of import duties to this law, the several duties therein set forth.

Duties on import under schedule.

Second—The said duties shall be levied, collected, recovered, and received by the officers of customs, under the regulations, and by the means and powers of so much of the act of imperial parliament, passed in the session of the sixteenth and seventeenth years of the reign of her majesty queen Victoria, chapter one hundred and seven, entitled "*An act to amend and consolidate the laws relating to the customs of the United Kingdom, and of the Isle of Man, and certain laws relating to trade and navigation, and the British possessions, or of any subsequent act of imperial parliament as relates to the British possessions, and the acts and laws of this island, passed or to be passed, in relation to the customs, and shall be paid by the said officers of the customs in each and every week, into the colonial bank, or otherwise, as the governor may direct, to the credit of the receiver-general.*

To be collected by officers of customs.

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Third—The receiver-general shall annually receive, out of the duties to be collected under the said schedule, and paid to him by the officers of the customs as aforesaid, the sum of thirty thousand pounds, to be appropriated to the liquidation of the public debt, and interest guaranteed by the British government,

£30,000 to be reserved by receiver-general.

To Lay a Duty on Imports, Exports, and Vessels.

government, which sum is by the act of the seventeenth Victoria, chapter twenty-nine entitled "An act for the better government of this island, and for raising a revenue in support thereof," provided to be appropriated in the manner therein mentioned.

Residue to use
of government.

Fourth—The residue of the duties to be collected under the said schedule shall be paid and applied to the use of the government of this island.

SCHEDULE OF IMPORT DUES.

NAME OF ARTICLE.	DUTY.
Ale, beer and porter, per gallon	0 0 6
Asses	Free
Bacon, per pound	0 0 2
Barley, (not pearl barley), per bushel	0 0 4
Beef, dry, salted, or cured, per pound	0 0 1
Beef, wet, salted, or cured, per barrel of 200lbs.	0 15 0
Beans, per bushel	0 0 4
Birds	Free
Books, printed, including maps	Free
Bread or biscuit, per 100lbs.	0 6 0
Bricks (not bath bricks)	Free
Bullion	Free
Butter, per pound	0 0 2
Calavances, per bushel	0 0 4
Candles, composition, per pound	0 0 2
— tallow, per pound	0 0 0 $\frac{1}{2}$
— wax, or spermacetti, per pound	0 0 2
Cattle, neat, per head	0 10 0
Carriages, carts, and wagons, used for agricultural purposes	Free
Cheese, per pound	0 0 2
Cider and perry, per gallon	0 0 6
Coals and coke	Free
Cocoa, per 100lbs.	0 10 0
Coffee, British colonial, per 100lbs.	1 0 0
Coin	Free
Corn, Indian, per bushel	0 0 4
Cotton, wool	Free
Diamonds	Free
Dogs	Free
Dyewoods	Free
Drawings, paintings, engravings, lithographs, and photographs	Free
Fish, dried or salted, per 100lbs.	0 3 6
— Fresh	Free
— smoked, not otherwise enumerated or described, per pound	0 0 0 $\frac{1}{2}$
	Fish

To Lay a Duty on Imports, Exports, and Vessels.

NAME OF ARTICLE.	DUTY.
Fish, alewives, pickled, per barrel of 200lbs.	0 2 6
— herrings, pickled, per barrel of 200lbs.	0 2 6
— herrings, smoked, per pound	0 0 0 $\frac{1}{2}$
— mackerel, pickled, per barrel of 200lbs.	0 4 6
— pickled, not otherwise enumerated or described, per barrel of 200lbs.	0 4 6
— salmon, smoked, per pound	0 0 2
— ditto, wet, or salted, per barrel of 200lbs.	0 10 6
Flax	Free
Flour, rye, per barrel of 196lbs.	0 8 0
— wheat, per barrel of 196lbs.	0 8 0
Fruit, fresh	Free
Goats	Free
Guano, and other manure	Free
Gunpowder per pound	0 1 0
Hams, per pound.	0 0 2
Hand machines for preparing fibre, or for spinning cotton, or wool	Free
Hay and straw	Free
Hemp	Free
Hides, raw	Free
Horses, mares and geldings, each	0 10 0
Hydraulic presses, and printing presses	Free
Ice	Free
Iron, galvanized	Free
— ditto for roofing, doors, and shutters, and every kind of iron roofing, doors, and shutters	Free
Indigo, per pound	0 0 3
Lard, per pound	0 0 0 $\frac{3}{4}$
Leeches,	Free
Matches, lucifers and others, per gross of twelve do- zen boxes, each box to contain one hundred sticks, and boxes containing any greater or lesser quantity, to be charged in proportion	0 5 0
Malt dust	Free
Marble, in slabs and blocks	Free
Machines, horse power	Free
Meat, fresh	Free
— salted, or cured, per barrel of 200lbs.	0 15 0
Meal, not wheat meal, per barrel of 196lbs.	0 2 0
Mess plate and furniture, band instruments for the use of the army and navy, on the certificate of the military or naval commanding officers	Free
Mills, whether they be for grinding canes, paint, coffee, corn, or grain of any kind, or for sawing boards, rais- ing water, or such as are set in motion by steam, horse, wind, or water power, and all parts of the said mills	Free
Molasses,	

To Lay a Duty on Imports, Exports, and Vessels.

NAME OF ARTICLE.	DUTY.
Molasses	Free
Mules each	£0 10 0
Oats, per bushel	0 0 4
Oil cakes, whole or in powder, and other prepared food for cattle and animals	Free
Oil, per gallon	0 0 9
Patent fuel	Free
Pans for boiling sugar, whether of copper or iron	Free
Pease, (not being split pease) per bushel	0 0 4
Pipes for conveying fluids	Free
Plants growing	Free
Ploughs, plough-harrows, harrows, cultivators, clod-crushers, horse-hoes, dibbles, sowing machines, and parts thereof	Free
Pork, salted or cured, per barrel of 200lbs.	0 15 0
Poultry	Free
Pumps for raising water	Free
Railways truck wheels	Free
Resins and Rosin	Free
Rice, per 100lbs.	0 3 0
— undressed, per bushel	0 1 0
Salt, per 100lbs.	0 1 0
— rock	Free
Sarsaparilla (but not the extract of)	Free
Sausages, dry or pickled, per pound	0 0 2
Sheep	Free
Shooks, tierce, puncheon, and hogshead, and all descriptions of shooks, also tierces, hogsheads, and casks	Free
Slates	Free
Soap per 100lbs.	0 5 6
Soda, ash or sub-soda	Free
Specimens, illustrative of natural history, mineralogy, and geology	Free
Spirits, brandy per gallon	0 10 0
— gin per gallon	0 10 0
— rum, the produce of, and imported from British possessions per gallon	0 10 0
— whisky per gallon	0 10 0
Spirits of wine, alcohol, and all other spirits, cordials, or spirituous compounds, per gallon	0 10 0
Stills, or any part of a still	Free
Steam engines, or any part of a steam engine	Free
Sugar, refined, per pound	0 0 2
— unrefined per 100lbs.	0 10 0
Swine	Free
Tallow, grease, tallow grease, or grease and slush	Free

Tea

To Lay a Duty on Imports, Exports, and Vessels.

NAME OF ARTICLE.	DUTY.
Tea per pound	£0 1 0
Tiles, marble, and earthen as well as paving stones	Free
Tobacco, manufactured, including Cavendish, per pound	0 1 0
Tobacco unmanufactured per pound	0 0 6
— cigars per pound	0 5 0
Tongues, dried per pound	0 0 2
— salted or cured, per barrel of 200lbs.	0 15 0
Tortoise, shell	Free
Tow	Free
Turtle	Free
Vegetables, fresh	Free
Wax, bees	Free
Wheat per bushel	0 0 9
Wines, in bulk and in bottle, per gallon	0 2 6
Wood, for every one thousand fee of pitch pine lumber, by superficial measurement of one inch thick	0 13 0
— for every one thousand feet of white pine lumber, or other lumber, by superficial measurement of one inch thick	0 9 0
— shingles, cypress, more than twelve inches in length, per thousand	0 6 0
— Wallaba shingles per thousand	0 6 0
— Boston chips, and all shingles not otherwise enumerated, or describe, per thousand	0 4 0
— hoops,	Free
— staves and heading, red or white oak or ash	Free
Wire, iron, for fences, wire fencing iron standards, and also tomb railings	Free
On all other goods, wires, merchandize, and effects of every description, not previously enumerated, for every £100 value	12 10 0

And after these rates for any greater or less quantity of such goods respectively.

Fifth—The following goods shall be exempted from duty : Exemptions. *Rep: in part 13 of 73*

EXEMPTIONS.

All packages containing goods subject to the *ad valorem* duty imposed by this law.

Provisions and stores imported for the use of her majesty's army or navy, and consigned by bill of lading to the officer at the head of her majesty's commissariat, the military store-keeper, or the naval commanding officer of this island, on the production of the bills of lading and

To Lay a Duty on Imports, Exports, and Vessels.

and certificate of such officer, that they have been solely imported for the use of the army or navy as aforesaid.

Provisions, wines, spirits, and malt liquors, imported for the use of the military and naval staff, and regimental and naval messes in this island, consigned by bills of lading to any staff or naval officer, or the president of a regimental or naval mess, on the production of the bills of lading and certificate of the officer, such certificate being countersigned by the officer commanding the military or naval forces as the case may be, that they have been solely imported for the use of such officer or regimental mess, and on an undertaking that they shall not be sold in the island without special permission of the collector of customs, such permission to be given only on payment of the duty.

Provisions and stores imported by the local government for the public service, on the certificate of the revenue commissioner.

Articles of naval, military, and civil uniform, for the personal use of the proprietor.

Drawbacks.

Sixth—The following drawbacks of duty shall be allowed:

DRAWBACKS.

Goods, wares, and merchandize, upon which *ad valorem* duty under this law, or any previous act of this island, shall have been paid, if duly exported within two years of their first importation, a drawback equal to the duty paid on first importation.

On the exportation of the following goods on which the duty under this law or any previous act shall have been paid without such goods having been bonded, if exported within twelve months of the first importation, a drawback equal to the duty so paid.

Flour, bread, or meal, not less than ten barrels of each article.

Lard or butter, not less than ten firkins of each article.

Candles

To Lay a Duty on Imports, Exports, and Vessels.

- Candles, not less than ten boxes.
- Soap, not less than twenty boxes.
- Ale, beer, or porter, not less than five hogsheads of each, in bulk, nor less than fifteen barrels of each, if in bottles.
- Beef, pork, or pickled fish, not less than ten barrels of each.
- Rice, not less than five tierces, or twenty-five bags.
- Dried fish, not less than one thousand pounds weight.
- Tongues, not less than ten barrels.
- Lumber, not less than five thousand feet.
- Shingles, not less than five thousand.
- On exportation of bread or biscuit, manufactured in this island, the duty paid on the flour consumed in making the same, but not to exceed the duty imposed on bread or biscuit imported.

The several drawbacks under this law shall be subject to the regulations and provisions of the several acts and laws for the time being in force with reference to such drawbacks.

TONNAGE DUTIES.

Seventh—On and after the coming into operation of this law there shall be paid to her majesty, her heirs and successors,

Tonnage duties

On each vessel (not being a drogher, or trading between the Equator and the tropic of Cancer), two shillings and fourpence on each ton, on entering inwards each voyage.

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On each vessel trading between the Equator and the tropic of Cancer, two shillings and twopence on each ton, once in every year; and twopence on each ton, on entering inward each voyage.

On

To Lay a Duty on Imports, Exports, and Vessels.

On each drogher, three shillings and fourpence on each ton, once in every year.

And should such drogher trade beyond the island, and between the Equator and the tropic of Cancer, two pence on each ton, each voyage.

to be collected
by officers of
customs.

Eighth—The aforesaid duties, imposed on the tonnage of vessels, shall be paid to the collector and controller at the port of Kingston, and the sub-collector at every other port.

Registry to be
left with cus-
toms on entry
of vessel.

Ninth—At the time of making entry of any vessel arriving in this island, the certificate of registry of such vessel shall, by the master thereof, be exhibited to, and deposited with the collector and controller at Kingston, and the sub-collector at any other port, until the duties shall be actually paid; and if a fraudulent entry shall be made, or a false certificate of registry be exhibited or deposited, with intent to evade the payment of the said duty, or any part thereof, the master of such vessel shall, for every such offence, incur a penalty not exceeding sixty pounds, nor less than twenty pounds, to be recovered in a summary manner before two justices of the peace, in the parish where the offence shall be committed; and, in default of payment, the said justice shall commit the offender to gaol for any period not exceeding three months, unless he shall sooner pay the penalty.

Tonnage of fo-
reign vessels to
be ascertained
as on British
vessels.

Tenth—Upon the arrival of any foreign vessel in any port of this island, the tonnage of such vessel shall be ascertained by the same mode of admeasurement which is adopted for ascertaining the tonnage of British vessels, and duty paid accordingly.

Exemptions.

Eleventh—The following vessels shall be exempted from the foregoing tonnage duties:

EXEMPTIONS FROM THE FOREGOING TONNAGE DUTIES.

All steam vessels trading to, or in, or about this island.

All vessels laden only with ice, or with fresh fruit, poultry, fresh fish, or fresh butter.

All vessels laden only with coals.

All vessels which shall neither receive nor discharge cargo, but

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To Lay a Duty on Imports, Exports, and Vessels.

but shall only land or take passengers, and their luggage and stores, or call for orders.

All vessel in distress putting into any of the ports of this island for the purpose of repairs; and such last mentioned vessel shall not be liable to the stamp duty, on the governor's warrant, for the sale of cargo on board of such vessel, for the purpose of defraying the costs of such repairs.

All vessel arriving in ballast.

Twelfth—All vessels laden partly with ice, fresh fruit, poultry fresh fish, or fresh butter, and partly with other goods, wares, and merchandize, and all vessels partly laded with coals, and partly with other goods, wares, and merchandize, shall pay duty only upon the tonnage of the other goods, wares, and merchandize imported in the said vessel, as such tonnage shall be computed by the officers of the customs.

Vessels entering with ice, &c. to pay on space of cargo outwards.

Thirteenth—All vessel arriving in this island, laden partly with coals, or with ice, fresh fruit, poultry, fresh fish or fresh butter and partly with other goods, wares, and merchandize, which shall have paid duty on such other goods, wares, and merchandize, may take away fruit, vegetables, ground provisions, and preparations thereof, the growth and produce of this island, without being subject to the other tonnage duties under this law.

Such vessels may take away fruit, &c.

Fourteenth—Any vessel which shall have entered port free of tonnage duties shall be exempted from one half of the tonnage duties demandable under this law, on her clearing out; provided she clears with a cargo of bamboo, or woods, the produce of this island, and not more than two tons of general cargo.

Such vessel, or vessels clearing out with woods or bamboo pay half tonnage dues.

Fifteenth—Except as hereinbefore provided, whenever any sailing vessel hereby wholly or partly exempted from the payment of tonnage duties on arrival, shall thereafter enter or clear outwards with cargo, there shall be paid, in respect of the said vessel, tonnage duties at the rate of two shillings and fourpence for every ton of measurement of space occupied by the produce,

Certain vessels entering, or clearing with part cargo, to pay tonnage dues according to space.

To Lay a Duty on Imports, Exports, and Vessels.

duce, goods, or merchandize, of which the outward cargo shall consist.

Vessels importing less than whole cargo to pay tonnage duties on space.

Sixteenth—Every vessel importing cargo, and entering inwards the same cargo, or any part thereof, covering less than the tonnage of the vessel, according to the register or measurement, shall, in lieu of the duties payable on her whole tonnage, according to register or measurement, pay duties on the amount of tonnage from which cargo shall be actually landed; and such duty shall be calculated as hereinafter provided on every registered ton of space of goods or merchandize entered inwards and landed, or to be landed at any of the ports of this island: Provided, That on entering or clearing outwards with cargo, there shall be paid for or on account of such vessel, tonnage duties on every registered ton of space occupied by produce, goods, or merchandize, in excess over the amount of registered tons of space on which duties have been paid at the period of entry inwards: Provided also, That the total amount of duties to be paid shall not exceed the whole tonnage of the vessel, as per register or measurement.

Consignee, &c. to give notice of claim.

Seventeenth—Every consignee, owner, or master of a vessel entering or clearing inwards or outwards respectively, and claiming to pay on the proportion of registered tonnage occupied by goods or merchandize actually landed, or to be landed as hereinbefore provided, shall notify such claim, in writing, to the collector and controller at the port of Kingston, or to the sub-collector at any other port, as the case may be, who shall cause the amount of registered tonnage so represented to be ascertained, as hereinafter provided.

Payment to collector and controller in Kingston, and sub-collector at other ports.

Eighteenth—Payment of such duties shall be made to the collector and controller at the port of Kingston, or the sub-collector at any other port respectively, where such cargo shall be first entered, or at the final port of clearance whence outward cargo shall be exported.

Such officers to decide the quantity of space.

Nineteenth—For the purposes of this law, the collector and controller at the port of Kingston, or the sub-collector at any other port, as the case may be, shall decide the space occupied by such goods or merchandize so landed or shipped respectively, as the same shall be ascertained by the admeasurer
of

To Lay a Duty on Imports, Exports, and Vessels.

of shipping, or other officer who shall be appointed for that purpose.

Twentieth—The several tonnage duties under this law shall be appropriated and applied as part of the general revenue of this island.

Part of revenue.

Twenty-first—Nothing in this law contained, whereby any vessels are exempted from the tonnage duties under this law or such duties are diminished or restricted to the space occupied by goods or merchandize, shall apply to droghers or vessel trading between the Equator and the tropic of Cancer.

Exemptions do not supply to droghers or vessels trading within the tropic of Cancer,

Twenty-second—Nothing in this law contained shall lessen or affect the liability of any vessel to the payment of duties under any acts imposed for or on account of any light-house in this island, or of any vessel entering certain ports of this island, to the payment of tonnage duties imposed in respect of local marine hospitals under the acts in relation thereto.

not to affect duties for light houses.

Twenty-third—In lieu of the duties under the acts fifteenth Victoria, chapter thirty-nine, and the twenty-fourth Victoria, chapter sixteen, there shall be received, levied, and collected by the officers of the customs of this island, the following duties on exports:

Export duties

Repealed by Law 23 of 1891

On sugar, at the rate of five shillings and ninepence per hogshead.

On rum, at the rate of four shillings and sixpence per puncheon.

On coffee, at the rate of six shillings per tierce.

On pimento, at the rate of ten pence for every one hundred and twenty pounds weight.

On logwood, and other dyewoods, lignumvitæ, ebony, and cocus wood, at the rate of one shilling for every ton.

On vinegar, at the rate of one shilling for one hundred and twelve pounds.

Twenty-fourth—For the purposes of this law, three tierces of

Statement of quantity, how ascertained.

To Lay a Duty on Imports, Exports and Vessels.

of sugar shall be taken to be equivalent to two hogsheads; eight barrels to one hogshead; other packages in the proportion which they shall bear to the hogshead of seventeen hundred weight; two hogsheads of rum shall be equivalent to one puncheon; every quarter cask or package of rum, not being a puncheon or hogshead, in the proportion the same shall bear to the puncheon of ninety gallons; coffee in packages, other than tierces, in the proportion of seven hundred weight to one tierce.

Export duties applicable under particular laws.

Twenty-fifth—The said last-mentioned duties shall be appropriated and applied for the purposes to which the duties under the said respective acts, fifteenth Victoria, chapter thirty-nine and twenty-fourth Victoria, chapter sixteen, were respectively authorized to be raised, levied, and collected, and applied, and the other acts or laws in relation thereto.

Tonnage duties and export duties to be paid as other customs duties.

Twenty-sixth—The duties on tonnage, and the export duties under this law, shall be levied, collected, recovered, and received under the like regulations and powers, and subject to the like penalties, and with the like protection, and shall be paid to the colonial bank, or otherwise, as the governor may direct, to the credit of the receiver-general, at the same time and in the same manner as the other duties of customs to be collected under this law.

Rep. 1877

Repeal of acts.

Twenty-seventh—The several acts and sections of acts next mentioned are hereby repealed, from the coming into operation of this law; but such repeal shall not affect any right or duty acquired under such acts; and notwithstanding the expiry of the act twenty-eight Victoria, chapter ten, or repeal of the said acts, and sections of acts, any duties thereunder remaining to be collected, and all offences committed against the said acts, or any of them, and any penalty incurred under either of the said acts, may be collected and recovered, punished, or proceeded for, and received or enforced respectively, as if such acts and sections of acts respectively had not expired, or been repealed:

To Lay a Duty on Imports, Exports, and Vessels.

ACTS AND SECTIONS OF ACTS REPEALED.

ACT.	EXTENT OF REPEAL.
46th George III. chapter 28	The whole act.
15th Victoria, chapter 39 ..	Section 13, 14.
17th Victoria, chapter 33 ..	Section 27, 28, 29.
20th Victoria, chapter 5 ..	Section 9, 12, 13, 17, 23, 24, 25, 26.
24th Victoria, chapter 3 ..	The whole act.
24th Victoria, chapter 16 ..	Section 15, 16, 17.
26th Victoria, session 2, chapter 22	The whole act.
29th Victoria, chapter 13 ..	The whole act.
Law No. 7 of 1866 ..	The whole act.

Twenty-eight—This law shall come into operation on the first day of April, one thousand eight hundred and sixty-seven. Commence-
ment of law.

Twenty-ninth—Until otherwise provided for by law, the fifth, seventh, thirteenth, and fourteenth sections of the twenty eighth Victoria, chapter ten, shall be continued in force. 28 Vic. c. 19,
secs 5, 7, 13,
14, continued
in force.

State of New York

ACT TO AMEND THE LAW RELATIVE TO THE

... of the ...

... of the ...



JAMAICA—No. 12 OF 1867.

A Law to Continue in Force, for a Limited Period, the
Acts relating to insolvent Debtors.

[29 March 1867.]

Repr. Law 25779

WHEREAS the act of the twenty-seventh Victoria (session two), chapter two, entitled "*An act to revive and continue in force, for a limited period, the acts of the twenty-sixth Victoria, chapter thirteen, and the twenty-fifth Victoria, chapter forty-two (insolvent debtors' law), and for other purposes,*" will expire on the thirty-first day of March, one thousand eight hundred and sixty-seven: Be it enacted by the governor of Jamaica, with the advice and consent of the legislative council thereof, as follows:

The act of the twenty-seventh Victoria (session two), chapter two, entitled "*An act to revive and continue in force, for a limited period, the acts of the twenty-sixth Victoria, chapter thirteen, and the twenty-fifth Victoria, chapter forty-two (insolvent debtors' law), and for other purposes,*" and all acts thereby continued or revived, shall be, and the same are hereby continued in force from the said thirty-first day of March, one thousand eight hundred and sixty-seven to the thirty-first day of December of the same year.

Continued to
31st of Decem-
ber, 1867,





JAMAICA—No. 13 OF 1867.

A Law to Amend and Continue in Force, for a Limited
Period, the Registrar in Chancery's Salary Act.
[29 March, 1867.]

WHEREAS the act twenty-eighth Victoria, chapter thirty-
two, entitled "*An act to provide for the registrar in chan-* Preamble.
cery and clerk of the patents an annual salary in lieu of fees," and
the third and fourth sections of the act twenty-ninth Victoria,
chapter seventeen, entitled "*An act to continue, for a limited*
period, the several expiring acts therein mentioned," will expire on
the thirty-first day of March, one thousand eight hundred
and sixty-seven: Be it enacted by the governor of Jamaica,
with the advice and consent of the legislative council thereof,
as follows:

The said act of the twenty-eighth Victoria, chapter thirty-two,
and the third and fourth sections of the act of the twenty-ninth
Victoria, chapter seventeen, save so much of the said sections
as applies to stamps on writs of election, are hereby respective-
ly continued in force from the thirty-first day of March, one
thousand eight hundred and sixty-seven, to the thirty-first
day of December of the same year.

Continued to
31st of Decem-
ber, 1867.



JAMAICA—No. 13 of 1867

A Law to Amend and Continue in Force for a Limited Period, the Registrar in Jamaica's Office Act [1867] 1867

WHEREAS the said Act, intituled "The Registrar in Jamaica's Office Act, 1867," has been passed by the Legislature of Jamaica, and it is expedient that the said Act should be amended and continued in force for a limited period, His Excellency the Governor of Jamaica, in pursuance of the powers vested in him in that behalf by the said Act, doth hereby amend and continue in force the said Act, as follows:—

That the said Act, as amended and continued by this Act, shall be construed as if it had been originally enacted in the form in which it is hereinafter set forth, and as if it had been passed on the day on which this Act is passed.



JAMAICA--No. 14 of 1867.

A Law to Continue in Force, for a Limited Period, the
Act to Reduce the Security of the Secretary of this Island.
[29th March, 1867.]

WHEREAS the act of the twenty-seventh Victoria, session two, chapter one, entitled "*An act to reduce the security to be given by the secretary of this island, and for other purposes*," will expire on the thirty-first day of March, one thousand eight hundred and sixty-seven: Be it enacted by the governor of Jamaica, with the advice and consent of the legislative council thereof, as follows:

Preamble.

The said act of the twenty-seventh Victoria, session two, chapter one, is hereby continued in force, from the said thirty first day of March, one thousand eight hundred and sixty seven, to the thirty-first day of December of the same year.

Continued to
31st of Decem-
ber, 1867.





JAMAICA---No. 15 of 1867.

A Law to Continue in Force, for a Limited Period, the
Act to Provide for the Management of the Post-Office.
[29th March, 1867.]

WHEREAS the act of the twenty-sixth Victoria, session one, chapter seven, entitled *An act to provide for the management of the post-office in this island*, will expire on the thirty-first day of March, one thousand eight hundred and sixty-seven: Be it enacted by the governor of Jamaica, with the advice and consent of the legislative council thereof, as follows: Preamble.

The said act of the twenty-sixth Victoria, session one, chapter seven, is hereby continued in force from the said thirty-first day of March, one thousand eight hundred and sixty-seven, until the thirty-first day of December of the same year. Continued to
31st of Decem-
ber, 1867.





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Expired

JAMAICA---No. 16 of 1867.

A Law to Re-Enact, and Continue in Force, for a Limited Period, The Police Act, 1861.

[2 April, 1867]

WHEREAS it is necessary to re-enact and continue in force "The Police Act, 1861," until the force, constituted under that law, shall be absorbed in the constabulary force, under the law No. 8, of 1867, or be disbanded: Be it enacted by the governor of Jamaica, with the advice and consent of the legislative council thereof, as follows:

Preamble.

First—The Police Act, 1861, is hereby re-enacted, and continued in force until all the officers and men of the police force, appointed under that act, shall have been appointed to, or enrolled in the constabulary force under law No. 8 of 1867, or shall have been disbanded from the police force.

Police act, 1861, re-enacted and continued.

Second—The governor is hereby authorized, so soon as all the officers and men of the said police force shall have been appointed to or enrolled in the said constabulary force, or shall have been disbanded from the police force, to declare, by notification in the Jamaica Gazette by Authority, to be signed by the colonial secretary, that the objects of this law have been effected; and thereupon The Police Act, 1861, and this law, shall cease and determine.

Governor to notify full operation of law No. 8 of 1867.

Third—The police force, continued by this law, shall, subject to the orders of the governor, be under the command and superintendence of the inspector-general of the constabulary force; and, in his absence, of the deputy inspector-general, and the inspectors, sub-inspectors, sergeants-major, sergeants, and corporals of the said constabulary force, shall be attached to, and have the like authority in the said police force, continued by this law, as they have in the constabulary force, but regulated by the powers and provisions of "The Police Act, 1861."

Said force to be under the inspector general, &c.

Fourth—The officers and men of the said police force are hereby

Indemnity

To Re-Enact the Police Act, 1861.

hereby indemnified for having acted as constables, or otherwise, as in exercise of the powers under "The Police Act, 1861," since the repeal of the said act, and may plead the general issue, and give this law in evidence in bar of any action or proceeding which may be brought against them, or any of them.

[1861] Act

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JAMAICA---No. 17 OF 1867.

A Law Imposing Licenses for the Sale of Spirits.

[2nd April, 1867.]

WHEREAS it is necessary to make provisions for granting licenses for the sale of spirits: Be it enacted by the governor of Jamaica, with the advice and consent of the legislative council thereof, as follows:

Preamble.

First—On and after the fifth day of April next no person shall, either himself, or by any one on his behalf, deal in, or sell any spirits, by wholesale or retail, or knowingly permit any spirits to be sold in any house in his occupation, unless he shall have obtained a license for that purpose, according to the form annexed to this law, under a penalty not exceeding one hundred pounds nor less than ten pounds for every offence.

Spirits not to be sold without license.

Second—Every sale of spirits, without a license authorizing such sale by any person, either wholesale or by retail, agreeably to the provisions of this law, shall be taken to be a sale for profit, and evidence of any sale shall be evidence *prima facie* and conclusive, unless contradicted of a sale for profit; and it shall lie upon the defendant, in any proceeding for any penalty or offence under this law, to show that the sale in question was not a sale for profit; and every act of selling any spirits without such license as aforesaid, at any place, whether in any house or building, or covered or enclosed place, or in the open air, or in any quantity exceeding or less than the quantity authorized by the respective license obtained by any such person, shall constitute an offence against the provisions of this law by the person at any time so selling any spirits

Every sale *prima facie* a sale for profit.

Third—No person shall hawk, or sell, or expose to sale, any spirits in or about any street, lane, road, highway, or other place, or in or from any boat or other vessel upon the water or shore, or in any other manner or place whatsoever, except as is licensed or allowed under this law, upon pain of forfeiting all such spirits, and the sum of ten pounds, or some mitigated

Spirits not to be hawked or sold.

Imposing Licenses for the Sale of Spirits.

gated amount, not being less than one half part thereof, for every such offence.

Such spirits
may be seized.

Fourth—It shall be lawful for any person whomsoever to seize and detain any spirits which shall be hawked, or sold, or exposed to sale, in any manner prohibited by this law, and to call on any policeman or constable; and it shall be the duty of every policeman or constable, either when so called on, or when he may of his own view see any person in the act of hawking, selling, or exposing to sale, in any manner prohibited by this law, any spirits whatsoever, to apprehend and detain the person he shall see so offending, or whom he shall be called upon to apprehend for such offence, and also himself to seize and detain any spirits so hawked, sold, or exposed to sale, or to receive and keep the spirits which may have been seized by any other person as aforesaid; and, in either of the cases herein mentioned, to carry the spirits seized and detained and also the person apprehended, before any two of the justices of the peace of the parish or precinct wherein such offence shall be committed, which said justices are hereby required to proceed to the examination of the matter; and, upon due proof that the spirits are liable to forfeiture under this law, may condemn the said spirits, which shall be thereafter sold by the collector of dues, or other officer, who shall be appointed to receive the duties under this law, and one moiety of the proceeds, after deducting the expenses of sale, including the commission of the collector of dues, or other officer as aforesaid, after the rate of five pounds *per centum*, shall be paid into the colonial bank, to the credit of the receiver-general, or otherwise, as may be by law directed, for the use of the government of this island, and the other moiety to the informer, and such justices may award the penalty by this law imposed upon the party so offending.

Cases in which
spirits may be
sold without li-
cense.

Fifth—Nothing in this law contained shall prevent any person in charge of any estate whereon spirits are manufactured from selling any spirits, agreeably to the provisions contained in any law for regulating the collection of the duty on rum, or shall prevent the personal representative of any person licensed under this law, who shall die, or the assignee of any insolvent debtor, before the expiration of his license, in respect of spirits coming to them in any of the characters aforesaid, from selling any such spirits in the house specified in such license; or the

Imposing Licenses for the Sale of Spirits.

the personal representative of any person not licensed under the provisions of this law, who shall die leaving among his assets or estate a private stock, or supply of spirits, from selling such private stock, or supply of spirits, or any person from selling his private stock, or supply of spirits, not exceeding fifty gallons, amongst his effects, at any sale thereof, on departing from this island, or any person licensed as a retailer under this law, from selling any spirits upon the absolute and *bona fide* transfer of any business, and the whole stock in trade thereof, consisting of, or comprising spirits, or any interest therein to any person, either solely or as partner with such seller or transferer, or upon any change in any partnership for the transfer or release of any interest therein, or the provost-marshal general, or any officer or person, from selling any spirits under any process of law, without obtaining any license under this law, or the official assignee of any county from selling and disposing of the unexpired term of any license that may come to his hands as part of the assets of any insolvent debtor.

Sixth—It shall be lawful for the justices of the peace for each parish, in special sessions assembled, annually to grant licenses to deal in spirits by wholesale or retail, to such persons making application to them, as they shall consider fit and proper to be licensed for such purpose.

Special sessions may grant licenses.

Seventh—The custos of each parish shall summon a special session of the peace, to be holden on or before the thirty-first day of March, one thousand eight hundred and sixty-seven, and the thirty-first day of March in each succeeding year, for the purpose of receiving applications from persons desirous of obtaining licenses to deal in, and to sell spirits by wholesale and retail; and such special sessions of the peace shall be summoned by public advertisement, at least five days previous to the day fixed for the meeting, in the "Jamaica Gazette, by Authority," and such advertisement shall be deemed and taken to be a sufficient notice of the intended meeting of such special sessions; and such special sessions may be adjourned, if necessary, from day to day, or from one day to another, until the whole of the applications shall have been disposed of; but if there shall not be three justices present on the day appointed for such meeting, or adjourned meeting, any justice who shall

Special sessions to be held before 31st March annually.

be

Imposing Licenses for the Sale of Spirits.

be present on such day may adjourn such meeting from day to day until three justices shall attend.

Special sessions may act although called under previous law.

Eighth—A special sessions shall be deemed to have been legally convened; and, at its meeting, or any adjournment thereof, shall have power to grant licenses under this law, although the advertisement for such special sessions may have been published whilst the previous law was in force.

Penalty for not calling special sessions.

Ninth—Any custos, being thereunto required by the clerk of the peace, who shall refuse or neglect to summon such special sessions of the peace as aforesaid, shall forfeit and pay a sum not exceeding thirty pounds; and any clerk of the peace who shall refuse or omit to require any custos to summon such special session within the time required by this law, shall be liable to a penalty not exceeding thirty pounds, nor less than ten pounds.

Special sessions for granting licenses may be called at any time.

Tenth—It shall be lawful for the justices in special session, to be summoned in the like manner in which other special sessions are by this law required to be summoned, to grant licenses at any time during the year to persons applying for them, who shall be approved of by such special session; but the persons so applying and approved (except in the cases hereinafter mentioned), shall pay the full amount fixed by this law for every license which shall be so granted.

Applications be made two days before special session.

Eleventh—All applications for such licenses shall be made in writing, and lodged with the clerk of the peace for the parish in which the applicant intends to carry on business, at least two days previous to the day fixed for the holding of the special session at which such applications are to be considered and determined upon; and every person applying for a license shall pay to the collector of dues, or other officer of revenue appointed from time to time to receive the same, for the parish wherein such application shall be made, the amount by this law fixed to be paid in respect of such license; and every application for a license shall be accompanied by the receipt of the collector of dues, or other officer as aforesaid, for the amount paid to him; and no application shall be entertained which shall not be accompanied by such receipt: but if such application shall be refused or rejected, the collector of dues, or other officers as aforesaid, shall forthwith, on demand, repay such

Imposing Licenses for the Sale of Spirits.

such amount to the person who paid the same without any deduction whatsoever.

Twelfth—For every license to deal in or sell spirits by wholesale, which shall be granted by the justices as aforesaid, there shall be paid, in the city and parish of Kingston, the sum of ten pounds.

Rates of licenses.

In every other parish, the sum of five pounds.

For every license to retail spirits, there shall be paid in the city and parish of Kingston, and town of Saint Jago de la Vega, the sum of twenty-five pounds.

In the towns of Linstead, Saint Ann's Bay, Falmouth, Montego-Bay, Lucea, Savanna-la-Mar, Black-River, Mandeville, Chapelton, Port-Maria, Annotto-Bay, Port-Antonio, Morant-Bay, and Port-Royal, the sum of twenty pounds.

In all other parts of this island, the sum of ten pounds

For every tavern license in the city and parish of Kingston, the sum of twenty pounds.

In the several other parishes of this island, the sum of ten pounds; except in the city and parish of Kingston, and town of Saint Jago de la Vega, and the other towns aforesaid, the payment of the said sum of ten pounds shall enable the person paying the same, if approved as hereinbefore provided, to obtain a license to retail spirits, and a license to keep a tavern on the same premises, but it shall be necessary to take out both licenses.

Thirteenth—One moiety of the amount payable in respect of each retail license may be paid at the time of application; and, in every case where a moiety shall be paid as aforesaid, the other moiety shall be paid to the collector of dues, or other officer as aforesaid, on or before the tenth day of August in every year, in default of which payment, any justice of the peace of the parish wherein the same shall accrue, shall, on the application of the collector of dues, or other officer as aforesaid, through the clerk of the peace, issue his warrant

Retail license may be paid for in moieties

to

Imposing Licenses for the Sale of Spirits.

to such collector of dues, or other officer, for the recovery or enforcement of such second moiety, and of the costs, together with the sum of twenty pounds as a penalty for the default, by distress and sale of the goods and chattels of the person to whom such license was granted, or may have been transferred, wheresoever found, and on any goods and chattels found on the premises in respect of which such license may be held, on which a landlord might distrain for rent in arrear.

A single license not extended to other cases.

Fourteenth—A license to sell spirits by wholesale shall not authorize the person to whom it is granted to retail spirits, or to keep a tavern, nor shall a license to retail spirits, or to keep a tavern authorize the person to whom the same has been granted to sell rum in quantities exceeding one hundred gallons, or other spirits in quantities exceeding twenty-five gallons; and nothing herein contained shall prevent any person, who shall be approved as hereinbefore provided, from taking out a license to sell spirits by wholesale, and also by retail, and as a tavern-keeper: Provided, That no license shall be granted to retail spirits on any place whereon rum or other spirits are manufactured.

Payment by collector, &c. of duties

Fifteenth—The monies to be received by the collectors of dues, or other officers as aforesaid, of the several parishes, for licenses to wholesale vendors and retailers of spirits, and tavern-keepers, under this law, (the commissions on the same, at the rate of five pounds for every one hundred pounds having been first deducted), shall be paid into the colonial bank, to the credit of the receiver-general, or otherwise, as may by law be directed, within seven days next after the receipt thereof respectively; and the said collectors of dues, or other officers as aforesaid shall, at the same time, transmit to the receiver-general an account, made up and signed by them, of all such monies, under a penalty of twenty pounds for every default or neglect.

Clerk of the peace to make returns,

Sixteenth—It shall be the duty of the clerk of the peace for each parish to transmit to the receiver-general, and to the collector of dues, or other officer as aforesaid, of the parish, within ten days after each special session of the peace at which any licenses shall have been granted, a return of the number of licenses granted at such special sessions, together with the names of the persons to whom the same shall have been

Imposing Licenses for the Sale of Spirits,

been granted, distinguishing licenses to sell spirits by wholesale from licenses to retail spirits, and to keep taverns, under a penalty of twenty pounds for every neglect or omission to make such return; and he shall, under a like penalty, also transmit a copy of such return for publication in the "Jamaica Gazette, by Authority" within the said period of ten days.

Sevnteenth—Every clerk of the peace shall, and he is hereby required, under a penalty not exceeding thirty pounds, nor less than ten pounds, to keep a sepearte book to be provided by the government, at the public expense, and enter and record therein all receipts and licenses, within ten days after the licenses shall have been granted, and shall, under the like penalty, cause a list of the names of all persons who shall obtain licenses under the authority of this law, to be fairly transcribed, in alphabetical order, and set up in the most public part of his office.

and to enter in a book licenses and receipts.

Eighteenth—For every license which shall be granted under this law, the person receiving the same shall pay, in addition to the sum hereinbefore stated, the sum of ten shillings to the clerk of the peace for performing all the duties required of him by this law, and no other charge or demand shall be made in respect of any license beyond those specified in this law, under a penalty, on the party making such additional charge or demand, of twenty pounds for each offence.

Fee to clerk of the peace

Nineteenth—Every license to sell spirits, which shall be granted by the justices in special sessions, must be taken out within fourteen days from the day on which the same was granted; and failing so to do, such person's right to take out the same, or any other license of the same kind, during the current year, shall be forfeited.

Licenses to be taken out within 14 days under forfeiture.

Twentieth—Every license which shall be granted under this law, shall (unless forfeited as herein provided), continue in force from the period of the granting thereof until the fifth day of April in the year next, succeeding that on which any such license shall have been granted.

Limit of license.

Twenty-first—Every wholesale vendor of spirits shall, on the following days, or within fourteen days thereafter respectively, that is to say, on the thirtieth day of June, the thirtieth

Return by wholesale dealers.

Imposing Licenses for the Sale of Spirits.

tieth day of September, the thirty-first day of December, and the thirty-first day of March in each year for which he may obtain a license, or so long as he shall continue to sell spirits by wholesale, make a just, true, and correct return (which return shall be declared to before a justice of the peace), in the city and parish of Kingston to the receiver-general, and in the several other parishes of this island to the sub-collector of customs, or collector of rum duty, or other officer who may be authorized by law for that purpose in the parish, according to the form to this law annexed, marked B, of all spirits which shall have been disposed of by him to any retailer of the same, or to any other person during the quarter just ended, setting out the names in full of the retailer or other person to whom sold, the year, month, and day of the month when the sale was effected, the quantity of spirits sold, the name of the estate on which the rum was manufactured, and the estates' marks and number, the names in full of the vessel and master in which, and the time when the brandy, gin, whisky, and other distilled spirits, or spirituous liquors was or were imported (where the same was imported by the vendor thereof), and the names in full of the person or firm from whom, and the time when the same was purchased (where such spirits or liquors were not imported by the vendors thereof); and every retailer of spirits, and tavernkeeper shall, at the respective quarter-days hereinbefore mentioned, or within fourteen days thereafter respectively, make a just, true, and correct return (which return shall be declared to before a justice of the peace), in the city and parish of Kingston to the receiver-general, and in the several other parishes of this island to the sub-collector of customs, or collector of rum duty, or other officer who may be authorized by law for that purpose in the parish, of all rum, brandy, gin, whisky, and other distilled spirits, and spirituous liquors imported by him, or purchased in this island, from an estate, or a dealer in spirits, during each quarter of the year, according to the form to this law annexed, marked C, mentioning the names in full of the vessel and master in which such spirits were imported, and the date of the importation, or the names in full of all persons, or of the firm or estate from whom or which, and the periods when such purchases were made, under a penalty on every such wholesale dealer, retailer or tavern keeper of forty shillings for every day during which he shall omit or neglect to make such return; or imprisonment in any prison, with or without hard labor, at the discretion of the

and by re-
tailers and ta-
vern keepers.

Imposing Licenses for the Sale of Spirits.

the justices, for any period not exceeding ten day for every such omission or neglect.

Twenty-second—The returns required by the nineteenth section of the "Spirits License Act, 1859," to be made on the thirty-first day of March, one thousand eight hundred and sixty-seven, or within fourteen days thereafter, shall be made under that act notwithstanding the expiry or repeal thereof, and shall include all rum, brandy, gin, whisky, liqueurs,, cordials, and other strong waters, sold by every wholesale vendor of spirits, and purchased by every retailer and tavern-keeper, from the thirty-first day of December, one thousand eight hundred and sixty-six to the thirty-first day of March, one thousand eight hundred and sixty-seven, and the next return shall be from the thirty-first day of March to the thirtieth day of June, one thousand eight hundred and sixty-seven, and so for each succeeding quarter of a year as is hereinbefore required, during the remainder of the year one thousand eight hundred and sixty-seven, and during each succeeding year.

Returns for 31
March, 1867,
under late law

Twenty-third—The sub-collector of customs, collector of rum duty, or other officer as aforesaid, shall carefully examine the returns so transmitted to him, and from the best information he can obtain shall endeavour to ascertain whether such returns are correct and true, and on each such return shall certify that he has examined the same, and whether he finds the same correct or otherwise; and in the latter case shall also state his reason for believing the return to be untruthful.

Collector, &c.
to examine re-
turns.

Twenty-fourth—The returns so certified shall be forwarded by the several sub-collectors of customs, and collectors of rum duty, or other officer as aforesaid, to the receiver-general, within fourteen days after the fourteenth day of January, the fourteenth day of April, the fourteenth day of July, and the fourteenth day of October in each year, under a penalty of one pound for each return omitted to be duly forwarded as aforesaid, recoverable as any penalty under this law.

Returns so
examined to be
sent to receiver
general,

Twenty-fifth—No person shall sell spirits by retail, or as a tavern-keeper, at more than one place, under one license, under a penalty of fifty pounds for each offence.

License to re-
tail and tavern
license con-
fined to one
place

N

Twenty-sixth

Imposing Licenses for the Sale of Spirits.

License to permit sale in booths, &c. at races, &c.,

Twenty-sixth—Nothing herein contained shall extend to prohibit any person duly licensed as a retailer of spirits, or as a tavern-keeper under this law, from carrying on his trade or business for which he shall be so licensed as aforesaid, in booths, tents, or other places, at the time and place, and within the limits of holding any lawful or accustomed amusement, or exhibition; or at any public races which shall take place in the parish for which he has a license; or shall authorize a seizure of any spirits in any such booth, tent, or other place within the limits aforesaid, in which such person so licensed shall carry on his trade or business; or the taking or apprehending of any person therein, at any time or hour during which the sale of spirits is not prohibited by law: Provided, That every person so carrying on his trade or business shall have his name and the number of his license exhibited in some conspicuous place over or on the outside of such booth, tent, or other place.

and retailers of Kingston & St. Andrew at the race course

Twenty-seventh—It shall be lawful for retailers in the parishes of Kingston and Saint Andrew to retail, under the provision of the preceding section, spirits on the Kingston race course during the Kingston races.

License may be removed with sanction of cus'tos.

Twenty-eighth—The custos of any parish may, in his discretion, and upon application, sanction the removal of the place of business of a license to sell spirits by retail, or of a tavern-keeper, from one part to another part of the same town or parish, or the transfer of any license from one person to another, and shall thereupon make an order for such purpose, according to the form D. to this law annexed, which order shall be entered in a book to be kept for the purpose by the clerk of the peace, and for which the party applying for such order shall pay to the clerk of the peace the sum of one shilling and sixpence.

Wholesale dealers not to sell spirits less in quantity than here stated.

Twenty-ninth—No person licensed to sell spirits by wholesale, who is not also licensed to retail spirits, shall sell any rum in quantities less than one hundred gallons, or any brandy, gin, or whisky, in quantities less than twenty-five gallons, or any brandy, whisky, cordials, or liqueurs, which shall have been imported into this island in bottles, in quantities less than one dozen reputed quart, and two dozen reputed pint bottles, under a penalty of ten pounds for every offence.

Thirtieth.

Imposing Licenses for the Sale of Spirits.

Thirtieth—Every person licensed to retail spirits under this law, shall cause a board to be affixed on the front of the house in which he retails spirits, over the door towards the public street, lane, or road wherein the same shall be situated, with his name, and the number of his license, and the words, "License to Retail Brandy, Gin, Rum, and other Distilled Spirits," painted in white letters, two inches in size, on a black ground under a penalty not exceeding three pounds for each neglect.

Board to be put over door of retailer.

Thirty-first—No person retailing spirits under this law shall retail rum at a lower proof than twenty-eight by the hydrostatic bubble for ascertaining the strength of rum, which bubble shall be equivalent to fifteen degrees under proof by Syke's hydrometer, at a temperature of eighty degrees by Fahrenheit's thermometer, under a penalty of forty shillings for each offence.

Not to retail at less proof than 28.

Thirty-second—Every retailer who shall mix any liquor sold by him with any thing else than pure water shall, on conviction thereof, be liable to a penalty not exceeding five pounds.

nor to mix except with water.

Thirty-third—Any person who, without being duly licensed as this law requires, to sell spirits, shall sell or deliver any spirits to any person under pretence of his paying for eating only, without any charge for the spirits, shall be considered to have sold spirits without a license, and shall be liable to the penalties in such case hereby provided.

No spirits to be sold under pretence of paying for eating only except under license.

Thirty-fourth—No person obtaining a tavern license only shall sell any spirits to be taken away from such tavern for consumption in any other place, under a penalty not exceeding ten pounds, nor less than two pounds for every such offence.

No tavern-keeper to sell spirits to be taken away.

Thirty-fifth—No license shall be granted to any person intending to keep a tavern until it shall be proved to the satisfaction of the justices in special sessions, by the evidence of persons of good repute, which evidence the justices shall in no case dispense with, that the premises intended to be used as a tavern possess sufficient and proper sleeping and other apartments for the accommodation of travellers, and also fit and proper stabling for horses.

Provisions as granting tavern licenses.

Thirty-sixth

Imposing Licenses for the Sale of Spirits.

No house for
retail of spirits
to be open af-
ter 9 p.m.

Thirty-sixth—No house in which spirits are retailed shall be opened before daylight, nor kept open after the hour of nine o'clock at night; and any person licensed to retail spirits, who shall sell, or cause to be sold any spirits, or who shall open, or cause to be opened, or shall keep open his house, or cause the same to be kept open, except between the hours aforesaid, shall forfeit a sum not exceeding ten pounds, nor less than two pounds for each offence.

Penalty on re-
tailer or tavern
keeper not
keeping good
order

Thirty-seventh—Any person licensed as a retailer, or as a tavern-keeper, who shall knowingly permit or suffer, or shall not use his best endeavours to prevent and put an end to any disorderly or improper conduct in the house kept by him, or in any part of the premises attached thereto, and who shall not in all things conform himself according to this law, and every person who shall be guilty of such disorderly or improper conduct in the house, or upon any part of the premises aforesaid, shall, for every such offence, forfeit and pay a sum not exceeding five pounds, nor less than ten shillings, or be imprisoned in any prison, with or without hard labour, at the discretion of the justices, for any period not less than ten, nor more than thirty days.

On informa-
tion of disor-
derly conduct
&c. license may
be withdrawn.

Thirty-eighth—Whenever information shall be made upon oath before any justice of the peace that any house within the jurisdiction of such justice, to the keeper of which a license has been granted under this law, either as a tavern, or for the retailing of spirits, is permitted to be the resort of prostitutes or gamblers, or other dissolute or idle persons, or is allowed to be the scene of loose, disorderly, or improper conduct, or dancing, or drumming, it shall be lawful for such justice to issue his summons, requiring the person to whom such license shall have been granted, to appear at a time and place to be specified in such summons, before any two justices of the peace of the parish in which such license shall have been granted, to answer the premises, and, for that purpose, to summon and compel the attendance of all the necessary witnesses, and to examine such witnesses upon oath; and upon sufficient proof thereof, it shall be lawful for such justices, and they are hereby required, to certify the finding on such complaint to the custos of the parish, and to cause such certificate to be forthwith delivered to the custos, together with the evidence taken in the matter of such complaint; and the said

Imposing Licenses for the Sale of Spirits.

said custos shall, and he is hereby required, to summon a special session of the peace for the purpose of taking into consideration such evidence, and the certificate founded thereon; and it shall be lawful for the justices at such session in their discretion, to cancel the license so granted to the party complained against, and also, in their discretion, to direct proceedings to be taken against such person for the recovery of the penalty imposed by this or any other law of this island.

Thirty-ninth—For the better preservation of order and decency in every place licensed to retail spirits, or as a tavern, every such place shall be under the supervision of the constabulary or police force, and may be entered at any time by the inspector, or any sub-inspector, sergeant-major, or sergeant, or corporal of the district in which such licensed place is situate, either alone, or accompanied by others of either force; and any person obstructing, or inciting any other person to obstruct any such officer, or any of the force accompanying him, in the performance of such duty, shall be liable to the like penalty or punishment as is by the law organizing this force imposed for obstructing any person of the said force in the execution of his duty.

Places of retail and taverns under supervision of constabulary.

Fortieth—All penalties hereby imposed shall be recovered in a summary manner by information before any two justices of the peace for the parish or precinct where the offence committed; and if such penalty be not forthwith paid, it shall be lawful for such justices, and they are hereby empowered, to issue, under their hands and seals, a warrant of distress for the recovery of the same, on the goods and chattels of the offender; and in failure of such goods and chattels whereon to levy, the justices shall commit the party to any prison, with or without hard labour, as they shall direct, for any period not exceeding three calendar months.

Recovery of penalties.

Forty-first—All penalties which shall be recovered under the provisions of this law shall be applied and appropriated, one moiety to the government of this island, and the other moiety to the informer.

Appropriation thereof.

Forty-second—If any person shall falsely or untruly declare to any matter or thing, in any case where a declaration is required from him by this law, every such person shall be liable to

False declaration perjury.

Imposing Licenses for the Sale of Spirits.

to be indicted as for a misdemeanor, and shall be punished accordingly, and the same matter shall be undertaken and prosecuted as a matter of public prosecution.

Interpretation
clause.

Forty-third—The word “house,” whenever used in this law, shall mean a house built entirely or partially of brick or stone, and include any shop, tavern, yard, or place on, or at, or adjoining, or appurtenant to which spirits shall be sold or retailed unless in any of the cases aforesaid it be otherwise specially provided, or there is something in the subject or context repugnant to such construction; the word “estate” shall mean the place whereon any spirits is distilled or manufactured; the words “deal in” and “sell,” shall respectively include disposal of by barter, or otherwise; the word “spirits,” shall mean rum, brandy, gin, whisky, and other distilled spirits, and spirituous liquors; the word “retail,” shall mean sell or dispose of by barter or otherwise; the word “occupation,” shall mean possession.

Forty-fourth—Notwithstanding the expiry of the “Spirit License Act, 1859,” on the thirty-first day of March, one thousand eight hundred and sixty-seven, any offence committed against any of its provisions may be proceeded for and punished, and every penalty imposed thereby, sued for, and recovered, and enforced, as if the said act had not expired.

Forty-fifth—The sixty-eight and sixty-ninth sections of the twenty-second Victoria, chapter thirteen, are hereby repealed.

Forty-sixth—This law shall come into operation on the first day of April, one thousand eight hundred and sixty-seven.

FORM OF A LICENSE TO SELL SPIRITS BY WHOLESALE.

Jamaica, ss.

At a special session of the peace, held in and for the parish of _____ on the _____ day of _____ in the year of our Lord, 186 _____ for the purpose, A.B. of the said parish, having been approved of as a vendor of spirits, by wholesale, in such parish, and having paid the tax required by law:

Imposing Licenses for the Sale of Spirits.

law: These are to license the said _____ to sell spirits wholesale, or in quantities not less than are mentioned in the law No _____ of 1867, from the _____ day of _____ 186 _____ to the 5th day of April, in the year of our Lord 186 _____

Dated this _____ day of _____ 186 _____

FORM OF A LICENSE TO RETAIL SPIRITS BY A RETAILER.

Jamaica, ss.

At a special session of the peace, held in _____ and for the parish of _____ on the _____ day of _____ in the year of our Lord, 186 _____ for that purpose, A. B. of _____ having been approved of as a retailer of spirits, to be consumed in, or conveyed from a certain house at present occupied by him, situate at _____ (in a town, state street, and number), in the said parish and paid the tax (or moiety of tax as the case may be), required by law: These are to license the said _____ to sell and dispose of spirits by retail, to be drunk and consumed on the premises above-mentioned, or to be taken therefrom, at the option of the purchaser, in quantities not exceeding the quantities mentioned in the law No. 1867: And provided that he do not wilfully or knowingly permit drunkenness, or other disorderly conduct on his said premises, but do maintain good order and rule therein: This license to be in force until the fifth day of April, in the year of our Lord, one thousand eight hundred and _____

Dated this _____ day of _____ in the year of our Lord one thousand eight hundred and _____

FORM OF A TAVERN LICENSE

Jamaica, ss.

At a special session of the peace, held in _____ and for the parish of _____ on the _____ day of _____ in the year of our Lord, 186 _____ for that purpose, A. B. of _____ having been approved of as a retailer of spirits, to be drunk or consumed in a certain tavern, for the accommodation of travellers, situate at _____ (in a town, state street, and number), in the said parish, and paid _____

Imposing Licenses for the Sale of Spirits.

paid the tax (or moiety of tax, as the case may be), required by law: These are therefore to license the said to sell and dispose of spirits, to be drank and consumed on the above-mentioned premises: And provided the said does not permit drunkenness, or other disorderly conduct in his said tavern and premises, nor permit, or suffer any spirits to be conveyed from, or out of his said premises; and maintain good order and rule therein: This license to be in force until the fifth day of April, one thousand eight hundred and

Dated this day of one thousand eight hundred and

Imposing Licenses for the Sale of Spirits.

SCHEDULE B.—WHOLESALE VENDORS' RETURN.

A RETURN of all *Rum, Brandy, Gin, Whisky, Liqueurs, Cordials, and other Strong Waters Sold by me*
of the parish of _____
Wholesale Vendor of Spirits from the _____
day of _____ 18____ day of _____ 18____

Year, Month and Day of the Month when each Sale was effected.	Names, in full, of the Persons, or of the Firms to whom Sold.	Number of Pouchons or other Casks (describing them), and Gallons of Rum, and Strength of same Sold.	Name of Estate on which Rum Manufactured.	Estates' Marks and Numbers	Number of Gallons of Brandy, and Strength of same Sold.	Number of Gallons of Whisky Sold, and Strength.	Number of Bottles of Brandy Imported in Bottles, Purchased.	Number of Bottles of Liqueurs and Cordials (Imported in Bottles), Sold.	Number of Gallons of other Distilled Spirits Sold, and Strength.	Name of the Vessel and Master in which the Kc. Sold, was Imported.	Year, and Quarter of the Year in which the Importation took place.	Name of the Person or Firm from whom the Rum or Brandy was Purchased, in case of its having been Purchased.	Year, and Quarter of the Year in which the Purchase was made.	State whether the Quantity Sold is a part, or the whole of the Quantity Purchased; and, if a part, then mention the entire Quantity Purchased.
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I, (A. B.) do declare that the above is a just, true, and correct return of all the distilled spirits and spirituous liquors sold by me during the quarter of the year ended the _____ day of _____ last

Declared before me, this _____ day of _____ 18____
C. D. Justice of the peace.
A. B.

SCHEDULE

Imposing Licenses for the Sale of Spirits,

SCHEDULE C.—RETAILERS' AND TAVERNKEEPERS' RETURN.

A RETURN of all Rum, Brandy, Gin, Whisky, Liqueurs, Cordials, and other Strong Waters, Purchased and Imported by me of the parish of _____ day of _____ 18____
 case may be), from the _____ day of _____ 18____
 _____ day of _____ 18____
 _____ day of _____ 18____

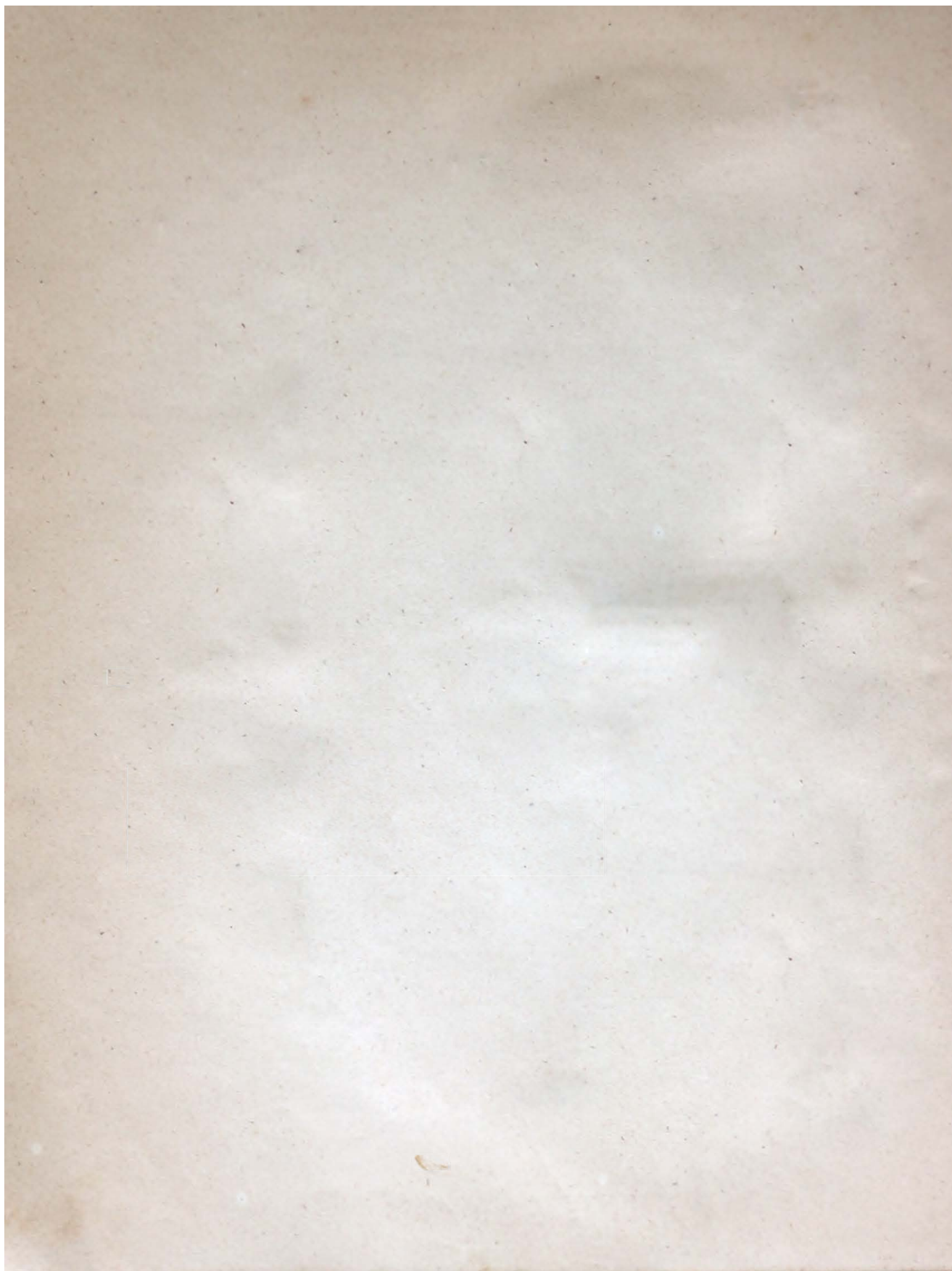
Year, Month, and Day of the Purchase was made.	Name of the Estate, Person or Firm from whom each Purchase was made.	Number of Puncheons or other Cask (describing them), and Gallons of Rum, and the Strength Purchased	Name of Estate on which Rum Manufactured.	Estates' Marks and Numbers.	Number of Gallons of Brandy (and the Strength), Purchased.	Number of Gallons of Whisky Purchased, and Strength.	Number of Bottles of Brandy (Imported in Bottles), Purchased.	Number of Bottles of Liqueurs and Cordials (Imported in Bottles) Purchased.	Year, Month and Day of the Month when each Importation took place.	Name of the Ship or Vessel and of the Master, in which Imported.	Number of Gallons of Brandy (and the Strength), Imported.	Number of Gallons of Gin Imported, and Strength.	Number of Gallons of Whisky Imported, and Strength.	Number of Bottles of Brandy Imported in Bottles.	Number of Bottles of Liqueurs and Cordials Imported in Bottles.
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SCHEDULE

I, (A. B.) do declare that the above is a just, true, and correct return of all the distilled spirits and spirituous liquors purchased and imported by me during the quarter of the year ended the _____ day of _____ 18____

Declare before me, this _____ day of _____ 18____

 A. B.
 C. D. Justice of the peace.





JAMAICA—No. 18 OF 1867. *amended 1- of 1885;*

A Law Imposing Licenses upon Trades and Business.
[2 April, 1867.]

BE it enacted by the governor of Jamaica, with the advice and consent of the legislative council thereof, as follows:

First—Every person carrying on a trade or business mentioned in the schedule to this law annexed, shall, within thirty days after the passing of this law, and, in each succeeding year, on the fifth day of April, or within fourteen days thereafter, respectively take out a license, stamped according to the rate of duty for such trade or business, or the particular class thereof, in the said schedule.

Amended 1 of 1885
amended 1 of 1885
Persons carrying on certain trades or business to take out license annually.

Second—Every such person shall, at least ten days before the earliest time by this law fixed for taking out such license, in each year make out and render to the collector of dues, or other authorized officer of revenue, of the parish in which such person carries on his trade or business, a return in such form as this law requires, containing a true statement in the several particulars embraced under the different heads in the said form; that is to say,

Returns to be made.

1. Every person carrying on a trade, or business mentioned in the said schedule, but not divided into classes, shall give in such return in the form to this law annexed, marked A.

2. Every person carrying on a trade, or business mentioned in the said schedule, and therein divided into distinct classes, shall give in such return in the form to this law annexed, marked B.

And every person giving in a return under this law shall subscribe his name to the declaration, to the truth thereof, subjoined to the form on which he makes his return: Provided, That where two or more persons shall be liable to be charged as in
(109) partnership,

Imposing Licenses upon Trades and Business.

partnership, one return only shall be required, and such return shall be made by them jointly, or by one or more, on behalf of himself, or themselves, and the rest of the persons so liable.

Annual value to be the full and just yearly rent at which the premises might be let.

Third—The sum to be filled up in the column headed "Annual Value of Premises," in the form B, shall be the true annual value of the house, store, shop, or other premises in which such trade or business shall be conducted, and shall be the full and just yearly rent, at which such premises are really and *bona fide* worth to be let.

If collector, &c. satisfied with return, he shall grant license on payment of duty,

Fourth—If the collector of dues, or other officer as aforesaid, shall be satisfied with the correctness of the return made to him by any person, he shall, on being paid the amount of duty in the said schedule specified for the trade, or business, or the class thereof, entered in such return, deliver to the applicant a license for, and bearing the necessary and proper stamp applicable to the trade, or business, or the class thereof for which the applicant shall have made such return.

otherwise he may assess,

Fifth—If the collector of dues, or other officer as aforesaid, shall consider that any person, in making such return, has placed himself under a wrong description or class, and amount of duty, such collector of dues, or other officer as aforesaid, shall assess such person according to the description, class, and amount of duty for which he shall consider the applicant to be liable; which assessment shall be subject to an appeal, according to the directions hereinafter contained.

subject to appeal.

In default of return collector, &c. may assess and add surcharge,

Sixth—Where any person carrying on a trade, or business, shall neglect or refuse to make the return as and within the time by this law required, the collector of dues, or other officer as aforesaid, shall assess such person to the trade, or business, or the class thereof, to which such person is liable, according to the best of the judgment of such collector of dues, or other officer as aforesaid, and shall add thereto one-fourth part of the duty so assessed, as and by way of surcharge or penalty, which assessment shall be subject to an appeal, according to the directions hereinafter contained.

subject to appeal.

Notice of assessment in such case to be served.

Seventh—When the collector of dues, or other officer as aforesaid, shall have made an assessment differing from the return given in, or where no return shall have been given in such

Amended by Law 1 of 1885
amended 1 of 1885

Imposing Licenses upon Trades and Business.

such collector of dues, or other officer as aforesaid, shall deliver to the party assessed, either personally, or by leaving it at his place of abode or business, a notice, shewing the assessment so by him made, which notice may be in the form C, to this law annexed, adding the surcharge or penalty, where the assessment is liable thereto; and every such assessment, so made by the collector of dues, or other officer as aforesaid, shall be binding upon the person charged, unless he shall appeal therefrom, as hereinafter mentioned.

Eighth—Where two or more persons shall be in partnership, the license shall be taken out in the name of the firm; and it shall not be necessary to take out a separate license for each partner.

In case of partnership.

Ninth—Where different places of business, stores, shops, or other premises are kept in the name of one person, or firm, a separate license shall be taken out for each place of business, store, shop, or other premises: Provided, That the opening of another store or place for the reception of goods, and at which no sales are effected, shall not be deemed to come within the meaning of this section.

Each place of business chargeable.

Sec 2 + 3 (9 Feb 73)

Tenth—All license under this law shall, for the year one thousand eight hundred and sixty-seven, be for the period from the thirtieth day after the passing of this law to the fifth day of April, one thousand eight hundred and sixty-eight, and thereafter for the whole year, from the fifth day of April in the one year to the fifth day of April in the succeeding year: Provided, That if any person or firm shall commence trade, or business, or open any new place of business, store, shop, or other premises (except as aforesaid, or where it is only the change of the place of business in the same town, in which latter case notice thereof shall be given to the collector of dues, or other officer as aforesaid), during the current year, he or they shall pay the duty, or proportion of duty, for so many quarters of a year (the fractional part of a quarter being reckoned as a quarter), as shall remain of the current year.

Licenses shall be to the 5th April annually

Eleventh—Whenever the duties imposed by this law on retailers shall exceed the sum of four pounds, they may be paid by moieties, the first moiety for the year one thousand eight hundred and sixty-seven at the expiration of thirty days from the

Licenses to retailers to be paid in moieties.

Rep: Law 97 73

Imposing Licenses upon Trades and Business.

the passing of this law, and the second moiety on the first day of August, one thousand eight hundred and sixty-seven, and in each succeeding year on the fifth day of April and the first day of August, or within ten days thereafter respectively.

How to be recovered.

Twelfth—When the duty is payable by moieties, the first moiety shall be payable and recoverable under the powers given or referred to in this law, as and in like manner as the whole duties are hereby made payable and recoverable, and the second moiety shall be recoverable under the like powers, after the expiration of fourteen days from the time when the same becomes payable, and any surcharge shall be payable and recoverable at the same time as the first moiety.

Rep. Law 9 of 73

Licenses to masters of vessels.

Thirteenth—Every master, supercargo, or other person on board of any vessel arriving in any of the ports of this island, before he shall sell, or offer for sale any goods whatsoever, shall make a return to the collector of dues, or other officer as aforesaid of the parish, and pay the sum in the schedule to this law annexed, fixed for persons selling goods by retail of the first class, and take out the license therefor, under a penalty, in case of default, not exceeding ten pounds, in addition to the duty under this law; and every such master, supercargo, or other person shall produce such license to the collector of customs in Kingston, or the sub-collector at any other port prior to entry inwards of such goods for consumption in this island.

Fourteenth—Every person carrying on, or conducting any newspaper in this island, shall, in addition to paying the duty and taking out the license by this law required, give in at the time of paying such duty, and taking out such license as aforesaid, to the collector of dues, or other officer as aforesaid, of the parish in which such newspaper is published, the title of such newspaper, the place at which the same is published, and the name and residence, or names and residences of the person or persons who is, or are the proprietor or proprietors of such newspaper; and shall, in case of any change in the proprietorship, place of publication, or title of the newspaper, immediately thereupon give in to the collector of dues, or other officer as aforesaid, the particulars of any alteration which shall occur in respect of any of the matter aforesaid; and the name and residence of each proprietor, and the place where the newspaper

Imposing Licenses upon Trades and Business.

paper is published, together with the date of publication, shall be printed at the foot or end of each such newspaper, under a penalty, in respect of each default or neglect of the provisions herein contained, not exceeding three pounds, nor less than one pound.

Fifteenth—Every person paying the duty of twenty-five pounds, or fifteen pounds under this law, and taking out a license accordingly may carry on, on the same premises, all or any the trades or business for which such license may be granted, and may also, on the same premises, retail his own goods.

£25 or £15 license gives certain privileges.

Sixteenth—Every person taking out a license to retail spirits or as a tavern keeper, under the law imposing licenses on spirits, may sell on the same premises wine, malt liquors, and all other description of distilled or fermented liquor, without being required to take out a license under this law.

Licenses to retail spirits allow of sale of wines, &c. without license under this law.

Seventeenth—Every person commencing business, or opening a new place of business, store, shop, or other premises (except as aforesaid), shall, within fourteen days thereafter, make a like return to the collector of dues, or other officer as aforesaid, as is hereinbefore required to be made at the commencement of the current year, and shall pay the proportion rightly payable for the license under this law, and shall obtain such license stamped with such proportion of duty.

Licenses to be taken out where trade, &c. commenced after the year began.

Eighteenth—In every case where no such return, as last mentioned, shall be made, or the collector of dues, or other officer as aforesaid, shall be dissatisfied with the return so made, he shall assess the person so commencing business, or opening a new place of business, store, shop, or other premises as aforesaid, according to the best of his judgment; and every such assessment shall be subject to an appeal, according to the directions in this law contained.

In default collector, &c. may assess.

Nineteenth—The municipal board of each parish shall be the board of appeal for such parish under this law, and they shall sit for such purpose at such times as they shall fix, giving previous notice in the "Jamaica Gazette, by Authority," of the time and place of sitting for hearing appeals under this law.

Municipal board of appeal.

Twentieth—The clerk of such municipal board shall act as the clerk of the board of appeal of the parish, and shall enter the decisions

Clerk of municipal board clerk of the board of appeal.

Imposing Licenses upon Trades and Business.

decisions of the board in a book to be by him kept for that purpose; and all proceedings and decisions made in relation to such appeals shall be left with and kept by him.

Who may appeal, and when.

Twenty-first—Any person dissatisfied with the assessment of the collector of dues, or other officer as aforesaid, may appeal therefrom to the board of appeal for the parish in which he carries on the trade, or business, giving notice, within fourteen days after receiving notice of the assessment, to the collector of dues, or other officer as aforesaid, of his intention to appeal.

Board of appeal may examine upon oath, and adjourn.

Twenty-second—The board of appeal shall have power and authority, on the hearing of such appeals, to examine the parties and their witnesses upon oath; and every such board of appeal shall have power to adjourn from time to time, as they may see occasion.

Decision of board of appeal, how to affect assessment,

Twenty-third—If, upon the hearing of such appeal, the board of appeal shall be satisfied with the assessment made by the collector of dues, or other officer as aforesaid, or shall be of opinion that the assessment should be diminished or increased, the said board of appeal shall confirm or alter the assessment, and they may, if they think fit, allow, add to, or strike off the surcharge of one fourth thereof, and give their judgment accordingly, which judgment of the said board of appeal shall be final and conclusive.

and final.

False evidence perjury.

Twenty-fourth—If any person, upon any examination, upon oath, or affirmation, or in any affidavit, declaration, deposition or affirmation under this law, shall wilfully and corruptly give false evidence, or shall wilfully or corruptly swear to any matter or thing which shall be false or untrue, every such person, so offending, shall, on conviction, be subject and liable to such pains and penalties as, by the laws in force, persons convicted of wilful and corrupt perjury, are subject and liable to.

In case of non-payment of duty, distress.

Twenty-fifth—If the several sums by this law charged for licenses shall not be paid, and the licenses taken out within fourteen days after the return made by any applicant, where no notice of alteration of the assessment shall have been served or within fourteen days after notice of any assessment made by

by

Imposing Licenses upon Trades and Business.

by the collector of dues, or other officer as aforesaid, and not appealed from, or within ten days after the determination of such appeal, it shall be lawful for the collector of dues, or other officer as aforesaid, without the necessity for any other authority than the direction under this law, to distrain for the amount of the assessment and surcharge, where surcharge shall have been added and not struck off on appeal, and the costs of the distress, on the goods and chattles of the party liable wherever found, and also upon all goods and chattles found in the place where the trade or business shall be carried on, on which a landlord might distrain for rent in arrear.

Twenty-sixth—All distresses under this law may be made upon such property, and shall be kept for such time, and shall be conducted, sold, and disposed of as other distresses for duties under the "License and Registration Duties' Act, 1865," and the "Tax Collection Act, 1864," or any other law or laws which for the time being may be in force in relation to such last-mentioned duties; and all clauses in such laws for the protection of the person distraining, or which authorize the granting of relief to poor and indigent persons, shall be applicable, and applied in respect to the persons acting under this law, and the duties hereby imposed.

How distresses to be proceeded with.

Twenty-seventh—Notwithstanding the remedy given by this law, the collector of dues, or other officer as aforesaid, may proceed for the recovery of any amount claimed, and the surcharge, before the ordinary tribunals, and by the ordinary proceedings; and such proceedings may be brought in the name of such collector of dues, or other officer as aforesaid, who shall describe himself by his name and office, and such proceedings shall not abate by the death of the collector of dues, or other officer as aforesaid, but may be carried on, and enforced by, and in the name of, the successor of such collector of dues, or other officer.

Other remedies for duties.

Twenty-eighth—The collector of dues, or other officer as aforesaid of each parish, shall keep a register of all licenses under this law, granted in his parish, in such form and manner as the governor shall from time to time direct; and such register shall be exhibited in the office of such collector of dues or other officer as aforesaid, and be open to all persons desirous to inspect the same.

Register of Licenses to be kept.

*12th 1 of 1875.
Repealed*

Imposing Licenses upon Trades and Business.

Penalties how recoverable.

Twenty-ninth—All penalties under this law shall be recovered in a summary manner before any two justices of the parish where the offender resides, or the offence was committed, and may be enforced by distress and sale of the goods of the offender; and, in default of goods, by imprisonment not exceeding thirty days, unless the same shall be sooner paid.

Schedule part of law

Thirtieth—The schedule of this law shall be incorporated with, and deemed part of this law.

SCHEDULE REFERRED TO IN THE FOREGOING LAW.

*Reduced to one half
See Section 1 of
Law of 1873*

License to carry on the business of a merchant, general factor, or wholesale dealer	£25 0 0
License to carry on the business of a storekeeper, commission agent, auctioneer, if the auctioneer carries on business in the city and parish of Kingston, pawnbroker, or general dealer	15 0 0
License to carry on the business of an auctioneer in any other parish of this island	5 0 0
License to the occupier of any store, shop, room, or yard in which there shall be sold, or exposed for sale, by retail, any goods, wares, merchandize, or provisions, exclusive of spirits, for which a special duty is charged by law—	
In classes as follow :	
Class 1. If the premises in which the same shall be carried on are of the annual value of twenty pounds and upwards	10 0 0
Class 2. If the premises in which the same shall be carried on are under the annual value of twenty pounds, and of or above the annual value of ten pounds	5 0 0
Class 3. If the premises in which the same shall be carried on are under the annual value of ten pounds—	
If in the city and parish of Kingston	2 0 0
If in any other parish of this island	1 0 0
License to carry on the business of a wharfinger	5 0 0
License to a master or supercargo of a vessel, or other person on board having goods for sale, and selling them	10 0 0
License to the proprietor of a newspaper	3 0 0

FORM

Imposing Licenses upon Trades and Business.

FORM A

APPLICATION FOR LICENSE UNDER LAW NO. OF 1867.

Parish of

NAME OF PARTY.	TRADE OR BUSINESS.	PLACE WHERE BUSINESS CARRIED ON.	
		TOWN.	STREET AND NUMBER.

I, _____ declare that the above return is just and true; and I apply for a license in terms thereof.

Dated the _____ day of _____ 186

Signature.

To

_____ (Or, as the case may be.)

Collector of Dues.

FORM

Imposing Licenses upon Trades and Business.

FORM B.

APPLICATION FOR LICENSE UNDER LAW NO. OF 1867.

Parish of

NAME OF PARTY.	TRADE OR BUSINESS.	CLASS.	PLACE WHERE BUSINESS CARRIED ON.		ANNUAL VALUE OF PREMISES.
			TOWN.	AND STREET NO.	

I, _____ declare that the above return is in all respects just and true; and I apply for a license in terms hereof.

Dated the _____ day of _____ 1867

Signature.

To

Collector of Dues.

(Or, as the case may be.)

FORM

Imposing Licenses upon Trades and Business.

FORM C.
 NOTICE OF ASSESSMENT UNDER LAW NO. OF 1867.
 Parish of

NAME OF PARTY.	TRADE OR BUSINESS.	CLASS.	PLACE WHERE BUSINESS CARRIED ON.		DUTY TO BE PAID.
			TOWN.	STREET AND No.	

Surcharge for not giving in £

Sir,
 You will take notice, That you are hereby assessed in the particulars, and to the duty or sum of inclusive of one-fourth additional, by way of surcharge, for not giving in under the law No. of 1867; and you are hereby required forthwith to pay the said sum of and take out a license agreeably to the above statement.

Dated this day of 1866
 Collector of Dues.
 (Or, as the case may be.)





JAMAICA—No. 19 of 1867.

A Law to Repeal the Statutory Provisions relating to
the Declaring of Martial Law.

[13 April, 1867.]

WHEREAS it is expedient to repeal the statutory provisions relating to the declaring of martial law: It is therefore enacted by the governor of Jamaica, with the advice and consent of the legislative council thereof, that

Preamble.

The ninety-sixth and ninety-seventh sections of an act, passed in the ninth year of the reign of her present majesty the queen, and entitled *An act to consolidate and amend the militia laws*, are repealed.

Repeal of 9
Vic. c. 35, secs.
96, 97.





JAMAICA--No. 20 OF 1867.

A Law to Reduce the Number of Parishes [23rd April, 1867.]

WHEREAS some of the parishes in this island, as now existing, are much smaller, both in extent and population than the other parishes, and the equalization of the several parishes in extent and population, and their reduction in number, will tend to a better and more economical administration in the departments of justice, police, and revenue: And whereas it is expedient to alter the law regarding the circuits of the judges of the supreme court, in connection with such reduction in the number of parishes: It is enacted by the governor of Jamaica, with the advice and consent of the legislative council thereof, as follows:—

Preamble.

First—This island shall consist of fourteen parishes and no more; and the several parishes shall be constituted as follows:

This island divided into fourteen Parishes.

COUNTY OF MIDDLESEX.

1. The parishes of Saint Catherine, Saint Dorothy, and Saint John, forming the present precinct of Saint Catherine, and the parish of Saint Thomas in the Vale, shall constitute one parish, under the name of the parish of Saint Catherine, and the town of Saint Jago de la Vega shall be the parish town thereof.

Middlesex.

2. The parishes of Saint Mary and Metcalfe shall constitute one parish, under the name of the parish of Saint Mary, and the town of Port Maria shall be the parish town thereof.

3. The parishes of Clarendon and Vere shall constitute one parish, under the name of the parish of Clarendon, and a place, to be fixed by the governor, near to Lime Savannah, shall be the head station thereof.

4. The parish of Saint Ann shall constitute one parish, and the town of Saint Ann's Bay shall be the parish town thereof.

To Reduce the Number of Parishes.

5. The parish of Manchester shall constitute one parish, and Mandeville shall be the parish town thereof.

Surry.

THE COUNTY OF SURRY.

1. The parish of Kingston shall constitute one parish, and shall include the city and parish of Kingston; and the following portions of the parish of Saint Andrew, namely Smith's Village, Hannah's Town, Fletcher's Town, the land on each side of the Slipe Pen road to Torrington bridge, between the Admiral's Pen gully on the one side, and the Race Course on the other, the Race Course, Allman's Town, and the lands south of the south gate of the Camp, and to the westward of the road leading from thence to Lisle's Chapel, as more particularly appearing in the plat or diagram of the said parish, recorded with this law, together with the town of Port-Royal, and the tract called the Palisades, in the parish of Port-Royal, within a line to be marked out on the ground, as shewn on the said plat or diagram, and the head station thereof, shall be in the city of Kingston.

2. The remaining portions of the parishes of Saint Andrew and Port-Royal shall constitute one parish, under the name of the parish of Saint Andrew, and Halfway-Tree shall be the head station thereof; but it shall be lawful for the municipal and parochial road boards of the parish to meet either there or in the city of Kingston.

3. The parish of Saint Thomas in the East, exclusive of the Manchioneal district, and the parish of Saint David shall constitute one parish, under the name of the parish of Saint Thomas, and the town of Morant Bay shall be the parish town thereof.

4. The parishes of Portland and Saint George, with the Manchioneal district of the parish of Saint Thomas in the East, extending south to Hector's River, and a straight line drawn between the source of that river and the nearest source of the Rio Grande, shall constitute one parish, under the name of the parish of Portland, and the town of Port Antonio shall be the parish town thereof.

THE

To Reduce the Number of Parishes.

THE COUNTY OF CORNWALL.

Cornwall.

1. The parish of Trelawny shall constitute one parish, and the town of Falmouth shall be the parish town thereof.

2. The parish of Saint James shall constitute one parish, and the town of Montego Bay shall be the parish town thereof.

3. The parish of Hanover shall constitute one parish, and the town of Lucea shall be the parish town thereof.

4. The parish Westmoreland shall constitute one parish, and the town of Savanna-la-Mar shall be the parish town thereof.

5. The parish of Saint Elizabeth shall constitute one parish, and the town of Black River shall be the parish town thereof.

Second—There shall be, in each of the parishes constituted by this law, no more than one municipal board, one board of parochial road commissioners, one clerk to these two boards, and one custos; and the jurisdictions of these boards, and officers respectively, shall extend over the whole parish, as constituted by this law.

Each enlarged parish to have one municipal board, &c.

Third—The board of parochial road commissioners may subdivide itself into local committees, and may fix the places where the local committees shall meet: Every such committee shall report its proceedings to the board of parochial road commissioners and shall be subject to the supervision and control of the board.

Parochial road commissioners to form local committees.

Fourth—Where two or more of the formerly existing parishes shall have been consolidated into one parish, as constituted under this law, all the members of the municipal boards, and all the parochial road commissioners of the former parishes so consolidated, shall form respectively the municipal and parochial road board of the parish constituted under this law; and all the members of the municipal boards, and all the parochial road commissioners of the formerly existing parishes of Saint Andrew and Port Royal shall be members respectively of the municipal and parochial road boards of the parish of Saint

Members of municipal boards.

To Reduce the Number of Parishes.

Saint Andrew, as constituted under this law, and the municipal board of the city of Kingston shall be the municipal board of the whole parish of Kingston, as constituted under this law.

Governor to appoint one chairman of municipal and parochial boards.

Fifth—The governor may appoint any one of the chairmen of the municipal boards and parochial road boards of any formerly existing parishes, consolidated by this law, to be the chairman of the municipal board and parochial road board of the parish constituted by this law; and the governor may appoint any two of the churchwardens of any formerly existing parishes, consolidated by this law, to be the churchwardens of the parish constituted by this law; and, upon such appointment, the powers and duties of the other persons who were churchwardens of the said previously existing parishes shall cease and determine; and the two newly appointed churchwardens, shall have and exercise the powers and duties, as well corporate as other of churchwardens, over the whole newly constituted parish; and all the real and personal property of the said previously existing parishes shall vest in the churchwardens of the newly constituted parish, who shall be a body corporate by the name of "The Churchwardens for the Parish of _____" (using the name of the newly constituted parish): The governor shall be empowered, at his pleasure, to remove any of the persons named as churchwardens of any parish appointed under this law, or "The Law No. 8 of 1866;" and from time to time to appoint others in their places, and to make fresh appointments in cases of vacancy.

Governor may select one of the custodes of any former parishes, consolidated by this law, to be custos of enlarged parish.

Sixth—The governor may select any one of the custodes of any formerly existing parishes, consolidated by this law, to be the custos of the parish constituted under this law, with jurisdiction over the whole area of the enlarged parish; and it shall be lawful for the governor to appoint by commission such custos to be the custos over such newly constituted parish and to include in his commission all or any of the justices of the peace for the several formerly existing parishes, and no stamp duty shall be required in respect of any such custos or justices; and it shall be lawful for the governor to give, by such commission to the said custos and justices, jurisdiction over the whole of the parish constituted under this law.

Future custodes and justices to have jurisdiction over a parish under this law

Seventh—Every custos and justice of the peace, to be hereafter appointed, shall be appointed with jurisdiction over a parish constituted by this law.

Eighth

To Reduce the Number of Parishes.

Eighth—The clerks of the peace of the previously existing parishes, consolidated by this law, shall continue to perform their duties as heretofore, and shall conduct the prosecutions of offences, charged to have been committed in their said previously existing parishes respectively before the circuit courts, as fixed by this law; the magistrates' clerks of the said previously existing parishes shall, within their former jurisdictions, continue to exercise the same powers, and perform the like duties as they respectively exercised and performed before the coming into operation of this law.

Clerks of the peace and magistrates' clerks to continue as heretofore.

Ninth—Nothing in this law contained shall prevent the courts of petty sessions being held at the several places where they are now held, and the magistrates' clerks, or clerks of the peace, in their capacity of magistrates' clerks, shall themselves, or by their deputies, attend those courts as heretofore.

Courts of petty sessions to be held as heretofore.

Tenth—Whenever a vacancy in the office of clerk of the peace and magistrates' clerk shall occur in any one of two formerly existing precincts or parishes consolidated by this law into one parish, the governor may, if he think fit, with the consent of the clerk of the peace and magistrates' clerk of the other of the said two formerly existing precincts or parishes extended his jurisdiction and duties over the whole of the consolidated parish, or the governor may, if he think fit, appoint any other qualified person to act provisionally as clerk of the peace and magistrates' clerk in that portion of the consolidated parish where a vacancy has occurred, until a vacancy occurs in the other portion of the said consolidated parish; and, in case of a vacancy in the office of clerk of the peace and magistrates' clerk occurring in the formerly existing parish of Saint Thomas in the East, the clerk of the peace and magistrates' clerk of the formerly existing parish of Portland may in like manner, have his jurisdiction and duties extended over the Manchioneal district, or this district may in like manner be separately provided for provisionally; and, in case of a vacancy in the office of clerk of the peace and magistrates' clerk occurring in the formerly existing parish of Port-Royal, the clerks of the peace and magistrates' clerks of the formerly existing parishes of Kingston and Saint Andrew respectively may, in like manner, have their jurisdictions and duties extended over the whole of the now consolidated parishes of Kingston and Saint Andrew respectively, or either one or both

Appointment of clerks of peace and magistrates' clerks where vacancy in parts of any consolidated parish

To Reduce the Number of Parishes.

both of the two divisions of the formerly existing parish of Port-Royal may, in like manner, be separately provided for provisionally.

Commissioners
of supreme
court and
chancery to act
for enlarged
parish

Eleventh—The persons appointed to take affidavits in the supreme and circuit courts, and the masters extraordinary of the courts of chancery for any parish, or part of a parish united by this law with another, shall, from the coming into operation of this law, exercise their authority within the enlarged parish, as constituted under this law.

Exhibit list for
parishes under
this law.

Twelfth—The exhibit list of jurors shall, as soon as possible after the passing of this law, for the present year, and before the twentieth day of February in each succeeding year, be made up from the persons competent to serve in the whole area of the parishes constituted under this law, and be furnished to the provost-marshal-general; and, from the names of the persons so returned to him, the provost-marshal-general shall make up the panels of jurors for the parishes constituted under this law, respectively to serve for the ensuing and following years, to commence on the twentieth day of May.

Circuit courts
to be held as
follow.

Thirteenth—The several circuit courts, to be held by the judges of the supreme court after the coming into operation of this law, shall be held in the following manner at the parish towns, or head stations of the several parishes, excepting for the parish of Saint Andrew, for which the circuit court shall be held at Kingston: There shall be three circuits; the home circuit to be held by the chief justice as heretofore, and the eastern and western circuits to be each held by one of the assistant judges of the said court.

THE HOME CIRCUIT

1. For Saint Catherine, on the fourth Monday in June, October, and February, and to sit for two weeks each time if necessary.

2. For Kingston and Saint Andrew, to be held at Kingston on the eighth Monday after the rising of the supreme court for the courts to be held after February and June terms; and for the court after October term, on the first Monday in January, and to sit three weeks each time, if necessary.

EASTERN

Rev. 48 of 69

To Reduce the Number of Parishes.

EASTERN CIRCUIT.

The eastern circuit shall commence at Saint Thomas on the first Thursday after the rising of the supreme court in the months of June, October, and February, and shall be held in succession at Portland, Saint Mary, Saint Ann, and Clarendon, commencing at each of these parishes on such day as shall have been notified for that purpose in the "Jamaica Gazette, by Authority;" and it shall be the duty of the assistant judge of the supreme court, about to proceed upon this circuit, to make such notification not less than one month before the sitting of the supreme court.

WESTERN CIRCUIT.

The western circuit shall commence at Manchester on the first Wednesday after the rising of the supreme court, in the months of June, October, and February, and shall be held in succession at Saint Elizabeth, Westmoreland, Hanover, Saint James, and Trelawny, commencing at each of these parishes on such day as shall have been notified for that purpose in the "Jamaica Gazette, by Authority;" and it shall be the duty of the assistant judge of the supreme court, about to proceed upon this circuit, to make such notification not less than one month before the sitting of the supreme court:

And the jurisdiction of the judges on circuit is hereby extended to the whole area of the parish, as constituted by this law, in which their court of circuit shall sit.

Fourteenth—The governor shall determine to which of the prisons of this island, other than the general penitentiary criminals, sentenced at such respective circuit courts, or at the petty sessions of the parishes, as constituted by this law, shall be committed.

Governor to fix prisons.

*Repeated Law 187
1882*

Fifteenth—The governor shall be empowered, if he think fit, at any time to appoint more than one coroner to any parish, and to prescribe the district in which the jurisdiction of each such coroner shall extend.

May appoint more than one coroner.

*Repeated Law 11 of
1900/2*

Sixteenth—The collectors of dues of the several parishes of this

Receipt of taxes,

To Reduce the Number of Parishes.

this island, as existing before the passing of this law, shall continue to collect and receive, under the powers of the several acts and laws of this island, within the limits of the parishes to which they were appointed, the several taxes and duties until otherwise provided for by law.

Process, &c. pending at commencement of this law preserved.

Seventeenth—All process and proceedings pending in the now existing circuit and other courts shall be dealt with and determined in the courts of the several parishes respectively constituted under this law, in like manner as they would have been had such process or proceeding been commenced after the coming into operation hereof; and all persons bound by recognizance to give their attendance at the said circuit courts shall be required to attend at the respective courts hereby appointed to be held in lieu thereof, and the respective clerks of the peace shall give notice thereof accordingly.

Commencement of this law.

Eighteenth—This law shall come into operation on the first day of May of the year one thousand eight hundred and sixty-seven.



JAMAICA—No. 21 of 1867.

A Law for Granting to Her Majesty Certain Sums of Money, Required for Defraying Certain Expenses of the Civil Government, and Certain other Expenses connected with the Public Service for the Financial Year One Thousand Eight Hundred and Sixty-Six-Sixty-Seven.
[23d April, 1867.]

WHEREAS of the amount of three hundred and eighty-two thousand five hundred and thirty pounds four shillings and two pence, required for the service of the civil government of the island, and for other purposes, for the year one thousand eight hundred and sixty-six-sixty-seven, the sum of three hundred and twelve thousand five hundred and forty-three pounds five shillings and eightpence only has been provided for by law, and it is now requisite to make a further provision of sixty-nine thousand nine hundred and eighty-six pounds eighteen shillings and sixpence, to meet the said expenditure: It is enacted by the governor of Jamaica, with the advice and consent of the legislative council thereof, as follows:

The receiver-general shall, on the warrant of the governor, pay a sum, not exceeding in the aggregate, sixty-nine thousand nine hundred and eighty-six pounds eighteen shillings and six pence, for defraying the several charges and expenses of the civil government of this island, and other purposes, for the financial year one thousand eight hundred and sixty-six-sixty-seven, set forth in the schedule to this law.

Receiver general, on warrant of the governor, to pay £69,986 18s. 6d for charges and expenses of the civil government, 1866-67.

For Defraying certain Expenses of the Civil Government, &c.

SCHEDULE OF APPROPRIATION ACT.

Establishments - - £48,682 2 11

SERVICES EXCLUSIVE OF ESTABLISHMENTS.

Pensions, &c.	£	-	£ 2,901 12 0
Revenue services	-	-	116 16 9
Administration of justice	-	-	837 5 5
Ecclesiastical	-	-	173 18 6
Police	£	-	5,022 0 0
Education	-	£	3,000 0 0
Rents	-	-	391 0 4
Transport	-	-	176 0 0
Works and buildings	-	-	4,810 0 0
Geological survey	-	-	180 0 0
Quarantine service	£	-	500 0 0
Contribution towards military expenditure	-	-	736 10 0
Miscellaneous	-	-	2,460 12 7
			<u>£69,986 18 6</u>



Rev: 48769

JAMAICA—No. 22 of 1867.

A Law to Amend the Law No. 20 of 1867, as to the Return and Panels of Jurors for the present year.

[17 May, 1867.]

WHEREAS the time which will elapse between the coming Preamble.
into operation of the Law No. 20 of 1867, to Reduce the
Number of Parishes, and the time by which the several lists and
panels of jurors must be completed, will not enable those lists
and panels to be duly made up for the forthcoming circuit courts,
to be held next after the sitting of the supreme court in June
and October, one thousand eight hundred and sixty-seven, and
February, one thousand eight hundred and sixty-eight: And
whereas the several lists of jurors for the several previously ex-
isting parishes for such forthcoming courts have long since been
returned into the office of the provost-marshal-general; and,
with the exception of the district of Manchioneal, those lists will
suffice to enable that officer to make up the panels for the cir-
cuit courts respectively as aforesaid; Be it therefore enacted by
the governor of Jamaica, with the advice and consent of the
legislative council thereof, as follows:

First—So much of the twelfth section of the Law No. 20 of
1867, as directs the exhibit lists to be prepared, and the panels
of jurors struck for the several circuit courts for the ensuing
year, from the twentieth day of May, one thousand eight hun-
dred and sixty-seven, is hereby repealed. Repeal of sec-
tion 12 of No.
20 of 1867.

Second—The clerk of the vestry of the formerly existing pa-
rish of Saint Thomas in the East shall, on or before the twenty-
fourth day of May, one thousand eight hundred and sixty-seven,
return to the provost-marshal-general a list of the jurors within
the district of Manchioneal, as defined by the said recited law,
distinguishing therein those on the special jury list from those
on the common jury list, and the provost-marshal-general shall
thereupon make the entries in his books correspond with such
return, and also return a copy of the said list, so furnished by
the said clerk of the vestry, to the clerk of the supreme court.

Clerk of vestry
St. Thomas in
the East to re-
turn list

of jurors of
Manchioneal
district.

To Amend Law No. 20 of 1867.

Provost marshal, from lists, to make up panels.

Third—From the list of jurors, which have been furnished to him before the coming into operation of the Law No. 20 of 1867, for the several previously existing parishes of this island, not altered by that law, the provost-marshal-general shall, on or before the first day of the sitting of the supreme court in June and October, one thousand eight hundred and sixty-seven, and February, one thousand eight hundred and sixty-eight, respectively make up the panels of jurors for the circuit courts of those respective parishes, and he shall, at the said respective times, make up the panels for the remaining circuit courts of this island as and in manner following:

1. For the parish of Saint Catherine, from the list of jurors returned as aforesaid for the previously existing parishes of the precinct of Saint Catherine and the previously existing parish of Saint Thomas in the Vale.

2. For the parish of Kingston, from the lists of jurors returned as aforesaid for the previously existing parishes of Kingston, Port Royal, and Saint Andrew.

3. For the Parish of Saint Thomas, from the lists of jurors returned as aforesaid for the previously existing parish of Saint David, and for the previously existing parish of Saint Thomas in the East, excluding those jurors who, by the return of the clerk of the vestry of the said parish of Saint Thomas in the East, shall be shewn to belong to the Manchioneal district.

4. For the parish of Portland, from the lists of jurors returned as aforesaid for the previously existing parishes of Portland and Saint George, and the list by this law required to be returned for the said Manchioneal district.

5. For the parish of Saint Mary, from the lists of jurors returned as aforesaid for the previously existing parishes of Saint Mary and Metcalfe.

6. For the parish of Clarendon, from the lists of jurors returned as aforesaid for the previously existing parishes of Clarendon and Vere.

To Amend Law No. 20 of 1867.

Fourth—Such lists, and the panels made up therefrom, shall not be in anywise affected by the jurors therein being returned by description as for any previously existing parish, or for their not being described as of the enlarged parish for which the panel is returned.

Lists and panels not affected by wrong description.

Fifth—Notwithstanding any thing in any former act or law contained, it shall be sufficient if there be contained in the panel of jurors returned to serve for the parishes of Kingston and Saint Andrew, at each of the circuit courts aforesaid, ninety jurors, selected indifferently, and in due proportion, from the several formerly existing parishes of Kingston, Port-Royal, and Saint Andrew, now forming the parishes of Kingston and Saint Andrew, and it shall not be necessary that they be selected indifferently and in due proportion from the present parishes of Kingston and Saint Andrew.

Ninety jurors to be returned for Kingston and Saint Andrew.

Sixth—Nothing in any former act or law contained shall render the clerk of the supreme court, or the provost-marshal-general, liable for any penalty in not performing the duties required of him, in reference to the circuit courts immediately following the June term, one thousand eight hundred and sixty-seven, within the respective times by those acts directed, nor invalidate or affect the writs of *venire facias* and panels returned thereon respectively: Provided, That the writs of *venire facias* and panels thereon be made up and completed by the first day of the said June term.

Writs of *venire* and panels valid if completed by first day of June term.

Seventh—Each writ of *venire facias*, to be issued after the first day of April, one thousand eight hundred and sixty-eight, by the clerk of the supreme court for the parishes of Kingston and Saint Andrew, shall require the provost-marshal to summon sixty good and lawful men to serve as jurors at each term of holding the circuit court for such parishes, and each panel returned thereon shall contain the names of sixty persons, sixteen of whom shall be taken from the special jury list, and forty-four from the common jury list indifferently, and in due proportion from the said parishes of Kingston and Saint Andrew.

After 1st April 1868, sixty jurors to be returned for Kingston and Saint Andrew.





Rep. Law 2 of 73

JAMAICA—No. 23 OF 1867.

A Law to Define the Limits of Towns, with reference to the Law No. 17 of 1867, imposing Spirit Licenses.
[17 May, 1867.]

WHEREAS it is necessary, with reference to the Law No. 17 of 1867, imposing licenses on Spirits, to define what are the limits of the several towns of this island: It is enacted by the governor of Jamaica, with the advice and consent of the legislative council thereof, as follows: Preamble.

It shall be lawful for the municipal board of each parish of this island to define, for the purposes of the above recited law, the limits of the several towns within such parish, where such limits are not already defined by law, and the definition of such limits, expressed in a notification made by such municipal board, and signed by the chairman and clerk thereof, published in the "Jamaica Gazette, by authority;" shall be of the same force and effect as if such limits were expressly defined and stated on the Law No. 17 of 1867. Limits to be fixed by municipal boards.





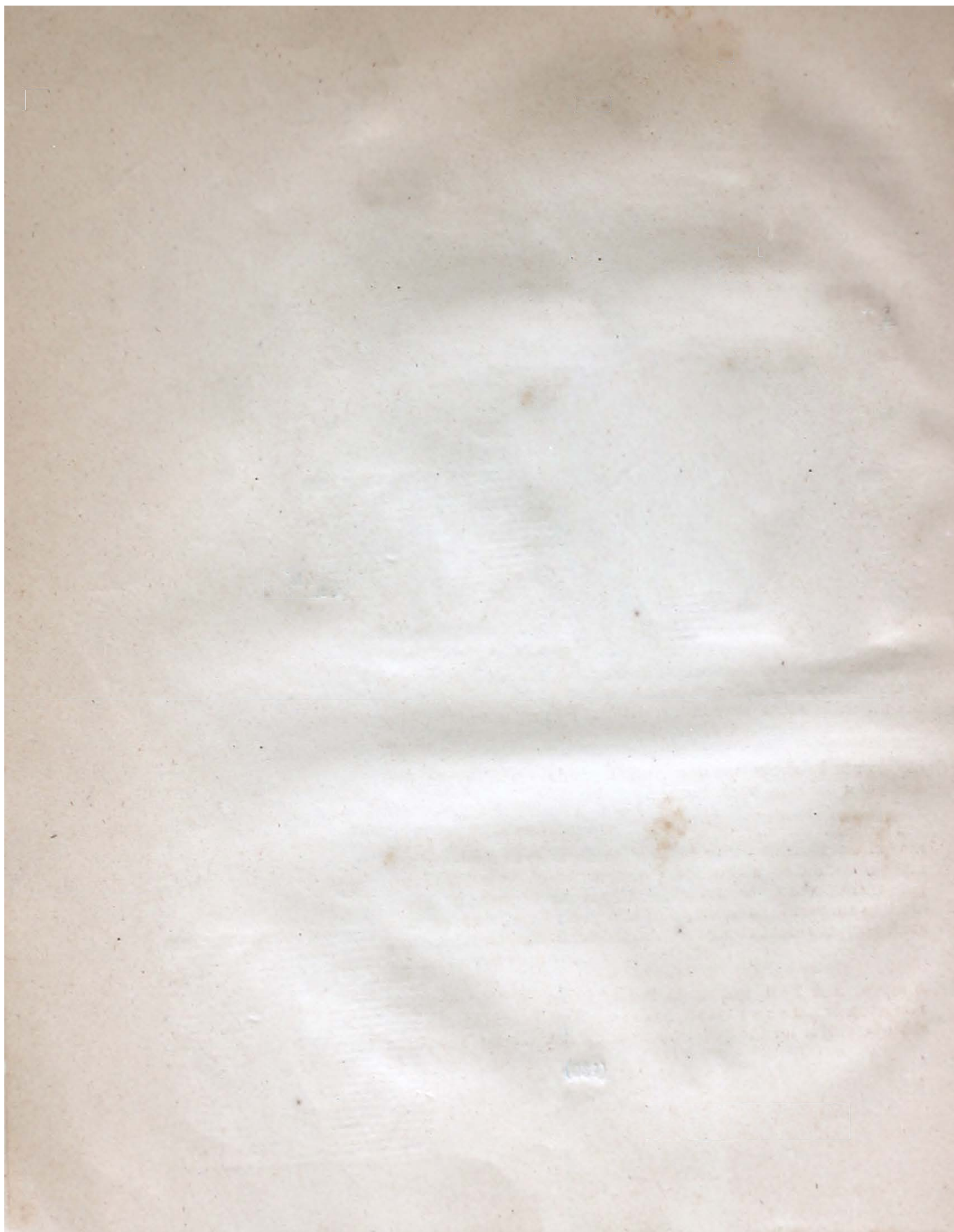
JAMAICA—No. 24 of 1867.

A Law to Repeal the Twenty-First Section of the "Volunteer Militia Act, 1865."

[5 June, 1867.]

WHEREAS it is expedient that the charge on the public revenue, for or as a commutation for uniforms to the non-commissioned officers and privates of the volunteer militia companies, should cease and determine: It is enacted by the governor of Jamaica, with the advice and consent of the legislative council thereof, as follows: Preamble.

The twenty-first section of the act twenty-eighth Victoria, chapter thirty-eight, "The Volunteer Militia Act, 1865," is hereby repealed. Repeal of 28
Vic. ch. 38,
sec. 21.





Express

JAMAICA—No. 25 OF 1867.

A Law to Revive, Amend, and Continue in Force, for a Limited Period, the Act fixing Salaries for the Clerks of the Peace and Magistrates' Clerks.

[18 June, 1867.]

WHEREAS the act twenty-third Victoria, chapter eighteen, entitled *An act to provide and regulate the salaries and fees of the clerks of the peace and clerks of the magistrates of this island, and for other purposes*, has expired, and it is expedient to revive, and continue it amended, for a limited period: Be it enacted by the governor of Jamaica, with the advice and consent of the legislative council thereof, as follows:

Preamble.

First—The said recited act, with the exception of sections sixth and eighth thereof, and of the schedules B and C thereof, is hereby revived and re-enacted, subject to the alterations and provisions hereinafter contained.

Recited act (except secs. 6 and 8, and schedules B and C), revived.

Second—Every prosecution before the circuit court, and every proceeding before a justice of the peace, or justices of the peace, in petty sessions, instituted by any member of the constabulary or police force, shall be deemed a public prosecution, and a duty to be performed in furtherance of the general criminal justice of this island, coming within the first section of the said recited act.

Prosecutions by police public prosecutions, &c.

Third—Every clerk of the peace and clerk of the magistrates now in office, or hereafter to be appointed, shall have his permanent residence within the parish in which he holds his appointment; and from and after the passing of this law, every clerk of the peace, who shall fail to comply with this provision, shall be removable from office in the same manner as for any other breach of duty: Provided, That it shall be lawful for the clerks of the peace for the former parishes of Kingston, Saint Andrew, and Port Royal, to reside either in the parish of Kingston or parish of Saint Andrew: And provided, That it shall be lawful for the governor to allow any clerk of the peace

Clerk of peace and magistrates' clerk to reside in parish.

Proviso.

Proviso.

To Amend the Clerks of the Peace Act.

to reside in a parish adjoining that in which he holds his appointment, when it may seem to the governor to be consistent with the public interests to do so.

Not to be absent without leave beyond certain days

Fourth—Except with the sanction of the governor, no clerk of the peace or magistrates' clerk shall be absent from his parish for more than thirty days in the entire year, nor shall any clerk of the peace or magistrates' clerk be absent from his parish for more than seven days at any one time, except by the leave, in writing, of the governor, or of the custos.

Future appointment of clerks peace in governor.

Fifth—The power heretofore exercised by the custodes of the several parishes, to appoint the clerks of the peace of their respective parishes shall, upon the passing of this law, cease and determine, and the appointment of clerks of the peace shall from henceforth be vested in the governor; and every appointment so made by the governor shall be during pleasure.

Penalty for receiving fees to which not entitled.

Sixth—If any clerk of the peace or magistrates' clerk shall receive any fee to which he shall not be entitled, he shall forfeit and pay, for every such offence, a penalty not exceeding five pounds.

To make statement of fees on process.

Seventh—It shall be the duty of the clerk of the peace or clerk of the magistrates to endorse, upon every process or proceeding coming for adjudication or otherwise before the justices of the peace, each separate item of charge, and the fee for the same.

Monthly account of fees to be made and submitted to custos.

Eighth—Every clerk of the peace and clerk of the magistrates shall, within fourteen days after the expiration of each month, make up and declare to a full and true statement of all fees received by him during the preceding month, in such form as the governor shall direct or approve, and shall, within the period aforesaid, submit such statement to the custos of his parish for examination and allowance; and in case any item therein shall be disallowed, the clerk of the peace or clerk of the magistrates shall forthwith repay the same to the party from whom he received the same.

Penalty on not paying back fees disallowed.

Ninth—Every clerk of the peace and clerk of the magistrates who shall fail to pay back to the party from whom he received the same, any fee so disallowed as aforesaid, under the last preceding

To Amend the Clerks of the Peace Act.

preceding section of this law, shall be liable, for every neglect or refusal, to a penalty of five pounds, besides being responsible in any other form of proceeding in respect thereof.

Tenth—All penalties under this law, and the recited act, shall be recovered before two justices of the parish wherein such clerk of the peace holds his appointment, and may be enforced by distress and sale of the goods of the offender; and in default of goods, by imprisonment not exceeding thirty days, unless the same shall be sooner paid.

Recovery of penalties.

Eleventh—The fees in schedules A and B of this law, shall come into force on the first day of July, one thousand eight hundred and sixty-seven; and, in the meantime, it shall be lawful for the clerks of the peace and clerks of the magistrates to receive the fees according to the rates in the schedules to the recited act as they stood before the expiry of the said act; and the clerks of the peace and clerks of the magistrates respectively, are hereby indemnified in respect of the receipt of any such fees as last mentioned, which shall have been received by them on and after the first day of April, one thousand eight hundred and sixty-seven, and before the passing of this law.

When fees in schedules A and B to come in force.

Twelfth—This law, and the recited act, as amended, shall continue in force till the thirty-first day of December, one thousand eight hundred and sixty-seven.

Continuation of act to 31st Dec. 1867.

SCHEDULE A.

FEEES OF THE CLERK OF THE PEACE.

Drawing indictment and attending trial, recording proceedings, and all other business connected therewith	£3 0 0
In private prosecutions, when not required by the parties prosecuting to act, the fee of the clerk of the peace	2 0 0
Taking deposition or examinations in all other proceedings, per sheet of one hundred and sixty words	0 1 6
Entering records, making copies and extracts, per sheet of one hundred and sixty words	0 1 0
Each certificate to be annexed to proceedings	0 1 6
Taking recognizance, each person	0 1 0
	For

To Amend the Clerks of the Peace Act.

For each calendar, not exceeding three for each court	-	-	£0	4	0
Entering every order of court	-	-	0	1	0
Each copy	-	-	0	0	6
Making out and signing each subpoena or summons to witness	-	-	0	0	9
Each copy	-	-	0	0	3
All proceedings to be returned on writ of <i>certiorari</i> or <i>mandamus</i> , per sheet of one hundred and sixty words	-	-	0	1	0
Servants' wages, information, and summons, and copy	-	-	0	3	6
Attending at trial, and all other work connected therewith	-	-	0	3	0
Warrant of distress	-	-	0	1	6

 SCHEDULE B.

FEES OF CLERKS OF THE MAGISTRATES.

For every deposition or information	-	-	0	2	0
Summons or warrant, when required	-	-	0	1	0
Each copy	-	-	0	0	6
Attendance at the trial of each case, including the examination of witnesses, and entering record, and all matters connected therewith	-	-	0	3	0
Affidavit to ground search, and warrant	-	-	0	3	0
Affidavit and warrant for articles of the peace, or good behaviour	-	-	0	4	0
Each notice	-	-	0	0	9
Each copy	-	-	0	0	3
Taking recognizance, each person	-	-	0	1	0

In proceedings for the recovery of any taxes or duties payable to the government of this island, the fees shall be calculated at one half of the rates above specified.



JAMAICA—No. 26 OF 1867.

Rep: Law 25779

A Law to Facilitate the Remedies on Bills of Exchange and Promissory Notes, by the Prevention of Frivolous or Fictitious Defences to Actions thereon.

[18 June, 1867.]

WHEREAS *bona fide* holders of dishonored bills of exchange and promissory notes are often unjustly delayed and put to unnecessary expense in recovering the amount thereof, by reason of frivolous or fictitious defences to actions thereon, and it is expedient that greater facilities than now exist should be given for the recovery of money due on such bills and notes: Be it enacted by the governor of Jamaica, with the advice and consent of the legislative council thereof, as follows:

Preamble.

First—From and after the first day of January, one thousand eight hundred and sixty-eight, all actions upon bills of exchange or promissory notes, commenced within sixth months after the same shall have become due and payable, may be by writ of summons in the special form contained in schedule A to this law annexed, and endorsed as therein mentioned; and it shall be lawful for the plaintiff, on filing an affidavit of personal service of such writ, and a copy of the writ of summons, and the endorsements thereon, in case the defendant shall not have obtained leave to appear, and have appeared to such writ, according to the exigency thereof, at once to sign final judgment in the form contained in schedule B to this law annexed (on which judgment no proceeding in error shall lie), for any sum, not exceeding the sum endorsed on the writ, and a sum for costs, to be fixed by the judges of the supreme court of judicature, or any three of them (of whom the chief-justice shall be one), unless the plaintiff claims more than such fixed sum, in which case the costs shall be taxed in the ordinary way; and the plaintiff may, upon such judgment, have execution forthwith for the damages and costs of suit, with interest on such damages from the day on which final judgment shall be signed, and costs of delay of execution.

After 1st January, 1868, writ of summons may issue on bills of exchange and promissory notes overdue.

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Second

To Facilitate Remedies on Bills of Exchange, &c.

A judge may give leave to appear to and defend the action upon terms.

Second—A judge of the supreme court of judicature shall, upon application within the period of twenty-one days from such service, give leave to appear to such writ, and to defend the action, on the defendant paying into court the sum endorsed on the writ, or upon affidavit, satisfactory to the judge, which discloses a legal defence, or such facts as shall make it incumbent on the holder to prove consideration, or such other facts as the judge may deem sufficient to support the application, and on such terms, as to security, or otherwise, as to the judge may seem fit.

After judgment the court or a judge may set aside judgment, and, if necessary, stay execution.

Third—After judgment the court, or a judge may, under special circumstances, set aside the judgment, and, if necessary, stay or set aside execution, and may give leave to appear to the writ and defend the action, if it shall appear to be reasonable to the court or judge so to do, and on such terms as to the court or judge may seem just.

Judge may order bill to be deposited with clerk of the court.

Fourth—In any proceedings under this law it shall be competent to the court or judge to order the bill or note, sought to be proceeded upon, to be forthwith deposited with the clerk of the said court, and further to order that all proceedings should be stayed until the plaintiff shall have given security for the costs thereof.

Remedy for recovery of expenses of noting.

Fifth—The holder of every dishonored bill of exchange or promissory note shall have the same remedies for the recovery of the expenses, in noting the same for non-acceptance incurred or non-payment, or otherwise, by reason of such dishonor, as he has, under this law, for the recovery of the amount of such bill or note.

Holder may issue one summons against all or any of the parties to bill.

Sixth—The holder of any bill of exchange or promissory note may, if he think fit, issue one writ of summons, according to this law, against all or any number of the parties to such bill or note, and such writ of summons shall be the commencement of an action or actions against the parties therein named respectively; and all subsequent proceedings against such respective parties shall be in like manner, as far as may be, as if separate writs of summons had issued.

Proceedings on appearance in or out of term.

Seventh—If the defendant obtains leave to appear, and shall appear, the plaintiff may file a declaration, and deliver a copy thereof

To Facilitate Remedies on Bills of Exchange, &c.

thereof with a notice to plead; and the defendant, after delivery thereof to him, his attorney, or agent, shall plead within eight days, unless further time have been allowed by the court or a judge, and such writ of summons may issue, and the affidavit of service be filed, and final judgment be signed, and appearance be entered to such writ of summons, and the declaration, plea, and subsequent proceedings be filed either in term time or vacation.

Eighth—A plaintiff shall be deemed out of court, unless he shall declare within one year after the writ of summons is returnable.

Limitation of time for declaring.

Ninth—The provisions of the “Judicial Amendment Act, 1855,” and of the other acts in aid, or amendment thereof, and the “Common Law Pleading Act, 1865,” and all rules made under or by virtue of the said acts shall, so far as the same are or may be made applicable, extend and apply to all proceedings to be had or taken under this law; and the judges of the supreme court of judicature shall have the like powers of making, amending, or rescinding rules with reference to the proceedings under this law, as they now have under the said acts, or any of them.

Judicial amendment act 1855, and common law pleading act, 1865, and act, in aid, incorporated.

Tenth—In citing this law it shall be sufficient to use the expression “The Summary Procedure on Bills of Exchange Law, 1867.”

Short title of law.

SCHEDULES.

A.

Victoria, by the grace of God, &c.

To C.D. of the parish of
in the county of

We warn you, that unless, within twenty-one days after the service of this writ on you, inclusive of the day of such service, you obtain leave from one of the judges of the supreme court of judicature to appear, and do within that time appear in our said supreme court to an action at the suit of A. B. the said A. B. may proceed to judgment and execution.

Witness, &c.

MEMORANDUM

To Facilitate Remedies on Bills of Exchange, &c.

MEMORANDUM TO BE SUBSCRIBED ON THE WRIT.

N. B.—This writ is to be served within six calendar months from the date hereof, or, if renewed, from the date of such renewal, including the day of such date, and not afterwards.

INDORSEMENT TO BE MADE ON THE WRIT BEFORE SERVICE THEREOF.

This writ was issued by E. F. of _____ attorney for plaintiff [or]

This writ was issued in person by A. B. who resides at (mention the city, town, or parish, and if in a city or town, the name of the street, and number, if any, of the house of the plaintiff's residence.)

INDORSEMENT.

The plaintiff claims £ _____ principal and interest (or "£ _____ balance of principal and interest)," due to him as the payee (or "indorsee)," of a bill of exchange or promissory note, of which the following is a copy:

(Here copy bill of exchange or promissory note, and all indorsements thereon.)

And if the amount thereof be paid to the plaintiff, or his attorney within twenty-one days from the service hereof, further proceedings will be stayed.

NOTICE.

Take notice, That if the defendant do not obtain leave from one of the judges of the supreme court of judicature within twenty-one days after having been served with this writ, inclusive of the day of such service, to appear thereto, and do not within such time cause an appearance to be entered for him in the said supreme court, the plaintiff will be at liberty, at any time after the expiration of such twenty-one days, to sign final judgment for any sum, not exceeding the sum above claimed, and the sum of £ _____ for costs, and have execution of the same.

Leave to appear may be obtained on an application at the office of the clerk of the supreme court of judicature, Saint Jago





JAMAICA—No. 27 of 1867.

A Law for Preventing Frauds upon Creditors by Secret Bills of Sale of Personal Chattels.

[18 June, 1867.]

WHEREAS frauds are frequently committed upon creditors by secret bills of sale of personal chattels, whereby persons are enabled to keep up the appearance of being in good circumstances and possessed of property, and the grantees, or holders of such bills of sale have the power of taking the possession of the property of such persons to the exclusion of the rest of the creditors: For remedy whereof, Be it therefore enacted by the governor of Jamaica, with the advice and consent of the legislative council thereof, as follows:

First—Every bill of sale, of personal chattels, made after the passing of this act, either absolutely or conditionally, or subject, or not subject to any trusts, and whereby the grantee or holder shall have power, either with or without notice, and either immediately after the making of the said bill of sale, or any future time, to take possession of any property and effects comprised in, or made subject to such bill of sale, and every schedule or inventory which shall be thereto annexed, or therein referred to, and every attestation of the execution thereof shall, together with an affidavit of the time of such bill of sale being made or given, and a description of the residence and occupation of the person giving the same, and of every attesting witness thereto, or in case of the same, shall be made or given by any person under, or in execution of any process, then a description of the residence and occupation of the person against whom such process shall have issued, and of every attesting witness, be recorded at length in the office of enrolments at Saint Jago de la Vega, within thirty days after the making or giving of such bill of sale (in like manner as deeds relating to real property in this island are recorded), otherwise such bill of sale shall, as against all assignees of the estate and effects of the person whose goods, or any of them, are comprised in such bill of sale, under the laws relating to bankruptcy or insolvency, or under any assignment

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ment

*B. Stat. 17 & 18 Vic
Ch. 36*

*29 & 30 Vic. C. 96
This B. Stat. together with the ~~act~~
has repealed by the B. Stat. Bill of sale act
1878-41 & 42. Vict. C. 31. This later act
has made important amendments,
and its effect is well explained in
Preamble: *Mileams on Real Property*. Ed. 11
11th. (1881) pages 60 & 61;
but as, the new B. act has not
been adopted here, the learning
concerning the matter remains
as noted below.*

*Bills of sale of
personal chat-
tels to be void
if not recorded.*

*Pridaux's conveyances
Vol. 1. p. 648*

Phillips. v. Roberts 21. Jan 527.

*Registration not invalidated, when
Pridaux. p. 655. Parvill. 22. July
6. 18. & n. 507.*

*Description of parties. What? See
Pridaux. p. 655. and notes, a. b. c. d.
& page 656. notes. e. f. also note. Keble
p. 657. note. m.*

*Description of witnesses - What? See
Pridaux. p. 656. & notes. j. l.*

*Requisite of affidavit. Pridaux p.
657. & cases cited in note. n.*

*Repeal & aff. must be filed at same
time. Pridaux. p. 657. & note. o.*

*How to correct mistakes in - Pridaux
p. 657. Note. p.*

For Preventing Secret Bills of Sale, &c.

ment for the benefit of the creditors of such person, and as against the provost-marshal-general and his deputies, and other persons seizing any property or effects comprised in such bill of sale, in the execution of any process of any court of law or equity, authorising the seizure of the goods of the person by whom, or of whose goods such bill of sale shall have been made, and against every person on whose behalf such process shall have been issued, be null and void to all intents and purposes whatsoever, so far as regards the property in, or right to the possession of any personal chattels comprised in such bill of sale, which, at or after the time of such bankruptcy or declaration of insolvency, or of the execution by the debtor of such assignment for the benefit of his creditors, or of executing such process (as the case may be), and after the expiration of the said period of thirty days shall be in the possession, or apparent possession of the person making such bill of sale, or of any person against whom the process shall have issued under, or in execution of which the said bill of sale shall have been made or given, as the case may be. (a)

Second—If such bill of sale shall be made or given, subject to any defeasance or condition, or declaration of trust not contained in the body thereof, such defeasance, or condition, or declaration of trust shall, for the purposes of this law, be taken as part of such bill of sale, and shall be written before the time when the same shall be recorded, otherwise such bill of sale shall be null and void to all intents and purposes as against the same persons, and as regards the same property and effects, as if such bill of sale had not been recorded according to the provisions of this law.

Third—On the debt (if any), for which any bill of sale as aforesaid shall have been made or given, being satisfied or discharged, the grantee or holder of such bill of sale shall cause satisfaction to be entered on the margin of the record of the said bill of sale in the said office of enrolments, otherwise it shall be lawful for any judge of the supreme court of judicature, on proof of the satisfaction or discharge of the said debt, to order a memorandum or satisfaction to be so entered upon the margin of the record of the said bill of sale.

Fourth—In construing this law, the following words and expression shall have the meanings hereby assigned to them, unless

Registration unnecessary between
Grantor and grantee. Hills. v.
Sheppard. 1. D. 4. 7. 191.

If possⁿ taken within the 30 days
Good, agst Bankruptcy or execution
Marple. v. Hartley. 7. Jur. R. 1
446. 30. L. J. 9. B. 92.

Good though unregistered if possⁿ
taken before execution. Pridaux. p. 652

Good as agst, subsequent grantee,
though not recorded
Rich. v. English. 7. El. 13. 564. 426.
L. J. 9. B. 193. Nicholson. v. Cooper
3. H. 7. 354; 27. L. J. 32. 393; but see
Richardson. v. James. 2. L. R. 9. B. 285.

Defeasances or
conditions of
bills of sale
to be written
on the same
paper with
bills of sale.

Pridaux's cony. p. 649
Robinson. v. Collingwood
34. L. J. G. P. 18.

On payment of
debt satisfac-
tion to be en-
tered.

Pridaux. Cony. p. 650

Pridaux Cony.
page. 650.

Interpretation
clause.

(a). For the interpretation given to this clause, see Williams. P. D. p. 59. & cases cited in notes. 2. 74
and 3.

For Preventing Secret Bills of Sale, &c.

less there be something in the subject or context repugnant to such construction; that is to say.

The expression "bill of sale" shall include bills of sale, assignments, transfers, declarations of trust without transfer, and other assurances of personal chattels, and also powers of attorney, authorities or licenses to take possession of personal chattels as security for any debt, but shall not include the following documents; that is to say, assignments for the benefit of the creditors of the person making or giving the same; marriage settlements; transfers or assignments of any ship or vessel, or any share thereof; transfers of goods in the ordinary course of business of any trade or calling; bills of sale of any goods in foreign parts or at sea; bills of lading; warehouse-keepers' certificates; warrants or orders for the delivery of goods, or any other documents used in the ordinary course of business as proof of the possession or control of goods, or authorizing, or purporting to authorize, either by endorsement or by delivery, the possessor of such document to transfer or to receive goods thereby represented.

The expression "personal chattels" shall mean goods, furniture, fixtures, and other articles capable of complete transfer by delivery, and shall not include chattel interests in real estate, nor shares or interests in the stock funds, or securities of any government, or in the capital or property of any incorporated or joint stock company, nor choses in action, nor any stock or produce upon any plantation or lands which, by virtue of any covenant, or agreement, or custom of the country, ought not to be removed from any plantation where the same shall be at the time of the making or giving of such bill of sale.

Personal chattels shall be deemed to be in the "apparent possession" of the person making or giving the bill of sale, so long as they shall remain or be in or upon any house, mill, warehouse, building, works, yard, land, or other premises occupied by him, or as they shall be used and enjoyed by him in any place whatsoever, notwithstanding the formal possession thereof may be taken by or given to any other person.

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Made of framing precaution to be observed. Pridaux page 657. et seq. - 4. Jones. vs. Wilson 32. L. J. 9. B. 33. 382; Carr v. Acraman. 4. Exch. 566. How far binding as a matter of fact as to goods property. Pridaux p. 658. 659. Carr. v. Acraman 11. Exch. 566 - then seized before execution. Pridaux p. 659. Compers. v. Swells. 10. Exch. 298 & cases cited in note. t. t. Pridaux. Equitable decisions. Pridaux p. 659. 660. Holroyd. v. Marshall. 33. L. J. Ch. 193 - and cases cited under note 7. to Pridaux. as to returning paper in by mortgage after default. see Williams. P. P. p. 35. & notes p. 49.

*Pridaux pp. 650. & 655
Receipt for household goods on sale contained in an inventory, not a bill of sale. Pridaux. p. 655. also pp. 657. 7. H. 72. 457.
Pridaux. p. 654
Sale of crop. not a B. of sale. Pridaux p. 655. Newman. vs. Cardinal. 2. J. & J. 840.
Pridaux. p. 650. 653.
Fixtures to land mortgaged go with mortgage. Mather. v. Fraser. 2. K. & J. 536.
also with mtge of leasehold. In part Scott. 29. L. J. Rep. 314.
But see Pridaux. p. 658. Waterfall v. Peniston. b. El TB. 886; 26. L. J. C. P. 101. Walmsley. v. Milne. 29 Law. J. C. P. 97.
Elements. Pridaux p. 654 and cases cited in notes. t. v. v. and W.
Pridaux. page 657
Interpretation of words. "personal chattels" see Williams. P. P. page 59. & note. b. also page 60. note. c. d.*

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1881 to 1882

of the year 1881 and 1882

and the year 1881 and 1882

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and the year 1881 and 1882



JAMAICA—No. 28 OF 1867.

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A Law for the more Effectual Protection of Her Majesty's Naval and Victualling Stores.

[28 June, 1867.]

BE it enacted by the governor of Jamaica, with the advice and consent of the legislative council thereof, as follows:

First—This law may be cited as “The Naval and Victualling Stores Law, 1867.”

Short title.

Second—In this law—

Interpretation of terms.

The term “the admiralty” means the lord high admiral of the United Kingdom, or the commissioners for executing the office of lord high admiral.

The term “dealer in marine stores” means a person bound to conform to the regulations of the “Merchant Shipping Act, 1854,” of the United Kingdom, section four hundred and eighty.

The term “in her majesty's service,” when applied to persons, applies also to persons in the employment of the admiralty.

The term “stores” includes any single store or article.

Third—The marks described in the schedule to this law in or on her majesty's naval and victualling stores, denote her majesty's property in stores so marked.

Marks in schedule denote her majesty's property in stores.

Fourth—If any person, without lawful authority (proof of which authority shall be on the party accused), applies any of the marks described in the schedule to this law in or on any such stores as are in the said schedule described, he shall be guilty of a misdemeanor, and shall be liable to be imprisoned for any term not exceeding two years, with or without hard labor.

Imitation a misdemeanor.

For the Protection of Her Majesty's Naval Stores.

Obliteration with intent to conceal her majesty's property, felony.

Fifth—If any person, with intent to conceal her majesty's property in any naval or victualling stores, takes out, destroys, or obliterates wholly or in part any such mark as aforesaid, he shall be guilty of felony, and shall be liable, in the discretion of the court, to be kept in penal servitude for any term not exceeding four years, or to be imprisoned for any term not exceeding two years, with or without hard labor, and with or without solitary confinement.

Knowingly receiving, &c. marked stores a misdemeanor.

Sixth—If any person, without lawful authority (proof of which authority shall be on the party accused), receives, possesses, keeps, sells, or delivers any naval or victualling stores, bearing any such mark as aforesaid, knowing them to bear such mark, he shall be guilty of a misdemeanor, and shall be liable to be imprisoned for any term not exceeding one year, with or without hard labor.

Knowledge of stores being marked presumed against dealers, &c.

Seventh—Where the person charged with such a misdemeanor, as last aforesaid, was at the time at which the offence is charged to have been committed, a dealer in marine stores, or in her majesty's service, knowledge on his part that the stores, to which the charge relates, bore such mark as aforesaid, shall be presumed until the contrary is shewn.

Offenders may be summarily convicted in certain cases.

Eighth—Any person charged with such a misdemeanor as last aforesaid, in relation to stores, the value of which does not exceed five pounds, shall be liable, on summary conviction before two justices of the peace, to a penalty not exceeding twenty pounds, or, in the discretion of the justices, to be imprisoned for any term not exceeding six months, with or without hard labor.

Persons not dealers found in possession of stores, and not satisfactorily accounting for the same, liable to penalty.

Ninth—In order to prevent a failure of justice in some cases, by reason of the difficulty of proving knowledge of the fact that stores bore such a mark as aforesaid, if any naval or victualling stores, bearing any such mark, are found in the possession of any person, not being a dealer in marine stores, and not being in her majesty's service, and such person, when taken or summoned before any two justices of the peace, does not satisfy the justices that he came by the stores so found lawfully, he shall be liable, on conviction by the justices, to a penalty not exceeding five pounds; and if any such person does satisfy the justices that he came by the stores so found lawfully, the justices

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For the Protection of Her Majesty's Naval Stores.

tices, at their discretion, as the evidence given, and the circumstances of the case require, may summon before them every person through whose hands such stores appear to have passed; and if any such person, as last aforesaid, who has had possession thereof, does not satisfy the justices that he came by the same lawfully, he shall be liable, on conviction by the justices, to a penalty not exceeding five pounds.

Tenth—For the purposes of this law, stores shall be deemed to be in the possession or keeping of any person if he knowingly has them in the actual possession or keeping of any other person, or in any house, building, lodging, apartment, field, or place, opened or enclosed, whether occupied by himself or not, and whether the same or so had for his own use or benefit, or for the use or benefit of another.

Eleventh—It shall not be lawful for any person, without permission in writing from the admiral, commodore, or senior naval officer in command at Jamaica, or from some person authorized by the admiralty in that behalf, to creep, sweep, dredge, or otherwise search for stores in the sea or any tidal water in or about this island, within one hundred yards from any vessel belonging to her majesty, or in her majesty's service, or from any mooring place or anchoring place appropriated to such vessels, or from any moorings belonging to her majesty, or from any of her majesty's wharves or dock-yards, or victualling or other yards: If any person acts in contravention of this provision he shall be liable, on summary conviction before two justices of the peace, to a penalty not exceeding five pounds, or to be imprisoned for any term not exceeding three months, with or without hard labor.

Twelfth—The following sections of the act of the twenty-seventh Victoria, session one, chapter thirty-three, entitled *An act to consolidate and amend the statute laws relating to larceny and other similar offences*, shall be incorporated with this law, and shall, for the purposes of this law, be read as if they were here re-enacted; namely, sections eighty-two to eighty-four, eighty-seven, eighty-nine, ninety-one to one hundred and three, all inclusive; and for this purpose the expression "this act," when used in the said incorporated sections, shall be taken to include this present law.

Thirteenth—It shall not be competent for any person, unless

Possession explained.

9.13,

No unauthorized person to creep, sweep, &c. for stores within one hundred yards of dock yards, &c.

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Sections 82 to 84, 87, 89, and 91 to 103 of 27th Vic. c. 33 incorporated with this act.

None but the admiralty to prosecute.

For the Protection of Her Majesty's Naval Stores.

less under the authority of the admiral, commodore, or senior naval officer in command at Jamaica, or of some person authorized by the admiralty, to institute or carry on, under this law, any prosecution or proceeding for any offence.

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Penalties, &c.
to be applied
under orders
of governor.

Fourteenth—Notwithstanding anything in any act or law contained, any pecuniary penalty or other money recovered under this law shall be paid or applied as the governor shall direct.

Not to prevent
persons being
indicted under
this law, &c.

Fifteenth—Nothing in this law contained shall prevent any person from being indicted under this law, or otherwise, for any indictable offence made punishable on summary conviction by this law, or prevent any person from being liable, under any other act or law, or otherwise, to any other or higher penalty or punishment than is provided for any offence by this law, so that no person be punished twice for the same offence.

32 Geo. 3, c.
27, repealed as
to future of-
fences.

Sixteenth—The act of the thirty-second George the third, chapter twenty-seven, entitled *An act to declare that an act of the English parliament, which passed in the ninth and tenth years of the reign of William the third, chapter forty-one, entitled An act for the better preventing the embezzlement of his majesty's stores of war, and preventing cheats, frauds, and abuses in paying seaman's wages, to be in force in this island*, shall be repealed from the passing of this law; but this repeal, or any thing in this law, shall not apply to or in respect of any offence, act, or thing committed or done before the passing of this law.

SCHEDULE.

MARKS APPROPRIATED FOR HER MAJESTY'S USE
IN OR ON NAVAL AND VICTUALLING STORES.

STORES.	MARKS.
Hempen cordage and wire rope	White, black, or colored worsted threads, laid up with the yarns and the wire respectively.
Canvas, fearnought, hammocks, and seaman's bags	A blue line in serpentine form
Buntin	
Candles	A double tape in the wrap.
	Blue or red cotton thread in each wick, or wicks of red cotton.
Timber, metal, and other stores not before enumerated	The board arrow.



JAMAICA—No. 29 OF 1867.

A Law for the Better Prevention of Contagious Diseases.
[16th July, 1867.]

BE it enacted by the governor of Jamaica, with the advice and consent of the legislative council of Jamaica, as follows:

PRELIMINARY.

First—This law may be cited as “The Contagious Diseases Law, 1867.” Short title.

Second---In this law---

Interpretation clause.

The term “contagious disease” means venereal disease, including gonorrhœa.

The term “police” means the constabulary or police force, authorised to act in any part of any place to which this law applies.

The term “inspector of police” includes any other officer of the constabulary or police force.

The term “chief medical officer” means the principal physician or surgeon for the time being, attached to, or doing duty at a hospital, or the house surgeon, or resident surgeon of the hospital.

The term “justice” means a justice of the peace having jurisdiction in the parish where the matter requiring the cognizance of a justice arises, or in any part of any place to which this law applies.

The term “two justices” means two or more justices assembled and acting together, and includes any stipendiary justice having by law, for any purpose, the power of two justices.

For the Better Prevention of Contagious Diseases.

EXTENT OF LAW.

Governor to fix
the places to
which this law
applies.

Third--The places to which this law applies shall be the places fixed for the purpose by the governor of this island, by some order to be signed by a secretary of government, and published in the "Jamaica Gazette by Authority," the limits of which places shall, for the purposes of this law, be such as shall be defined in such order.

VISITING SURGEONS.

Governor may
appoint visit-
ing surgeons
and assistants.

Fourth--The governor may, after the commencement of this law, appoint a medical officer for each of the places to which this law applies, to be, during pleasure, visiting surgeon there for the purposes of this law, and may from time to time, on the death, resignation, or removal from office of any visiting surgeon, appoint another such officer in his stead.

The governor may, from time to time, as occasion requires, appoint a medical officer to be the assistant of any such visiting surgeon, and every such assistant shall have the like powers and duties of the visiting surgeon to whom he is appointed assistant.

A notice of the appointment of every such visiting surgeon, and of every such assistant, shall be published in the "Jamaica Gazette by Authority."

A copy of the "Gazette," containing such notice, shall be conclusive evidence of the appointment.

INSPECTOR OF HOSPITALS.

Governor may
appoint in-
spectors and
assistant in-
spectors of hos-
pitals.

Fifth--The governor may, after the commencement of this law, appoint a medical officer to be, during pleasure, inspector of certified hospitals under this law, and may, from time to time, on the death, resignation, or removal from office of any such inspector, appoint another such officer in his stead.

The governor may, from time to time, as occasion requires, appoint a medical officer to be an assistant inspector of certified hospitals under this law, which assistant shall have the like powers and duties as the inspector.

A notice

For the Better Prevention of Contagious Diseases.

A notice of the appointment of every such inspector, and of every such assistant, shall be published in the "Jamaica Gazette, by Authority."

A copy of the "Gazette," containing such a notice, shall be exclusive evidence of the appointment.

CERTIFIED HOSPITALS.

Sixth—The governor may, from time to time, provide any buildings, or parts of buildings as hospitals for the purposes of this law; and any building, or part of a building so provided, and certified in writing by the governor of this island to be so provided, shall be deemed a certified hospital under this law; and every certified hospital so provided, shall be placed under the control or management of such persons as to the governor from time to time may seem fit.

Governor may provide and certify hospitals.

Seventh—The inspector of certified hospitals shall from time to time visit and inspect every certified hospital.

Inspection of certified hospitals.

Eighth—The governor may at any time, by declaration in writing, declare the certificate relative to any certified hospital withdrawn, as from a time specified in the declaration, and thereupon the same shall cease to be a certified hospital as from the time so specified.

Power to withdraw certificate.

Ninth—A hospital shall not be certified under this law, unless, at the time of the granting of a certificate, adequate provision is made for the moral and religious instruction of the women detained therein under this law; and if, at any subsequent time, it shall appear to the governor that in any such hospital adequate provision for that purpose is not made, the certificate of that hospital shall be withdrawn.

Provision for moral and religious instruction.

Tenth—Every certificate, and every declaration of withdrawal of a certificate relative to any hospital under this law, shall be published in the "Jamaica Gazette, by Authority."

Certificate and declaration of withdrawal to be gazetted.

A copy of the "Gazette," containing any such certificate or declaration, shall be conclusive evidence of such certificate or declaration.

Every certificate proved to have been made shall be presumed to be in force until the withdrawal thereof is proved.

For the Better Prevention of Contagious Diseases.

Power to make regulations for certified hospitals.

Eleventh—The managers or persons having the control or management of such certified hospital shall make regulations for the management and government of the hospital, as far as regards women authorized by this law to be detained therein for medical treatment, or being therein under medical treatment for a contagious disease, such regulations not being inconsistent with the provisions of this law, and may from time to time alter any such regulations; but all such regulations, and all alterations thereof, shall be subject to the approval in writing of the governor.

A printed copy of regulations to be evidence.

Twelfth—A printed copy of regulations, purporting to be regulations of a certified hospital so approved, such copy being signed by the inspector of certified hospitals, or the chief medical officer of the hospital, shall be evidence of the regulations of the hospital, and of the due making and approval thereof for the purposes of this law.

PERIODICAL MEDICAL EXAMINATION.

On information justice may issue notice to woman who is a common prostitute.

Thirteenth—Where an information on oath is laid before a justice by an inspector of police, charging to the effect that the informant has good cause to believe that a woman therein named is a common prostitute, and either is resident within the limits of any place to which this law applies, or being resident within five miles of those limits, has, within fourteen days before the laying of the information, been within those limits for the purpose of prostitution, the justice may, if he think fit, issue a notice thereof addressed to such woman, which notice the inspector of police shall cause to be served on her.

Power to justice to order periodical medical examination.

Fourteenth—In either of the following cases, namely :

If the woman on whom such a notice is served appears herself, or by some person on her behalf, at the time and place appointed in the notice, or at some other time and place appointed by adjournment.

If she does not so appear, and it is shewn (on oath) to the justice present that the notice was served on her a reasonable time before the time appointed for her appearance, or that reasonable notice of such adjournment was given to her (as the case may be.)

The

For the Better Prevention of Contagious Diseases.

The justice present, on oath being made before him substantiating the matter of the information to his satisfaction, may, if he thinks fit, order that the woman be subject to a periodical medical examination by the visiting surgeon, for any period not exceeding one year, for the purpose of ascertaining at the time of each such examination, whether she is affected with a contagious disease, and thereupon she shall be subject to such a periodical medical examination, and the order shall be a sufficient warrant for the visiting surgeon to conduct such examination accordingly:

The order shall specify the time and place at which the woman shall attend for the first examination.

The inspector of police shall cause a copy of the order to be served on the woman.

Fifteenth—Any woman in any place to which this law applies may voluntarily, by a submission in writing, signed by her in the presence of, and attested by the inspector of police, subject herself to a periodical medical examination under this law, for any period not exceeding one year.

Voluntary submission by woman.

Sixteenth—For each of the places to which this law applies, the governor may from time to time make regulations respecting the times and places of medical examination under this law at that place, and generally respecting the arrangements for the conduct there of those examinations; and a copy of such regulations from time to time in force for each place shall be sent by the governor to the clerk of the peace, magistrates' clerk, visiting surgeon, and inspector of police.

Power to make regulations as to examinations.

Seventeenth—The visiting surgeon, having regard to the regulations aforesaid, and to the circumstances of each case shall, at the first examination of each woman examined by him, and afterwards from time to time, as occasion requires, prescribe the times and places at which she is required to attend again for examination; and he shall from time to time give, or cause to be given to each such woman, notice in writing of the times and places so prescribed.

Visiting surgeon to prescribe times, &c.

DETENTION IN HOSPITAL.

Eighteenth—If, on any such examination, the woman examined is found to be affected with a contagious disease, she shall thereupon

Certificate of visiting surgeon.

For the Better Prevention of Contagious Diseases.

thereupon be liable to be detained in a certified hospital, subject and according to the provisions of this law; and the visiting surgeon shall sign a certificate to the effect that she is affected with a contagious disease, naming the certified hospital in which she is to be placed; and he shall sign that certificate in triplicate, and shall cause one of the originals to be delivered to the woman, and the others to the inspector of police.

Placing in certified hospital for treatment.

Nineteenth—Any woman to whom any such certificate of the visiting surgeon relates may, if she thinks fit, proceed to the certified hospital named in that certificate, and place herself there for medical treatment; but if after the certificate is delivered to her she neglects or refuses to do so, the inspector of police, or a constable acting under his orders, shall apprehend her and convey her with all practicable speed to that hospital, and place her there for medical treatment, and the certificate of the visiting surgeon shall be a sufficient authority to him for so doing:

The reception of a woman in a certified hospital, by the managers or persons having the control or management thereof, shall be deemed to be an undertaking by them to provide for her care and treatment, lodging, clothing, and food, during her detention in the hospital.

Detention in hospital.

Twentieth—Where a woman, certified by the visiting surgeon to be affected with a contagious disease, places herself, or is placed as aforesaid in a certified hospital for medical treatment, she shall be detained there for that purpose by the chief medical officer of the hospital until discharged by him by writing under his hand.

The certificate of the visiting surgeon, one of the three originals whereof shall be delivered by the inspector of police to the chief medical officer, shall, when so delivered, be sufficient authority for such detention.

Power to transfer to another certified hospital.

Twenty-first—The inspector of certified hospitals may, if in any case it seem to him expedient, by order in writing signed by him, direct the transfer of any woman detained in a certified hospital for medical treatment from that certified hospital to another named in the order.

Every such order shall be made in triplicate, and one of the originals shall be delivered to the woman; and the others to the inspector of police.

Every

For the Better Prevention of Contagious Diseases.

Every such order shall be sufficient authority for the inspector of police, or any person acting under his orders, to transfer the woman to whom it relates from the one hospital to the other, and to place her there for medical treatment; and she shall be detained there for that purpose by the chief medical officer of the hospital until discharged by him by writing under his hand.

The order of the inspector of certified hospitals, one of the originals whereof shall be delivered by the inspector of police to the chief medical officer of the hospital to which the transfer is made, shall, when so delivered, be sufficient authority for such detention.

Twenty-second—Provided always, That no woman shall be detained under any one certificate for a longer time than three months, unless the chief medical officer of the hospital in which she is detained, and the inspector of certified hospitals, or the visiting surgeon for the place whence she came or was brought, conjointly certify that her further detention for medical treatment is requisite (which certificate shall be in duplicate, and one of the originals thereof shall be delivered to the woman); and in that case she may be further detained in the hospital in which she is, at the expiration of the said period of three months, by the chief medical officer, until discharged by him by writing under his hand, but so that any woman be not detained under any one certificate for a longer time in the whole than six months.

Limitation of detention.

Twenty-third—If any woman, detained in any hospital, considers herself entitled to be discharged therefrom, and the chief medical officer of the hospital refuses to discharge her, such woman shall, on her request, be conveyed before a justice, who, if he is satisfied upon reasonable evidence that she is free from a contagious disease, shall discharge her from such hospital, and such order of discharge shall have the same effect as the discharge of the chief medical officer.

Power for woman detained to apply to justice for discharge.

Twenty-fourth—Every woman conveyed or transferred under this law to a certified hospital shall, while being so conveyed or transferred thither, and also while detained there, be deemed to be legally in the custody of the person conveying, transferring, or detaining her, notwithstanding that she is for
that

During conveyance to certified hospital woman to be deemed in legal custody.

For the Better Prevention of Contagious Diseases.

that purpose removed out of one into or through another jurisdiction, or is detained in a jurisdiction other than that in which the certificate of the visiting surgeon was made.

Expenses of
woman's re-
turn home.

Twenty-fifth—Every woman shall, on her discharge from the hospital, be sent to the place of her residence, if she so desires, without expense to herself.

REFUSAL TO BE EXAMINED, &c.

Punishment of
woman for re-
fusing to be
examined, &c.

Twenty-sixth—In the following cases, namely :

If any woman, subjected by order of a justice under this law to periodical medical examination, at any time temporarily absent herself in order to avoid submitting herself to such examination on any occasion on which she ought so to submit herself, or refuses or wilfully neglects to submit herself to such examination on such occasion.

If any woman, whose detention in a certified hospital for medical treatment is authorized by this law, quits the hospital without being discharged therefrom by the chief medical officer thereof, by writing under his hand (the proof whereof shall lie on the accused).

If any woman, whose detention in a certified hospital for medical treatment is authorized by this law, or if any woman, being in a certified hospital under medical treatment for a contagious disease, refuses or unlawfully neglects, while in the hospital, to conform to the regulations thereof under this law.

Then and in every such case such woman shall be guilty of an offence against this law ; and, on summary conviction, shall be liable to imprisonment, with or without hard labour, in the case of a first offence, for any term not exceeding one month, and, in the case of a second or any subsequent offence, for any term not exceeding three months ; and in case of the offence of quitting the hospital without being discharged as aforesaid, the woman may be taken into custody, without a warrant by any constable.

Effect of order
of imprison-

Twenty-seventh—If any woman is convicted of, and imprisoned for the offence of absenting herself, or of refusing or neglecting

For the Better Prevention of Contagious Diseases.

neglecting to submit herself to examination as aforesaid, the order subjecting her to periodical medical examination shall be in force after and notwithstanding her imprisonment, unless the surgeon or other medical officer of the prison, or a visiting surgeon, appointed under this law, at the time of her discharge from imprisonment, certifies in writing to the effect that she is then free from a contagious disease (the proof of which certificate shall lie on her), and in that case the order subjecting her to periodical medical examination shall, on her discharge from imprisonment, cease to operate.

ment for absence, &c. from examinations.

Twenty-eighth—If any woman is convicted of, and imprisoned for the offence of quitting a hospital without being discharged, or refusing or neglecting while in a hospital to conform to the regulations thereof as aforesaid, the certificate of the visiting surgeon under which she was detained in the hospital shall continue in force, and on the expiration of her term of imprisonment she shall be sent back from the prison to that certified hospital, and shall (notwithstanding anything in this law), be detained there under that certificate as if it were given on the day of the expiration of her term of imprisonment, unless the surgeon or other medical officer of the prison, or a visiting surgeon appointed under this law, at the time of her discharge from imprisonment, certifies in writing to the effect that she is then free from a contagious disease (the proof of which certificate shall lie on her), and in that case the certificate under which she is detained, and the order subjecting her to periodical medical examination shall, on her discharge from imprisonment, cease to operate.

Effect of order of imprisonment for quitting hospital, &c.

Twenty-ninth—If on any woman leaving a certified hospital, a notice in writing is given to her by the chief medical officer of the hospital to the effect that she is still affected with a contagious disease, and she is afterwards in any place for the purpose of prostitution, without having previously received from a visiting surgeon, appointed under this law, a certificate in writing endorsed on the notice, or on a copy thereof, certified by the chief medical officer of the hospital (proof of which certificate shall lie on her), to the effect that she is then free from a contagious disease, she shall be guilty of an offence against this law; and, on summary conviction before two justices, shall be liable to be imprisoned, with or without hard labour, in the case of a first offence, for any term not exceeding one

Penalty on woman discharged uncured conducting herself as prostitute.

For the Better Prevention of Contagious Diseases.

one month, and, in case of a second or any subsequent offence, for any term not exceeding three months.

DURATION OF ORDER.

Order to operate whenever woman is resident in any place where order made, &c.

Thirtieth—Every order under this law, subjecting a woman to periodical medical examination, shall be in operation and enforceable in manner in this law provided, as long as and whenever from time to time the woman to whom it relates is resident within the limits of the place to which this law applies, wherein the order was made, or within five miles of those limits, but not in any case for a longer period than one year; and where the chief medical officer of a certified hospital, on the discharge by him of any woman from the hospital, certifies that she is free from a contagious disease (proof of which certificate shall lie on her), the order subjecting her to periodical medical examination shall thereupon cease to operate.

RELIEF FROM EXAMINATION.

Application for relief from examination.

Thirty-first—If any woman, subjected to periodical medical examination under this law (either on her own submission or under the order of a justice), desiring to be relieved therefrom, and not being under detention in a certified hospital, makes application in writing in that behalf to a justice, the justice shall appoint, by notice in writing, a time and place for the hearing of the application, and shall cause the notice to be delivered to the applicant, and a copy of the application and of the notice to be delivered to the inspector of police.

Order for relief from examination on discontinuance of prostitution, &c.

Thirty-second—If on the hearing of the application it is shown to the satisfaction of the justice, that the applicant has ceased to be a common prostitute, or if the applicant, with the approval of the justice, enters into a recognizance with or without sureties, as to the justice shall seem meet, for her good behaviour during three months thereafter, the justice shall order that she be relieved from periodical medical examination.

Forfeiture of recognizance by return to prostitution.

Thirty-third—Every such recognizance shall be deemed to be forfeited if at any time during the term for which it is entered into the woman to whom it relates (within the limits of any place to which this law applies), in any public thoroughfare, street, or place for the purpose of prostitution or otherwise (within those limits) conduct herself as a common prostitute.

PENALTIES

For the Better Prevention of Contagious Diseases.

PENALTIES FOR HARBOURING, &c.

Thirty-fourth—If any person, being the owner or occupier of any house, room, or place within the limits of any place to which this law applies, or being a manager or assistant in the management thereof, having reasonable cause to believe any woman to be a common prostitute, and to be affected with a contagious disease, induces or suffers her to resort to, or be in that house, room, or place for the purpose of prostitution, he shall be guilty of an offence against this law, and on summary conviction thereof before two justices, shall be liable to a penalty not exceeding twenty pounds, or, at the discretion of the justices, to be imprisoned for any term not exceeding six months, with or without hard labour: Provided, That a conviction under this enactment shall not exempt the offender from any penal or other consequences to which he may be liable for keeping, or being concerned in keeping a bawdy house, or disorderly house, or for the nuisance thereby occasioned.

Penalty for permitting prostitute having contagious disease to resort to any house, &c. for prostitution.

PROCEDURE, &c.

Thirty-fifth—All proceedings under this law before and by justices shall be had according to the provisions of the act of the thirteenth year of her majesty (chapter thirty-five, "to facilitate the performance of the duties of justices of the peace out of sessions, with respect to summary convictions and orders"), as far as those provisions are not inconsistent with any provision of this law, and save that the room or place in which a justice sits to enquire into the truth of the statements contained in any information or application under this law against or by a woman, shall not, unless the woman so desires, be deemed an open court for that purpose; and, unless the woman otherwise desires, the justice may, in his discretion, order that no person have access to, or be, or remain in that room without his consent or permission.

Application of 13th Vic. c. 35, to this law.

Thirty-sixth—The forms or certificates, orders, and other instruments given in the schedule to this law, or forms to the like effect, with such variations and additions as circumstances require, may be used for the purposes therein indicated, and according to the directions therein contained, and instruments in those forms shall (as regards the form thereof), be valid and sufficient.

Forms in schedule to be used.

Y

Thirty-seventh.

For the Better Prevention of Contagious Diseases.

Instruments
may be in
print, &c.

Thirty-seventh—Any certificate, order, notice, or other instrument made or issued for the purposes of this law, may be partly in print, and partly in writing.

Presumptions
as to signa-
tures of jus-
tices, &c.

Thirty-eighth—In any proceeding under this law, any notice, order, certificate, copy of regulations, or other instrument purporting to be signed by a justice, inspector of police, visiting surgeon, assistant visiting surgeon, surgeon, or other medical officer of a prison, chief medical officer of a certified hospital, or the inspector, or an assistant inspector of certified hospitals, shall, on production, be received in evidence, and shall be presumed to have been duly signed by the person in the character by whom and in which it purports to be signed, until the contrary is shown.

Mode of ser-
vice.

Thirty-ninth—Every notice, order, or other instrument by this law required to be served on a woman, shall be served by delivery thereof to some person for her at her usual place of abode, or by delivery thereof to her personally.

Limitations of
actions, &c.

Fortieth—Any action or prosecution against any person for any thing done in pursuance or execution, or intended execution of this law, shall be laid and tried in the parish where the thing was done, and shall be commenced within three months after the thing done, and not otherwise :

Notice in writing of every such action, and of the cause thereof, shall be given to the intended defendant one month at least before the commencement of the action.

In any such action the defendant may plead generally that the act complained of was done in pursuance or execution, or intended execution of this law, and give this law, and the special matter, in evidence at any trial to be had thereupon.

The plaintiff shall not recover if tender of sufficient amends is made before action brought, or if a sufficient sum of money is paid into court after action brought, by or on behalf of the defendant.

If a verdict passes for the defendant, or the plaintiff becomes nonsuit, or discontinues the action after issue joined, or if, on demurrer or otherwise, judgment is given against the plaintiff, the defendant shall recover his full costs

For the Better Prevention of Contagious Diseases.

costs as between attorney and client, and shall have the like remedy for the same as any defendant has by law for costs in other cases.

Though a verdict is given for the plaintiff, he shall not have costs against the defendant, unless the judge, before whom the trial is had, certifies his approbation of the action.

SCHEDULE.

A.

CERTIFICATE FOR CERTIFIED HOSPITALS.

" THE CONTAGIOUS DISEASES' LAW, 1867 "

In pursuance of the above-mentioned law, it is hereby certified by the governor of Jamaica, that the following building (or part of a building), namely (here describe generally the building, or part of building), has been provided as a hospital for the purposes of the said law.

Dated this day of 18

(Signed) A. B. colonial secretary.

B.

DECLARATION OF WITHDRAWAL OF CERTIFICATE.

" THE CONTAGIOUS DISEASES' LAW, 1867. "

In pursuance of the above-mentioned law, it is hereby declared by the governor of Jamaica, that the certificate under the said law, dated the day of constituting the hospital (or as the case may be), a certified hospital under the said law, has been, and the same is hereby withdrawn, as from the day of

18

Dated this day of 18

(Signed) A. B. colonial secretary.

INFORMATION

For the Better Prevention of Contagious Diseases.

C.

INFORMATION.

To Wit. { The information of C. D. of inspector
of police for [as the case may be],
under "The Contagious Diseases Law, 1867," taken this
day of 186 before the undersigned,
one of her majesty's justices of the peace in and for the
said parish of who says he has good cause to
believe that D. E. is a common prostitute, and is resident
within the limits of a place to which the said law applies ;
that is to say, at in the parish of
[or is a common prostitute, and being resident within
five miles of a place to which the said law applies ; that
is to say, at in the parish of was, within
fourteen days before the laying of this information, that
is to say, on the day of within those
limits ; that is to say, at in the parish of
for the purpose of prostitution].

Taken and sworn before me the day and year first
above-mentioned.

(Signed)

L. M.

D.

NOTICE OF ATTENDANCE ON WOMAN:

To D. E. of

Take Notice, That an information, a copy whereof is
subjoined hereto, has been laid before me, and that in
accordance with the provisions of the law therein men-
tioned, the truth of the statement therein contained will
be enquired into before me, or some other justice, at
on the day of at o'clock
on the noon.

You are therefore to appear before me, or such other
justice, at the place and time, and to answer to what is
stated in the said information.

CONFIDENTIAL

You

For the Better Prevention of Contagious Diseases.

You may appear yourself, or any person on your behalf.

If you do not appear you may be ordered, without further notice, to be subject to a periodical medical examination by the visiting surgeon under the said law.

If you prefer it, you may, by submission in writing, signed by you in the presence of the inspector of police for the parish of _____ (as the case may be), and attested by him, subject yourself to such periodical medical examination.

If you do so before the time appointed for your appearance, it will not be necessary for you to appear then before a justice.

Dated this _____ day of _____ 18 _____

(Signed) _____ L.M., justice of the peace.

[Subjoin copy of information.]

E.

ORDER SUBJECTING WOMAN TO EXAMINATION.

To Wit. { Be it remembered, That on the _____ day of _____
 { in pursuance of "The Contagious Diseases' Law, 1867," I, one of her majesty's justices of the peace in and for the said parish of _____ do order that D. E. of _____ be subject to a periodical medical examination by the visiting surgeon for (here state the place) for _____ calendar months from this day, for the purpose of ascertaining, at the time of each such examination, whether she is affected with a contagious disease within the meaning of the said law, and that she do attend for the first examination, at _____ on the _____ day of _____ at _____ o'clock in the _____ noon.

(Signed)

L. M.
VOLUNTARY

For the Better Prevention of Contagious Diseases.

F.

VOLUNTARY SUBMISSION TO EXAMINATION.

"THE CONTAGIOUS DISEASES' LAW, 1867."

I, D.E. of _____ in pursuance of the above-mentioned law, by this submission, voluntarily subject myself to a periodical medical examination by the visiting surgeon for (here state the place) for _____ calendar months from the date hereof.

Dated this _____ day of _____ 18 _____

(Signed)

D.E.

Witness—X.Y. inspector of police for
[or as the case may be.]

G.

NOTICE OF VISITING SURGEON TO WOMAN OF TIMES, &c.
OF EXAMINATION.

To D.E. of _____

Take notice, That in pursuance of "The Contagious Diseases' Law, 1867," you are required to attend for medical examination, as follows :

[Here state times and places of examination.]

Dated this _____ day of _____ 18 _____

(Signed) _____ E.F. visiting surgeon for [state the place.]

H.

CERTIFICATE OF VISITING SURGEON.

In pursuance of "The Contagious Diseases' Law, 1867," I hereby certify that I have this day examined D.E. of _____ and that she is affected with contagious disease, within the meaning of that law : And the certified

For the Better Prevention of Contagious Diseases.

L.

DISCHARGE FROM HOSPITAL.

In pursuance of "The Contagious Diseases' Law, 1867,"
I hereby discharge D.E. of _____ from this
hospital (add according to the fact), and certify that she
is now free from a contagious disease.

Dated this _____ day of _____ 18 _____ at the
hospital.

(Signed) _____ G.H. chief medical officer.

M.

CERTIFICATE OF DISCHARGE FROM IMPRISONMENT.

"THE CONTAGIOUS DISEASES' LAW, 1867."

Whereas, under the above-mentioned law, D. E. of
_____ was, on the _____ day of _____ convicted of
the offence of _____ and has since been imprisoned for
that offence in the gaol of _____ and is now discharged
from imprisonment therein: Now, in pursuance of the
said law, I hereby certify that she is now free from a con-
tagious disease.

Dated this _____ day of _____

R.O. surgeon of the gaol of _____
or

E.F. visiting surgeon for [state place].

N.

NOTICE TO WOMAN LEAVING HOSPITAL.

"THE CONTAGIOUS DISEASES' LAW, 1867."

To D.E.

As you are now leaving the hospital I hereby, in pur-
suance of the above-mentioned law, give you notice, that
you are still affected with a contagious disease.

Dated this _____ day of _____

(Signed) _____ chief medical officer.

NOTE.—The above-mentioned law provides as follows:

If, on any woman leaving a certified hospital, a notice [set out the
twenty-ninth section of this law.]

CERTIFICATE

For the Better Prevention of Contagious Diseases.

O.

CERTIFICATE ON LAST FOREGOING NOTICE OR COPY.

In pursuance of the within mentioned law, I hereby certify that the within named woman is now free from contagious disease.

Dated this day of
(Signed) E.F. visiting surgeon for [state place.]

P.

APPLICATION TO BE RELIEVED FROM EXAMINATION.

To L.M. esquire, and others, her majesty's justices of the peace for the parish of

I, D.E. of being, in pursuance of "The Contagious Diseases' Law, 1867," subject to periodical medical examination on my own submission [or under the order of L.M. esquire, as the case may be], dated the day of do hereby apply to be relieved therefrom.

Dated this day of 18·

(Signed) D.E.

Witness—G.W.

171

1871

THE UNIVERSITY OF CHICAGO

OFFICE OF THE DEAN

CHICAGO, ILLINOIS

Dear Sir:

NOTICE TO DEPARTMENTS OF EXAMINATION

It is requested that the heads of departments and the heads of the various divisions of the University be notified of the following matters:

1. The examination for the degree of Bachelor of Arts will be held on the first of June, 1871.

2. The examination for the degree of Bachelor of Science will be held on the first of July, 1871.

3. The examination for the degree of Master of Arts will be held on the first of August, 1871.

4. The examination for the degree of Master of Science will be held on the first of September, 1871.

5. The examination for the degree of Doctor of Philosophy will be held on the first of October, 1871.

6. The examination for the degree of Doctor of Divinity will be held on the first of November, 1871.

7. The examination for the degree of Doctor of Laws will be held on the first of December, 1871.

8. The examination for the degree of Doctor of Medicine will be held on the first of January, 1872.

9. The examination for the degree of Doctor of Theology will be held on the first of February, 1872.

10. The examination for the degree of Doctor of Letters will be held on the first of March, 1872.

11. The examination for the degree of Doctor of Jurisprudence will be held on the first of April, 1872.

12. The examination for the degree of Doctor of Public Health will be held on the first of May, 1872.

13. The examination for the degree of Doctor of Agriculture will be held on the first of June, 1872.

14. The examination for the degree of Doctor of Education will be held on the first of July, 1872.

15. The examination for the degree of Doctor of Music will be held on the first of August, 1872.



JAMAICA—No. 30 OF 1867.

A Law to Provide Duties by Licenses and Registrations,
and for the Payment of Land Tax.

[16th July, 1867.]

WHEREAS the act twenty-eighth Victoria, chapter twenty-eight, "The License and Registration Duties Act, 1865," is about to expire, and it is expedient to continue the duties under the said act, as amended: It is enacted by the governor of Jamaica, with the advice and consent of the legislative council thereof, as follows: Preamble.

First—On the first day of August in each year, or within ten days thereafter, the occupier or possessor of each item of property hereinafter enumerated, who is not by this or some other act or law exempted from the payment of taxes or duties by this law imposed, and every person keeping or using fire arms, shall set forth a statement of such property, according to the form to be obtained from the collector of dues, and declare to the truth of such statement, and pay the collector of dues in respect thereof the duties hereinafter specified, and obtain from him a license for the same: Possessors of property to make returns, pay duties, and obtain licenses under this law.

For every house of the annual value of twelve pounds, or upwards, at the rate one shilling and six pence in the pound, of such value	£0 1 6	Duties.
--	--------	---------

Each head of horsekind used for any purpose whatsoever upon a main or parochial road, eleven shillings	0 11 0	
--	--------	--

Each head of horsekind used solely for hire and for livery stable purposes, seven shillings	0 7 0	
---	-------	--

Each ass, three shillings and six pence	0 3 6	
---	-------	--

Each head of horsekind, ass, or horned stock, except those next mentioned, not used on a main or parochial road, one shilling	£0 1 0	
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(170)

Each

To Provide Duties by Licenses and Registrations, &c.

Each head of working cattle, horsekind, and asses used solely in and about the cultivation of estates, plantations, or pens, within the confines thereof, six pence	£0 0 6
Every other head of cattle, six pence	0 0 6
Each wheel of a carriage, fifteen shillings	0 15 0
Each wheel of a carriage, used solely for hire and livery stable purposes, ten shillings	0 10 0
Each head of sheep, two pence	0 0 2
Each boat plying for hire (droghers and ships' boats excepted), twenty shillings	1 0 0
Each canoe or boat, other than a canoe plying for fare (droghers and other ships' boats excepted), ten shillings	0 10 0
Each wheel of a cart, six shillings	0 6 0
Each wheel of a hackney carriage, twenty shillings	1 0 0
Each fire-arm, registration of, and license to use on the premises of the owner of such fire-arm, two shillings	0 2 0
License to keep and use otherwise, eight shillings	0 8 0

Return of land tax to be made.

Second—Every person in possession of land as owner, tenant, or in any other character, shall on the first day of August, or within ten days thereafter in each year, pay to the collector of dues of his parish, or of the district of the parish in which he resides, the full amount of the tax by law imposed thereon, without any deduction for discount, and obtain from him an acquittance therefor; and the eighth, ninth, and nineteenth sections of "The Main Road Fund Act, 1857," (twenty-first Victoria, chapter thirty-four), are hereby repealed, but without prejudice to any act done, or pending thereunder.

As to assignments of property on which duties have been paid.

Third—Any assignee of property liable to tax or duty under this law, which shall come into his possession or occupation after the first day of August in any year, the tax or duty upon which had been previously paid, and the license or acquittance for the same transferred by the assignor to him, and any

To Provide Duties by Licenses and Registrations, &c.

any person who shall acquire property after the period mentioned, in substitution of property of the like description, upon which the duty imposed by this law had been paid, but which had been destroyed, or had become unserviceable, shall not be liable to pay any tax or duty upon such property; and the tax or duty so previously paid shall cover, and the license or acquittance in respect thereof shall protect and enure to the property so acquired: In every such case the license shall be produced to the collector of dues, who shall make a memorandum thereon of the transfer or acquisition of the property transferred or acquired as aforesaid.

Fourth—The assignor of any property, for which a license has been obtained, shall, upon transfer thereof, specify in the bill or receipt for the same, whether the license is also transferred, and if transferred, give in such bill or receipt the number, date, letter, and parish of the license; in default of such bill or receipt, or if it shall not convey the information aforesaid, the assignee of the property shall pay the duty, and take out a fresh license for the same: The assignor of property, and of the benefit of the license for the same, shall not be entitled to occupy or possess any other item of property of the like description in substitution of the transferred property, without paying the duty thereon, and obtaining a fresh license for the same.

What required
in such case.

Fifth—The license obtained by any person during his lifetime shall, upon his death, enure to his personal representatives, or their assignees, for the residue of the term thereof; and in all cases of assignment of property, on which the duty has been paid, and the license for the same transferred, such license shall enure to the assignee for the residue of the term thereof.

Licenses to
enure to per-
sonal represen-
tatives and as-
signees for re-
sidue of term.

Sixth—Whenever any property liable to tax or duty under this law shall belong to, or be held in trust for any person who shall be an inmate or member of any family, the head, or principal member of such family shall be responsible for payment of the taxes or duties thereon, and liable to the penalties imposed by this law in respect thereof.

When property
belongs to in-
mate of family,
principal liable
for the duties.

Seventh—Any person who shall, at any time after the first day of August in any year, enter into the occupation of any land

As to duties in
respect of pro-
perty acquired

To Provide Duties by Licenses and Registrations, &c.

during the term, and after 1st August.

land or house chargeable with tax or duty, or become possessed of any dutable property which has not been licensed or registered, or whereon the tax or duty shall not have been paid as aforesaid, shall be liable to pay the whole or a portion of the tax or duty by law imposed, according to the time which will elapse between the period when he entered into the occupation of the land or house, or become possessed of the property, and the next recurring period for the payment of the tax or duty thereupon, such time to be computed from the first day of the quarter during which the occupation or possession commenced, at the rate of one fourth of the whole annual tax for each quarter, or fractional part of each quarter of a year.

INTERPRETATION CLAUSES.

"House," meaning of.

Eighth—The word "house" shall mean every inhabited or occupied dwelling-house, shop, store, wharf, warehouse, office, or place of business, of the annual value of twelve pounds, or upwards; and shall, for the purpose of such valuation, include and comprise the out-offices, yards, and curtilages: and, for the purposes of taxation under this law, the true annual value of every house shall, when tenanted at a rent, be taken to be the rent actually payable thereon by the year; and where otherwise occupied, the full and just yearly rent at which the same is really and *bona fide* worth to be let shall be taken as such true annual value.

Landlord liable where occupation by several.

Ninth—Where any house shall be let in different subdivisions, and shall be occupied by several persons or families, or by the owner thereof, together with one or more persons, and the aggregate rents and value thereof shall amount to the sum of twelve pounds or upwards, such house shall be charged with the duties under this law, as if the same was occupied by one person, or by one family only; and the landlord or owner shall be deemed, for the purposes of taxation, the occupier thereof, except where the duty shall have been paid, and the house registered by some other person.

Houses which pay duties under law No. 10, 1867, not to be charged for the year 1867 under this law.

Tenth—The tax or duty on houses which were, by the "The License and Registration Act, 1865," exempted from duty, but which is charged and payable under Law No. 10 of 1867, shall not be charged or payable under this law for the year one thousand eight hundred and sixty-seven.

Eleventh

To Provide Duties by Licenses and Registrations, &c.

Eleventh—The word “carriage” shall mean all spring carriages used for the transport of persons on business or pleasure.

Interpretation
of terms.

2. The word “cart” shall mean every cart, dray, wagon, or wain, whether on springs or not, used for burthen.

3. The words “hackney carriage” shall mean every wheel carriage plying for hire in any town, or for the carriage of passengers.

4. The word “firearms” shall mean every musket, fowling piece, gun, carbine, rifle, pistol, or revolver.

5. The word “horsekind” shall mean every horse, mare, colt, filly, gelding, or mule.

6. The words “working cattle” shall mean all bulls, cows, speyed heifers, steers, horses, mares, geldings, and mules, used or worked on or within the limits of an estate, and all horned stock used on estates, and for carrying produce or other commodities for, or on account of any estate or plantation.

7. The word “boat” shall mean any canoe, wherry, lighter, or other boat.

8. The word “estate” shall mean any land from which five hogsheads or forty barrels of sugar, or thirty-five hundred weight of coffee shall be produced, or pimento to the extent of twenty-five bags of one hundred and twenty pounds weight each, as an annual average is gathered.

9. The word “pen” shall mean any land upon which forty head of breeding and other stock are kept and licensed.

10. The words “collector of dues” shall mean any person appointed, or to be appointed, to get in or receive the duties hereby imposed.

FIREARMS LICENSE.

Twelfth—The respective registrations or licenses to keep and to use firearms shall be personal, and shall not entitle any person not licensed to keep, carry, or use firearms, unless he be the servant of a licensee for that purpose, and shall carry or use the same in his master's service, and within the limits of his property.

Firearms li-
cense per-
sonal.

Thirteenth

To Provide Duties by Licenses and Registrations, &c.

Firearms may be seized by policeman or constable in certain cases.

Thirteenth—Any policeman or constable may require the production of his license by any person carrying or using any firearms otherwise than on public service; and if such license is not produced, he may seize and convey the firearms to the next court of petty sessions of the justices, who, in case of non-production of a license, and satisfactory evidence that the same had been obtained prior to the seizure, shall order that such firearms shall be detained for ten days, and then sold, unless earlier redeemed.

PAYMENT IN MOITIES.

Duties of or above £4 may be paid in moities.

Fourteenth—Whenever the duties imposed by this law shall amount to or exceed the sum of four pounds, they may be paid by moities, the first on or before the tenth day of August, and the second on or before the tenth day of February then next succeeding; and, upon payment of the first moiety, the collector of dues shall grant the license by this law required and so in like manner upon the payment of the second moiety.

How to be entered by collector.

Fifteenth—The duties to be paid by moities as aforesaid, shall be entered and registered by the collector of dues separately, and apart from those paid in full; and the licenses issued and granted for moities shall have the word "moiety" written or printed legibly on the top, and along the margin of the same respectively.

LICENSE FOR CARTS.

Separate letter and number for each parish to be assigned for carts, &c.

Sixteenth—The collector of dues shall deliver to the persons entitled thereto, licenses for carts, hackney carriages, boats, and fire arms, and each such license shall state the distinguishing letter assigned by the revenue commissioner to the parish for the year, and shall be marked and distinguished conformably therewith, and shall be numbered in each separate class with the number assigned thereto in the license granted by the collector of dues; and a separate number shall be assigned to, and a separate license issued for each cart, hackney carriage, boat, and firearms; but any number of firearms may be included in a license for the same.

Letter and number to be on cart, &c.

Seventeenth—The letter and number mentioned in the license for every cart, hackney carriage, or boat, shall be painted at the right side of such cart, hackney carriage, or bow of such boat in legible letters and numbers, of the size of at least two inches, in white, on a dark ground.

EXEMPTION

To Provide Duties by Licenses and Registrations, &c.

EXEMPTION FROM THE PAYMENT OF DUTIES UNDER THIS LAW.

Eighteenth—Horses used by officers of the army, for the keep of which an allowance is granted by her majesty's regulations, are exempted from taxation under this law; and houses belonging to the crown, or to the colonial government, and school houses, except in so far as they may be used as dwelling houses, are also exempted from taxation under this law.

Horses allowed to military officers, and crown and colonial property, &c. exempted from taxation under this law.

Nineteenth—Railway and tramway trucks and carriages shall not be liable to seizure, nor shall any such truck or carriage be liable to the payment of any tax under this law, so long as used exclusively upon the railway or tramway; or carts used upon an estate or pen shall not be liable to seizure, nor shall any such cart be liable to the payment of any tax under this law, so long as used exclusively within the limits of the estate or pen to which it belongs, or upon any public road running through such estate or pen, and within the limits of the same.

Railway and tramway trucks, &c. and carts on estates and pens exempted.

DURATION OF LICENSE.

Twentieth—Each license under this law shall be in force from the first day of August in each year, or from the day on which granted, until the thirty-first day of July next succeeding.

Duration of license to 31st July of each year.

DUTIES OF COLLECTORS OF DUES.

Twenty-first—The collector of dues of each parish, or district of a parish, shall fill up, in consecutive order, in the book to be for that purpose furnished to him, and in which book the license and counterfoils thereof shall be numbered from one onwards, each license granted by him, and also insert the particulars thereof in the counterfoil of each license, and shall cut out and deliver to each person paying the taxes and duties under this law the license for the same; and he shall also transcribe the same in numerical order in a book to be kept in his office for that purpose, in such form as shall be prescribed by the revenue commissioner, which book shall be open to public inspection; and he shall transmit to the receiver-general, on or before the thirtieth day of September in each year, a statement, declare to before a justice of the peace, of the

Collector of dues to deliver license in consecutive order, and to transcribe same in book to be kept for inspection, and make returns and remittances.

To Provide Duties by Licenses and Registrations, &c.

total number of persons who shall paid taxes or duties, with the aggregate of each head or division of items of property, and the total of such payments up to twenty-eight day of September; and, within five days after the termination of each month, shall transmit a similar statement for the period elapsed since the date to which the last return was made, in such form as the revenue commissioner shall from time to time direct, shewing the number, in consecutive order, of the licenses issued by him during the then preceding month, with the names of the taxpayers, the items of property, and sums paid by each, and the gross aggregate receipts of such month (including land tax); and he shall, at the same time transmit to the receiver-general, or otherwise, as by law required, the full amount of all such duties and monies received by him.

REMUNERATION OF COLLECTORS OF DUES.

Collector of dues to be paid by salary or otherwise, as governor shall direct.

Twenty-second—Each collector of dues shall be paid such salary or remuneration as the governor shall direct.

DUTIES OF POLICE IN EXECUTION OF THIS LAW.

Police may seized property not licensed, and as to carts &c. if not lettered or numbered.

Twenty-third—Every item of property liable to duty, but which shall not have paid duty, or have been licensed, and also every cart, hackney carriage, or boat which shall not be lettered or numbered according to the register of the parish as directed by this law, and whether the same is being used or not, shall be seized by any policeman or constable, and conveyed to a justice of the peace, who may direct the same, and all goods found in the cart, hackney carriage, or boat so seized (except the party in charge shall think fit to remove the said goods), to be kept until the case can be adjudicated by the justices in petty sessions, who may direct the property so seized to be detained until redeemed or sold.

On sale thereof duties and expenses to be paid from proceeds.

Twenty-fourth—Out of the proceeds of such sales the collector of dues shall be paid the amount of the taxes or duties and the costs and charges of taking, keeping, and selling in the property seized, not exceeding one shilling in the pound, and a further sum of two shillings to the seizing officer, and the surplus, if any, shall be returned to the owner or persons from whom the property was so taken.

Twenty-fifth

To Provide Duties by Licenses and Registrations, &c.

Twenty-fifth—The owner or persons from whom the property was so taken may, at any time before the sale thereof, redeem the same, by complying with this law, and paying the sum of two shilings to the seizing officer, and the charges on taking and keeping the property, not exceeding one shilling per diem; and the collector of dues shall thereupon grant the necessary license as hereinbefore directed; upon production of which the property shall be restored; but any justice of the peace may direct the seizing officer to sell immediately, by public outcry, any goods seized that may be of a perishable nature, and to apply the proceeds of such sale to the like purposes as herein directed; and notwithstanding such seizure and sale, the penalties for the breach of this law may be sued for and enforced against the offender.

Owner, &c.
may redeem
before sale.

EVASIONS OF THE LAW.

Twenty-sixth—Any person allowing his license to be used by any other person, in contravention of this law, shall be liable to a penalty not exceeding ten pounds, nor less than two pounds; and any person using such license as aforesaid, shall be liable to a like penalty.

Penalty on using
the license
of another person.

Twenty-seventh—Any person who shall counterfeit or forge, or cause or procure to be counterfeited or forged, or aid in counterfeiting or forging any license, registration letter, number, or mark, or painting, or impression whatsoever, required by this law, or who knowingly shall utter, give, or procure to be given, or make use of, or procure to be made use of, or accept, or receive any counterfeited or forged license, registration letter, number, or mark, or painting, or impression whatsoever, required by this law in any respect or particular, shall, for every offence, on conviction be adjudged to pay the sum of ten pounds, and to be imprisoned with hard labor for any period not exceeding six calendar months.

Forging licenses,
letters,
numbers, &c.

GENERAL PROVISIONS.

Twenty-eighth—No receipt or license, registration certificate or process under this law, shall be subject or liable to any stamp duty.

License, &c.
not liable to
stamp duty.

Twenty-ninth—The revenue commissioner may refund any amount of license duty which may appear to him to have been overpaid.

Revenue commissioner
to refund over-
paid duties.

Thirtieth

To Provide Duties by Licenses and Registrations, &c.

Revenue commissioner to advertise letter and number of each parish,

Thirtieth—The revenue commissioner shall determine, and by public advertisement in the "Jamaica Gazette by Authority," communicate to the collector of dues, or respective collectors of dues of each parish, the distinguishing letter of his parish, to be affixed to licenses for the then ensuing licensing period or year, and the same shall be the distinguishing letter of the parish for that period or year, and shall be inserted in each license under this law accordingly for such parish.

Revenue commissioner may allow compensation to collector of dues for persons to assist him.

Thirty-first—The revenue commissioner may allow any reasonable sum for remunerating any person appointed by the collector of dues for any parish, with his consent, for aiding him in discovering and proceeding against persons in default, or in arrear for duties, and otherwise assisting in the collection of the same.

False declaration perjury.

Thirty-second—If any person shall wilfully make a false declaration in respect of any matter required by this law, every such person, upon conviction, shall be liable to, and shall suffer such penalties as are imposed on persons guilty of wilful and corrupt perjury; and every prosecution in any such respect shall be of a public nature.

Taxes and duties payable, and offences committed under former law how to be dealt with.

Thirty-third—Notwithstanding the repeal or expiry of the act twenty-eighth Victoria, chapter twenty-eight, "The License and Registration Duties' Act, 1865," all taxes and duties payable thereunder may be enforced, and all offences committed against its provisions dealt with and punished; and all penalties imposed or incurred thereunder shall be recovered; and all bonds, recognizances, liabilities, and duties enforced under the powers, directions, and authorities of this law, and of any law now or hereafter to be in force for the collection of taxes and duties, and all proceedings taken or commenced under the said act, or any other act, shall continue and be in full force and effect.

SHORT TITLE.

Short title,

Thirty-fourth—This law may be cited in all proceedings as "The License and Registration Duties' Law, 1867," and shall commence and be in force on, from, and after the first day of August, one thousand eight hundred and sixty-seven.

See Law 8 of 75

Rep: Law 10 of 78



JAMAICA—No. 31 OF 1867.

A Law to Regulate the Collection of the Duty on Rum,
and for the Warehousing of Rum.

[13th August, 1867.]

BE it enacted by the governor of Jamaica, with the advice
and consent of the legislative council thereof, as follows:

STILLS.

First—Every person having a still in his possession, or under his charge, of the capacity of three hundred gallons or more, shall, on the first day of August, or within thirty days thereafter, in the present year, and on the first day of August, or within fourteen days thereafter in each succeeding year, make a return to the collector of the parish or district wherein such still may be, according to form A, to this law annexed, setting forth the capacity thereof, and the other particulars required by such form, and shall pay to such collector the sum of five pounds for such still; and every person having more than one such still in his possession, or under his charge, shall do likewise in respect of every such still that he may have in his possession, or under his charge, and thereupon the receiver-general, or such other officer as the governor shall appoint for this purpose, shall, subject to the provisions contained in clause fourth of this law, grant to such person a license to have and use each still on which such payment shall have been made: A list of all licenses for stills in the parish shall be kept in the office of every collector.

Persons in possession of stills to make return and obtain license.

Second—Every such license shall authorize the having and using the still for which it is granted for a period of twelve months, from the first day of August of the year in which it is granted, after which period no such license shall have effect.

License to be in force twelve months.

Third—Every person who shall erect, or for the first time use a still of the capacity of three hundred gallons or more, after the passing of this law (such still not being in substitution

License to be taken out on erection or use of still within twelve months.

To Regulate the Collection of Duty and Warehousing of Rum.

tution of a still taken down, on which the license duty for the year shall have been paid), shall, before using the same, make a like return as hereinbefore required, and shall pay to the collector, as hereinbefore required, the like sum of five pounds, and shall obtain, as is hereinbefore provided, a license, which shall endure for the residue of the then current year.

Except with the permission of the governor no still to be used of less capacity than 300 gallons.

Fourth—After the passing of this law, it shall not be lawful for any person to use any still of a less capacity than three hundred gallons without the special license of the governor, given in writing under the hand of a secretary of the government: When such special license shall be given, if the still is for making rum, the like license duty, as is hereinbefore required, shall be paid to the credit of the public revenue: The grant of such a special license may be made subject to such condition as to the governor may seem fit, and any breach of any such condition shall render the person offending liable to the penalty provided in clause five of this law: and any collector, or other officer authorized for the purpose, may enter upon the premises where any such still is, and, in default of such special license as aforesaid, may remove and confiscate the same.

Penalty for using still without license.

Fifth—Every person who, at any time after the passing of this law, shall have in his possession, or under his charge, a still erected and in use, for which he has no license still having effect, shall be liable to a penalty not exceeding twenty pounds, and to a further penalty not exceeding five pounds for every month, or fraction of a month during which he shall have neglected to take out such license, and shall be liable besides, if the still be one for which license duty is demandable, for the license duty hereinbefore made payable.

REGISTERED STORES.

Houses, stores, or compartments, to be registered for the reception of rum.

Sixth—There shall be one or more houses or stores, or compartments of houses or stores, a particular description of which shall be furnished to and registered by the collector, in which all rum, immediately upon being distilled, shall be stored; and in case any rum shall be found upon any part of an estate in which any distillery may be, except in such registered houses or stores, the person in the actual charge of such estate, on which such rum shall be so found, shall be liable to a penalty not exceeding twenty pounds.

Seventh

To Regulate the Collection of Duty and Warehousing of Rum.

Seventh—Every person in charge of an estate on which a still is now in use, shall, within thirty days after the passing of this law, commence to use on an estate any still or stills, shall, within thirty days after such commencement, transmit to the collector a particular description of such place or places as aforesaid, on the said estate on which rum is to be stored as aforesaid, under penalty, on every default or neglect, of five pounds, and a further penalty of one pound for each week such particulars shall be withheld: The collector shall keep in his office a general register of such houses or stores, which shall be open to inspection in his office.

Description thereof to be sent to collector within 30 days after passing of this law, or erection or use of still.

Eighth—All casks containing rum, upon removal into store as aforesaid, shall be marked or branded with the estate's marks, and numbered consecutively from number one upwards, commencing each year's crop with number one.

Casks to be marked on removal into store.

STILL HOUSE BOOK.

Ninth—A book shall be kept on every estate by the person in charge of the distillery thereof, according to the form in the schedule annexed, marked B; and such book shall be kept up weekly, and shall, at the expiration of every week, be certified by the person in charge of the distillery; and any person in charge of an estate, or the distillery thereof, failing or neglecting to keep such book, or to make the necessary entries, shall be liable, for every week during which such book shall not have been kept, or the entries not made, to a penalty not exceeding five pounds.

Still house book to be kept.

Tenth—All rum sent into store shall, before it is removed from thence for any purpose whatsoever, be gauged, and the strength thereof in each cask ascertained by the person in charge of the distillery thereof, and the quantity and strength so ascertained shall be by such person marked on the cask, and entered in the distillery book of the date on which the same shall be removed.

Before removal from store rum to be gauged.

Eleventh—It shall be lawful for the inspector of revenue, collector, or any person deputed by the governor, or the inspector of revenue, at any time to enter, view, and inspect the registered store, and to ascertain and test the quantity and strength of all the rum in the said store; and whenever the rum shall be so ascertained and tested, the officer performing the

Officers authorized to view and inspect store.

To Regulate the Collection of Duty and Warehousing of Rum.

the duty shall enter in the still-house book the result; and the quantity and strength of the rum so found by such officer shall be deemed the correct quantity and strength; but, until such ascertainment, the quantity and strength found and entered by the person in charge of the distillery shall be allowed.

No erasure to be made in still house book, &c.

Twelfth—Whenever any person in charge of an estate, or the distillery thereof, shall commit any error in making any entry hereinbefore required to be made in the book to be kept as aforesaid, or in any book, register, return, or document required by this law to be kept, such person shall not erase or obliterate the incorrect entry, but shall, immediately on the discovery of such error, draw his pen through the same, and make the correct entry.

Penalty on false entry or erasure.

Thirteenth—Any person who shall wilfully make any false entry, or any erasure or obliteration in any distillery book, or in any book, register, return, or document required by this law to be kept, or injure or destroy any such book, register, return, or document to defeat the intention of this law, shall be subjected to a penalty not exceeding twenty pounds, or be liable to imprisonment in any prison other than a county gaol for any period not exceeding three months.

If difference between still house book and return cannot be explained, duty unaccounted for to be paid.

Fourteenth—If, upon examination of any such distillery book, and comparison therewith of any return made under this or any other law, and upon ascertaining the quantity and strength of rum on hand at any given period, it shall appear that there is a difference between the quantity and strength of the rum made and accounted for, which difference cannot be explained to the satisfaction of the revenue commissioner, the duty upon the quantity of rum so unaccounted for shall, within ten days after the decision of the revenue commissioner, be paid to the collector, or, in default thereof, shall be recovered as is hereinafter mentioned.

RETURNS OF RUM MANUFACTURED ON ESTATES.

Returns by proprietors to be made quarterly.

Fifteenth—Every person in charge of an estate shall give in, to the collector of the district where such estate is situate, on the thirtieth day of June, the thirtieth day of September, the thirty-first day of December, and the thirty-first day of March in every year, or within twenty-eight days thereafter respectively, a return, containing a just and true account of all rum which

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which shall have remained on hand, and been accounted for at the last return, under the provisions of any former law, or at the last preceding quarter-day under this law, and also a return of all rum which (from such last return, or last preceding quarter day to the next quarter day of giving in), shall have been made on such estate, together with an account of the disposal of the same; and such return shall be made and declared to according to the form C, hereunto annexed; and the collector shall give a receipt for every such return.

Sixteenth—No person in charge of an estate shall be charged with the duty imposed under any law of this island upon the quantity of rum which, in the returns required to be made by this law, shall be shewn to have been exported from this island, and for which the export certificates required by this law shall have been delivered to the collector, nor shall such person be charged with the duty on any quantity of rum which he can shew, to the satisfaction of the revenue commissioner, shall have been lost by leakage or evaporation, breakage of a cask, or other accident while in store, or during its transit from one part of the island to another, whether carried by land or water, or from the place from whence such rum was shipped to the vessel on board of which such rum shall have been laden for exportation.

Allowances for which duty not to be charged.

Seventeenth—If any rum be destroyed by fire or other accident, while the same is deposited in the still-house or registered store of any estate, or in any warehouse, or whilst being received into, or delivered out of the still-house, store, or warehouse, or whilst being removed, or in the shipping or landing of the same, or if rum in any distillery shall be lost or destroyed in manner aforesaid, the revenue commissioner shall, on proof to his satisfaction of such loss or destruction, remit the duty payable in respect of such rum.

Duty not to be paid where rum lost by fire or other accident.

Eighteenth—No quantity of rum shall be allowed free of duty to any distiller or person in charge of an estate, or to any person whomsoever, whether for use or consumption by such distiller or person, or by his servants, or on the estate or premises where the rum is made, or for any purpose; but such distiller, or person in charge, upon paying to the collector the duty upon such rum, may obtain a duty-paid permit, and a delivery permit for use and consumption on the estate of any quantity, to be delivered in casks of not less than forty gallons at a time.

No rum to be allowed on any estate duty free.

To Regulate the Collection of Duty and Warehousing of Rum.

Certificates and documents to be transmitted with returns.

Nineteenth—The person making the returns required under this law shall, with such returns, transmit to the collector all certificates and documents referred to in the said returns other than duty paid permits; and it shall be the duty of such officer to compare such return with the returns sent in by the wholesale vendors and retailers of spirits, and tavern-keepers, under the law imposing licenses on spirits in force for the time being.

Person in charge of estate to send to receiver-general duty paid permits.

Twentieth—The person in charge of an estate from which rum shall have been sold for consumption in this island shall, at the time at which the quarterly returns are required to be made, transmit to the receiver-general all duty-paid permits, which, during the preceding quarter, have been delivered to him by the persons to whom rum has been sold from the estate during such quarter, and such duty-paid permits shall be an acquittance to the person or estate for the duties chargeable on the number of gallons of rum mentioned therein.

REMOVAL OF RUM

No rum to be removed except as after mentioned.

Twenty-first—After the passing of this law it shall not be lawful to remove rum from any estate or warehouse except under the provisions of this law.

Certificates to be prepared and distributed by revenue commissioner.

Twenty-second—The revenue commissioner shall cause certificates to be prepared in duplicate, in the form annexed to this law, marked D, and numbered consecutively, in arithmetical progression, commencing with number one, and bound in books, which shall be furnished to the collector of each district, and by him distributed to the several persons in charge of estates therein.

Certificate to be filled up and accompany rum on every removal from estate.

Twenty-third—Whenever any rum shall be sent from an estate, either to a bonded warehouse, or for exportation, the person in charge of the estate, before such rum leaves the registered store thereon, shall fill up one of the certificates, according to form D, to this law annexed, in duplicate, beginning with number one, and continuing the series in regular succession, in the several particulars thereof, according to the purpose for which such rum shall be sent from the estate, and each part shall be signed by the person in charge of the estate, and one part thereof shall be retained in the book on the estate, and the other part shall be delivered to the person taking the rum, and accompanying the rum on its whole course to the place

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place of destination, and be there delivered within a reasonable time from the date of such certificate to the locker and gauger of the warehouse, or master of the vessel in which such rum, if for exportation, shall be shipped.

Twenty-fourth—The master of any vessel about to sail from any port of this island on his outward voyage, having rum on board, shall, at the time of clearing such vessel, produce and deliver to the collector of customs at Kingston, or sub-collector of customs at any other port, the certificates which accompanied such rum, and also a manifest, in the form in the schedule to this law annexed, marked E, signed by such master, and declared to as correct before some justice of the peace, the collector, or sub-collector.

Master of vessel with rum on board to produce to customs, before clearance, manifest and certificate.

Twenty-fifth—It shall not be lawful for the collector of customs at Kingston, or the sub-collector of customs at any other port, to clear any vessel having rum on board, until the master of such vessel shall have left with him the rum manifest and certificates required by the preceding sections of this law.

Vessel not to be cleared unless such documents left.

Twenty-sixth—Previous to the clearance of such rum for exportation as aforesaid, the person in charge of the estate, or his agent, or the purchaser of the said rum, or his agent, shall produce to the collector in Kingston, or to the sub-collector at any other port, a declaration, in writing, form F, to this law annexed, and obtain a certificate of export from the collector, or sub-collector of customs, form G, to this law annexed.

Exporter of rum, or his agent, to produce before clearance declaration, and obtain export certificate.

Twenty-seventh—If any rum, cleared for exportation, shall not be duly shipped on board the vessel in which it is cleared to be shipped, or shall not be duly exported to parts beyond the seas, or shall be unshipped or relanded in any port of this island without the permission of the proper officers of the customs, the same shall be forfeited, seized, and sold by the officers of the customs, and the proceeds thereof, after payment of costs and charges, shall be paid to the use of the government of this island; and every person who, having cleared rum for exportation shall not have duly exported the same, or by whom, or by whose order or means the shipment of rum so cleared shall have been delayed, omitted, or prevented, or such rum shall have been unshipped or relanded, and every person who shall aid and assist, or be concerned in preventing the shipment

Penalty on non-shipment or relanding if rum cleared for exportation.

To Regulate the Collection of Duty and Warehousing of Rum.

ment, or in the unshipping or relanding of such rum, shall be liable to be indicted for a misdemeanor; and, upon conviction, shall be punished by imprisonment, with hard labour, in the general penitentiary, for a period not less than three, nor more than twelve months.

Permits to be obtained on sale of rum from an estate for consumption.

Twenty-eighth—Upon any rum being sold for consumption in this island, the purchaser thereof shall obtain from the person selling the same a bill of parcels, stating the number of gallons, and the strength of the rum, with the estate's mark and number; and, before the removal thereof, pay to the collector the duty on such rum, and procure a duty-paid permit for the same, which permit he shall deliver to the person selling the rum, as his authority for delivering the same; and it shall not be lawful for any person to deliver any rum, sold for consumption in this island, until the purchaser of such rum shall produce to, and leave with him a duty-paid permit as aforesaid: Provided, That it shall not be lawful to sell rum from any estate, for consumption in this island, in casks containing less than forty gallons each.

Delivery permit after entry in still house book to be given to purchaser.

Twenty-ninth—With such duty-paid permit, the collector shall also deliver to the purchaser a delivery-permit, which permit, after being produced to the person in charge of the distillery, and noted by him in the still-house book, shall be by him endorsed with his name, and delivered with the rum to the purchaser, as his authority for the removal of the said rum.

Penalty on delivery, receipt, or removal of rum, except as by this law permitted.

Thirtieth—If any rum shall be delivered or received for consumption in this island by any person, or removed from an estate, except in the cases, and in the manner, and under the regulations permitted by this law, all such rum shall be seized and forfeited to the government; and every person concerned in the delivery, receipt, or removal of such rum shall, for every such offence, forfeit and pay a sum not exceeding one hundred pounds, nor less than twenty pounds, and shall be further liable for all duties payable on such rum.

Onus probandi on the party charged with the act.

Thirty-first—In any proceeding for any penalty or forfeiture under this law, the onus of proving that the law has been complied with shall be upon the party charged with the sale, delivery, receipt, storage, or removal of such rum.

Thirty-second

To Regulate the Collection of Duty and Warehousing of Rum.

WAREHOUSING OF RUM.

Thirty-second—It shall be lawful for the governor from time to time to appoint, in the city of Kingston, and in any other port or place in this island, where he may think necessary, one or more warehouse or warehouses for the reception and deposit of rum, without payment of duty, under such security by bond, and under such conditions, rules, and regulations as the governor may deem necessary for the purposes of this law

Governor to appoint warehouses, &c.

Thirty-third—Until otherwise determined by the governor, the present warehouses shall be and continue warehouses for rum; and the present lockers and gaugers shall continue and remain under their present appointment; and the security given by the proprietors or tenants of such warehouses, and by such lockers and gaugers, shall continue and be in full force: And every person at present appointed, or who may be appointed under this law, shall hold his office at the pleasure of the governor.

Present warehouses continued.

Thirty-fourth—All rum sent from an estate, accompanied by the permit or certificate by this law required, and directed to be warehoused, shall, within a reasonable time, be delivered with the accompanying permit or certificate to, and received by the locker and gauger in charge of such warehouse, who shall enter such rum in the name of the person sending down the same, or of the factor to whom it shall be addressed, and make other necessary entries to correspond with the particulars of the permit or certificate accompanying such rum, in the books kept by him as such locker and gauger; and such locker and gauger shall gauge and ascertain the quantity and strength of the rum in the several casks, and enter in his book, in separate columns, the quantity and strength at the time of such delivery; and, upon every such delivery, the locker and gauger shall deliver, to the person leaving and lodging the said rum, a certificate showing the warehousing thereof, and the quantity and strength of the rum in each cask, and other particulars as ascertained by him.

Rum sent from estate to warehouse to be delivered with permit or certificate to the locker and gauger.

Thirty-fifth—The holder of any rum warehouse and entered in his name under any previous act of this island, or this law, may sell or transfer such rum, upon giving notice in writing of such sale or transfer to the collector; and the locker and gauger

Rum may be transferred in warehouse.

To Regulate the Collection of Duty and Warehousing of Rum.

guager in charge of the warehouse in which such rum so transferred is deposited, shall guage, if required so to do, and transfer and enter such rum to the name of the purchaser in the book kept by him for that purpose: After such transfer the purchaser shall be liable for all duties, penalties, or forfeitures on the said rum.

Proprietor of rum may examine, repair, and fill up casks in warehouse, &c.

Thirty-sixth—It shall be lawful for any person having rum in a warehouse to examine and repair the casks containing the same; to fill up any casks which may be ullaged from other casks of the same rum; to draw off such rum into other casks when and as often as may be necessary; to make arrangements for the preservation, or sale, or shipment of such rum, and to take samples thereof, under such regulations as may be made for that purpose, without entry or payment of duty.

Regulations on removal from warehouse for consumption.

Thirty-seventh—Before any rum shall be removed from any warehouse for consumption in this island, the party intending to remove the same shall deliver to, and leave with the locker and gauger in charge of such warehouse, an order to gauge such rum, and the locker and gauger to whom such order shall be given shall, upon receipt thereof, gauge such rum and certify, by endorsement on the said order, the contents in gallons, and the strength of the several casks of rum mentioned therein; and the duties upon the quantity so ascertained being paid to the collector, such officer shall give to the person paying such duties a duty-paid permit and delivery-permit for such rum, which permits shall be produced to the locker and gauger aforesaid, who shall retain the duty-paid permit mentioned as his authority for the delivery of the rum therein mentioned, and endorse on the delivery permit the date of the delivery out of the warehouse of the said rum, with his name, and deliver back such delivery-permit to the party taking out such rum.

Regulations on removal for exportation.

Thirty-eighth—Before any rum shall be removed from any warehouse for exportation, a like order to gauge such rum, as in the preceding section mentioned, shall be given to the locker and gauger, who shall guage and certify, by endorsement on the said order, the contents in gallons, and the strength of the rum in the several casks mentioned in the order; and the collector shall give to the person intending to export such rum an order for the delivery out for export, and an export permit for the

To Regulate the Collection of Duty and Warehousing of Rum.

the same, which last-mentioned order and permit shall be produced to the locker and guager as his authority for the delivery out of the said rum; and the locker and guager, having endorsed his name, and the date of delivery on the export permit, shall deliver the same with the rum to the person exporting the same, by whom such permit shall be delivered to the master of the vessel on which such rum shall be shipped.

Thirty-ninth—All rum warehoused under any previous act, or this law, shall be cleared, either for exportation or island consumption, within two years from the day of the first entry thereof, unless further time shall be granted by the governor; and it shall be lawful for the receiver-general to cause the rum not so cleared to be sold, and the produce applied to the payment of the duties and other charges, and the overplus, if any, paid to the proprietor.

All rum to be cleared from warehouse within two years.

Fortieth—All rum entered to be warehoused shall be warehoused with distinctive marks and numbers on each cask, and shall be stowed in such manner as that easy access be had to every cask.

Casks to be marked and stowed for access.

Forty-first—Every occupier of a warehouse, who shall omit to mark, number, and stow all rum received into his warehouse, shall, for every offence, forfeit the sum of five pounds.

Penalty on not marking casks.

Forty-second—Every occupier of a warehouse, who shall receive into, deliver from, or take out of any warehouse any rum which shall not have been entered as hereinbefore provided, shall forfeit a sum not exceeding one hundred pounds, nor less than twenty pounds, and be liable besides, in every case in which rum shall have been delivered from, or taken out of the warehouse contrary to the provisions of this law, to treble the duties due on such rum.

Penalty on receipt or delivery from warehouse of rum not duly entered.

Forty-third—The occupier of every warehouse shall, upon request of the locker and guager in charge of such warehouse, or the collector, immediately produce to the officer making such request, any rum deposited therein or received into his custody, which shall not have been delivered out under any of the provisions of this law; and upon every failure to produce any such rum, such occupier shall forfeit the sum of one hundred

Rum in warehouse to be produced on demand.

To Regulate the Collection of Duty and Warehousing of Rum.

hundred pounds over and above the value thereof, and the duties to which every parcel of rum not so produced shall be liable at the time of the request; and it shall be lawful for the revenue commissioner to direct that the value of such rum, when received, shall be paid to the owner thereof, on its being shewn to the revenue commissioner that the owner was in no way implicated in, and had no knowledge of the making away with, or the removal of such rum.

Penalty on
fraudulent ac-
cess to rum.

Forty-fourth—If any proprietor of rum which has been warehoused, or any person in his employ, with his knowledge, privity, or consent, shall, by any contrivance fraudulently open the warehouse in which any rum has been deposited, or gain access to such rum, except in the presence of the locker and guager, acting in the execution of his duty, such proprietor shall forfeit and pay, for every such offence, the sum of one hundred pounds.

Penalty on
fraudulent
concealment or
removal of
rum.

Forty-fifth—If any rum which shall have been warehoused shall be fraudulently concealed in or removed from the warehouse in which it was deposited, every person who shall have concealed or removed, or have been concerned in the concealment or removal of such rum, or who shall knowingly harbour, keep, or conceal, or shall knowingly permit or suffer to be harboured, kept, or concealed, any such rum, and every person to whose hands and possession any such rum shall knowingly come, shall forfeit treble the duty payable thereon, or the sum of one hundred pounds, at the election of the revenue commissioner.

Embezzlement,
&c. of rum by
locker and
guager mis-
demeanor.

Forty-six—Whenever any embezzlement or waste of any rum shall take place in any warehouse, through the wilful misconduct of any locker and guager, such locker and guager shall be deemed guilty of a misdemeanor, and, upon conviction, be punished accordingly.

On conviction
proprietor re-
lieved from du-
ty, &c. to be re-
paid damage.

Forty-seventh—In every case in which the proprietor of the rum so embezzled or wasted shall be payable for or in respect of the rum so embezzled or wasted, and the damage occasioned by such embezzlement or waste shall be repaid and made good to the proprietor of the rum, under the warrant of the governor.

FACTORS

To Regulate the Collection of Duty and Warehousing of Rum.

FACTORS.

Forty-eighth—Before any person shall act as a factor in the sale and disposal of rum, every such person shall cause his name, or the name of his firm, and his or their places of residence and business to be registered with the receiver-general, who is hereby required to keep a correct register of such factors, and cause their names to be from time to time published in the "Jamaica Gazette by Authority."

Factors to register with receiver-general.

Forty-ninth—It shall not be lawful for any person, as factor, to receive any rum into his possession; but all such rum shall be sent to, and deposited, and placed in a duly appointed warehouse, and be there entered in the name of such factor, and be subject to the regulations affecting such rum when warehoused.

Rum to be sent to warehouse.

Fiftieth—Every factor entrusted with the sale and disposal of rum shall, on the thirty-first day of March, the thirtieth day of June, the thirtieth day of September, and the thirty-first day of December, in each year, or within fourteen days thereafter, respectively give in to the collector a just and true account of the receipt and disposal of all rum which shall have come under his control during the preceding quarter, accounting for what shall have remained on hand at the period of the last previous return or in-giving (if any), under any law of this island, and such returns shall be in the form H, to this law annexed.

Returns by factors quarterly.

Fifty-first—Any person may act as the agent of any other person in the shipping of rum, as hereinbefore mentioned, without being licensed as a dealer in spirits, under the law imposing licenses on spirits, or being registered as a factor under this law.

Any person to act as agent in shipping rum.

DUTIES AND POWERS OF OFFICERS.

Fifty-second—Every collector, and the inspector, of revenue, and every person having general or special authority in writing for this purpose from the inspector of revenue, or from a secretary of government, shall be empowered to enter into any distillery, store, shop, or other place where rum or other spirit is manufactured or kept, whether for store or export, or for wholesale or retail sale, or otherwise, and to examine and

Certain officers may enter and inspect distillery and other places where rum kept.

To Regulate the Collection of Duty and Warehousing of Rum.

guage such rum or other spirits, and to take an account thereof, and to inspect the numbers and brands of spirit casks, and to call for and inspect, if forthcoming, all such still-house books, sale books, bill of parcels, bills of sale, permits, certificates, receipts, accounts, and writing as are, or ought to be kept by distillers, wholesale sellers, and retail sellers of rum, or other spirits as aforesaid.

Such officers
may seize rum
in certain cases,

Fifty-third—It shall be lawful for the inspector of revenue, the collector of customs, and any sub-collector of customs, and any locker and guager, and for any collector, or any assistant collector of revenue, and for any justice of the peace, and for the inspector-general, and deputy inspector-general of police, and any inspector, sub-inspector, sergeant-major, sergeant, or corporal of the constabulary or police force, and each of them is hereby required, on view or information thereof, to seize any rum which he shall find to have been delivered or received for consumption in this island, otherwise than by this law permitted, or which he shall find removed, or in the course of removal from any estate without a permit or certificate allowing of the removal of the same, or which having been cleared for exportation, shall have been re-landed without the permission of the officers of the customs, or is removed from any estate in less quantities than forty gallons, and for such purpose to break open any outer door or enclosure (in the day time), and to call any peace officer to his assistance and every such peace officer is hereby required to give his aid or assistance, when so called on, without the necessity for any warrant from a justice of the peace, under a penalty of five pounds for every refusal or neglect.

and may de-
mand produc-
tion of permits
or certificates.

Fifty-fourth—It shall be lawful for any of the officers or persons in the preceding section mentioned, to demand and require of any person having the charge and carriage of any rum the production of the permit or certificate under which such rum is being carried or conveyed, and, on refusal of the person in charge of such rum to produce the same, to seize such rum by marking, and follow the same to the place of destination, and there secure the same; and if it shall be found that such rum is in the course of removal otherwise than by this law permitted, the same shall be liable to forfeiture and condemnation; any person so refusing to produce such permit or permits shall be liable to a penalty not exceeding five pounds.

Fifty-fifth

To Regulate the Collection of Duty and Warehousing of Rum.

Fifty-fifth—Any person obstructing any person who shall be acting in the lawful exercise of the powers given by this law, shall, upon conviction, be subject, for each offence, to a penalty not exceeding forty pounds, or to imprisonment with or without hard labour, in any prison for a period not exceeding six calendar months.

Penalty on obstructing officers.

Fifty-sixth—Seizures made under this law, if not claimed, in writing, within thirty days from the date of seizure, by a person furnishing to the seizing officer an affidavit, made by him before a justice of the peace, that he is the true and lawful owner of the property seized, shall be absolutely forfeited as fully and affectually as if the same had been condemned by judgment of a competent court, and shall be sold by public auction; and every person making a false affidavit to the said effect shall be liable to the same punishment as person found guilty of wilful and deliberate perjury.

Seizures forfeited if no claim entered.

Fifty-seventh—All proceedings for the condemnation of any seizures made under this law, may be had and taken before any two justices of the peace of the parish where such seizure was made; and the information for the same shall be brought in the name of the officer or person making such seizure, and may be in the form or to the effect in the schedule to this law marked I; and it shall be lawful for the justice, before whom any such information shall be exhibited, to summon the party to whom such goods belonged, or from whom they were seized to appear before him and some other justice of the peace, or any other justices; and such summons, directed to the party, being left with him, or at his last place of abode, shall be deemed to have been sufficiently served; and, upon his or their appearance, or default, such justices may proceed to the examination of the matter, and upon due proof that the goods are liable to forfeiture under this law, may condemn the said goods, and judgment shall be given upon such information, notwithstanding any defect of form which may appear in such information, or in any proceedings thereupon or relating thereto; and the form of condemnation shall be in the form, or to the effect in the schedule to this law marked K.

Proceedings on condemnation.

Fifty-eighth—Except in cases where rum cleared for exportation shall have been relanded without the permission of the officers of the customs, if the justices before whom any information

Justices, if they do not find fraud, may restore the rum, im-

To Regulate the Collection of Duty and Warehousing of Rum.

posing penalty on the person through whose act the rum became liable to seizure.

mation shall be brought for condemnation of goods seized as liable to forfeiture under this law, shall be of opinion, on the evidence adduced, that there was no fraudulent evasion, or attempt at evasion of the duties on the rum so seized, the justices may permit the rum to be restored to the owners thereof; and may, without any new or further information, impose upon the person in charge of the estate, or through whose act the rum has become liable to seizure, the penalty by this law imposed on the removal of rum, except under the regulations by this law permitted.

Enforcing attendance of witnesses.

Fifty-ninth—Any justice before whom any information under this law shall be brought, may summon any person required as a witness, wherever he shall reside in this island, to testify what he shall know concerning the matter of such information; and such summons may be in the form to this law annexed, marked L: And if any person, so summoned, shall refuse or neglect to appear at the time and place appointed in such summons, and no excuse shall be offered for such neglect or refusal, then upon proof that such summons was duly served upon such person, either personally, or by leaving it at his last place of abode in this island; or if any person, having appeared according to the exigency of such summons shall refuse to take the oath, or shall refuse to give evidence, or to answer, according to the best of his knowledge and belief, any legal question required of him, he shall, for every such default or offence, forfeit such sum not exceeding fifty pounds, as such justices shall seem fit: Provided, That the reasonable expenses of such witnesses, according to the scale for witnesses, at the criminal courts, shall have been paid or tendered to him at the time of service of such summons.

Rum seized not to be sold for less than duty.

Sixtieth—No rum seized shall be sold for consumption for a price less than the amount of the duty payable thereupon; and if such rum will not produce a price equal to such amount, it shall be destroyed in such manner as the revenue commissioner shall think proper, or be sold for exportation.

RUM DUTIES LIEN ON ESTATE.

Duties lien on lands of estate.

Sixty-first—The duties now or at any time heretofore imposed or hereafter to be imposed upon rum, by any law of this island, shall be and they are hereby declared to be, a charge upon the lands of the estate whereon the rum liable to payment thereof shall have been, or shall be manufactured, from the

To Regulate the Collection of Duty and Warehousing of Rum.

the time when such rum was or shall be made, and shall and may be recovered against the same, and all personal property found thereon at any time, and against all goods and chattels belonging to, or in the possession of any person liable for such duties shall have been paid and satisfied, or be otherwise discharged and accounted for under the provisions of this law, notwithstanding proceedings shall have been taken for any penalty under this law in respect to such duties.

Sixty-second—The charge or lien by this law, or any former law created in respect or on account of any unpaid duties as aforesaid, shall not be lost, waived, or affected by reason or in consequence of any distress, action, or other proceeding for the enforcement or recovery of any such duties, until the same shall be fully paid, satisfied, or accounted for.

Lien not lost
by proceedings
for such duties.

Sixty-third—The duty on rum warehoused shall be calculated and paid on the quantity of rum which shall be taken out of any warehouse for consumption.

Duty to be paid
on rum deli-
vered out of
warehouse.

Sixty-fourth—In every case where the manufacture of rum has been abandoned permanently on an estate, the duty on all rum remaining on hand on such estate shall, after the demand by the collector, be forthwith payable and be proceeded for under this law, unless the person in charge shall immediately pay the same duty, or warehouse the rum agreeably to law.

On permanent
abandonment
of estate duty
on rum on
hand to be
paid.

Sixty-fifth—Upon the production of a certificate of the receiver-general that the duties imposed, or to be imposed under any act or law of this island, are due and unpaid by or in respect of any estate whereon rum liable to any such duties shall have been, or shall be manufactured, or by any person on account of any rum, it shall be the duty of any two justices of the peace of the parish where the estate is situate, or such person shall reside, to issue to the collector a warrant under their hands and seals, authorizing and empowering him to distrain for such duties so due and unpaid upon any goods and chattels found upon the said estate, or in the possession of such person, whereon a landlord might distrain for rent in arrear; and every such collector may break open any outer door or enclosure, in the day time, for the purpose of making any such distress, and call any peace officer to his assistance; and every such

Process for re-
covery of duty
against estate.

To Regulate the Collection of Duty and Warehousing of Rum.

such peace officer is hereby required to give his aid or assistance, when so called on, without the necessity for a warrant from a justice of the peace, under a penalty not exceeding five pounds for every refusal or neglect.

Process for like purpose after previous conviction.

Sixty-sixth—Whenever any person in charge of any estate shall be convicted under this law of having sold, disposed of, or removed any rum, contrary to its provisions, it shall be lawful for any two justices of the peace of the parish in which the estate is situate, at the time of such conviction, or at any time thereafter, upon production of such conviction, or a copy thereof certified by the clerk of the peace where such conviction shall take place, and on a certificate of the receiver-general, or other proof that the duties on such rum are due and unpaid, to issue to the collector a warrant under their hands and seals, to distrain upon all and every the goods and chattels and personal property of the person so previously convicted, and, in addition, upon all and every the goods and chattels and personal property on the said estate; and such collector shall have the like powers of breaking open the outer door or enclosure, and of calling any peace officer to his assistance, under the like penalty, on refusal or neglect, as it is given to him in the immediately preceding section.

Proceedings on distress.

Sixty-seventh—The collector, after keeping any distress for the space of ten days, unless sooner redeemed, may sell and dispose of all such goods, chattels, and personal property taken under any such warrant as aforesaid, or a sufficient portion thereof, to pay and satisfy the unpaid duties, and the expense of such distress and sale, including a commission of sixpence in the pound to the collector thereon, and shall restore the overplus, if any, to the party on whom, or on whose estate the distress shall be made.

Notice of sale thereof.

Sixty-eighth—Before proceeding to a sale of any such distress, the collector shall give five days' notice of such sale by writing, affixed on the parochial court-house, in which notice shall be mentioned the day and hour of the commencement of such sale, which shall be between ten and twelve of the clock in the forenoon, as also the articles levied upon, and the name of the person or property from whom or in respect of which the duties are due; and every collector shall have power (with consent of the party distrained on, or otherwise, for sufficient cause

To Regulate the Collection of Duty and Warehousing of Rum.

cause), to adjourn any sale, affixing a like notice on the parochial court-house of such adjourned sale.

Sixty-ninth—No collector shall be prevented from distraining upon, or selling any goods or chattels by reason of the same, or the property whereon the same shall be, being in receivership in the court of chancery; nor shall it be necessary for any collector to apply for, or obtain the permission of the court of chancery before distraining.

Properties in chancery may be distrained.

Seventieth—Any collector may proceed by action or suit in the supreme court, or other competent court, to the jurisdiction of which such party shall be answerable for the recovery of any duties in arrear; and such action or suit shall be brought in the name of the collector, who shall describe himself therein by his name, and style of his office; and such action shall not be abated by the death or removal from office of any collector, but the same, and all subsequent process to enforce payment shall, notwithstanding such death or removal, be continued in the name of the collector, until such duties and costs shall have been fully paid.

Other remedy for duties on rum.

Seventy-first—Upon the insolvency of any person charged with the payment of rum duties, the sum which shall be charged to such person, whether the same shall have become due or not, shall, to the extent to which such duties may remain unpaid at the time of such insolvency, be the prior charge and lien upon the estate and effects of such insolvent, in the hands of the official or other assignee of such estate, and shall be paid by him or them out of such estate and effects, if any; and every such insolvent shall be relieved and discharged from the payment.

Duties prior charge on insolvent's estate.

Seventy-second—If any person shall counterfeit or falsify, or wilfully use, when counterfeited or falsified, any duty-paid permit, delivery permit, certificate, or document required by this law, or shall by any false statement procure any writing or document to be made for such purpose, or shall utter, put off, or publish any falsified or counterfeited permit, certificate, or document, knowing the same to be forged or counterfeited, he shall, upon conviction, be deemed guilty of a misdemeanor, and suffer such imprisonment, with or without hard labour, not exceeding three years, as the court shall adjudge.

Penalty on forging or using forged documents.

Seventy-third

To Regulate the Collection of Duty and Warehousing of Rum.

Penalty on failure to transmit returns and documents.

Seventy-third—If any person shall neglect or refuse to transmit any return or any duty-paid permit, or other permit, or any certificate required to be made by this law to the respective parties, or within the respective times herein mentioned, or shall neglect or refuse to perform any duty, act, matter, or thing required by this law to be done, or shall offend in any manner contrary to the intent and meaning of this law, he shall forfeit and pay for every such offence, neglect, or refusal, a sum not more than twenty pounds.

Penalty for perjury.

Seventy-fourth—If any person by this law required to make any return to the receiver-general, collector, or other officer, shall falsely swear or affirm in any particular therein, or in the schedule of such return to this law annexed required to be made, or shall make a false or untrue statement, declaration, or return, with a view to defraud the revenue, he shall, upon being thereof convicted, be liable, to the same pains and penalties as are inflicted upon persons convicted of wilful and corrupt perjury, and shall be further adjudged by the court, before whom he shall be so convicted, to pay, by way of fine, treble the amount of the duty so evaded, or sought to be evaded; and every prosecution in such respect shall be undertaken, carried on, and prosecuted as a matter of public prosecution.

Recovery of penalties.

Seventy-fifth—The several penalties imposed by this law, for the recovery of which no provision is hereby made, shall be recovered in a summary manner before any two justices of the peace of the parish in which the offence shall be committed; and the said justices are hereby authorized and empowered to commit the offender to any prison until he shall have paid such penalty.

Informer entitled to one-fourth of penalty after expenses, &c.

Seventy-sixth—Every person who shall give information to the receiver-general, or any collector, or other officer authorized to make seizures under this law, of any offence against any of the provisions hereof, shall be paid one-fourth part of the full penalty or forfeiture (after payment of all costs, charges, and expenses), which shall be proceeded for and recovered by reason of such information.

Party seizing to one-half.

Seventy-seventh—One half of the net proceeds of all fines, penalties, and forfeitures proceeded for and recovered under this law (after payment of all costs, charges, and expenses, inclusive

To Regulate the Collection of Duty and Warehousing of Rum.

clusive of the reward to the informer), shall be paid to the officer who shall detain, seize, or sue under and by virtue of this law.

Seventy-eighth—In any action or suit brought on any bond, bill, note, or other security, contract, agreement, promise, or undertaking, where the whole or any part of the consideration shall be for the value or price of any rum which shall have been removed or delivered without the proper duty-paid and delivery permits, or either of them, having been procured and delivered respectively, according to the provisions of this law, the defendant therein may plead and give in evidence that such rum was delivered without the duty-paid and delivery permits, or either of them, having been obtained for the same; and if the court before which the trial shall be heard shall find that such rum was so delivered without the said permits, or either of them, having been obtained and delivered as by this law required, judgment shall be given for the defendant.

Contracts, &c.
for sale of rum
when sold
without per-
mits, void.

Seventy-ninth—Any action or prosecution against any person for any thing done in pursuance or execution, or intended execution of this law, shall be laid and tried in the parish or district where the thing was done, and shall be commenced within three months after the thing done, and not otherwise.

Protection to
officers.

Notice in writing of every such action, and of the cause thereof, shall be given to the intended defendant one month at least before the commencement of the action.

In any such action the defendant may plead generally that the act complained of was done in pursuance or execution, or intended execution of this law, and give this law and the special matter in evidence at any trial to be had thereupon.

The plaintiff shall not recover if tender of sufficient amends is made before action brought, or if a sufficient sum of money is paid into court after action brought by or on behalf of the defendant.

If a verdict passes for the defendant, or the plaintiff becomes nonsuit, or discontinues the action after issue joined, or if, on demurrer or otherwise, judgment is given against the plaintiff, the defendant shall recover his full

To Regulate the Collection of Duty and Warehousing of Rum.

costs, as between attorney and client, and shall have the like remedy for the same as any defendant has by law for costs in other cases.

Though a verdict be given for the plaintiff he shall not have costs against the defendant, unless the judge before whom the trial is had certify his approbation of the action.

Interpretation
clause.

Eightieth—The word “rum,” in this law, or in any schedule attached thereto, shall mean and include distilled spirits of every kind, and cordials, liqueurs, or other compounds, whether distilled or not, of which spirits manufactured in this island shall form a component part; the word “estate” shall mean and include any sugar work, or the property or premises on which rum, spirits, cordials, liqueurs, or other compounds as aforesaid, shall be distilled, manufactured, or made; the word “collector” shall mean any officer appointed to collect the duties under this law.

Governor in
privy council
may make re-
gulations in
certain cases
having effect
of law.

Eighty-first—It shall be lawful for the governor in privy council, from time to time to make regulations for preventing frauds on the revenue, by the illicit manufacture, concealment, or removal of rum, which regulations *inter alia* may impose any checks or securities for preventing such frauds; and any such regulations may provide that any person contravening the same shall incur, either cumulatively or separately, a penalty not exceeding fifty pounds, and imprisonment for a period not exceeding six months: Such regulations, in so far as they shall be consistent with the provisions of this law, shall, on being published in the “Jamaica Gazette, by Authority,” have the same effect to all intents and purposes as if they had been verbatim contained in this law.

Repeal of acts.

Eighty-second—The act twenty-second Victoria, chapters thirteen and fourteen, and the act twenty-eight Victoria, chapter, twenty-seven, and all the clauses but the first of law No. 1 of 1866, are hereby repealed: Provided always, That the said laws shall continue in full force and effect, in so far as regards any claim against any person for duties to which he become liable under the same, and as regards all indictments, actions, proceedings, and seizures already commenced or made, or which shall have been under the said acts while unrepealed, for liabilities incurred, or offences committed previously to such repeal.

Schedule in-
corporated
in law.

Eighty-third—The forms in the several schedules to this law shall be incorporated with and deemed part of this law.

SCHEDULE

To Regulate the Collection of Duty and Warehousing of Rum.

SCHEDULE C.

RETURN of all Rum on Hand, and Made on, or Disposed from Estate, in the Parish of 186 to the day of 186
 in the Possession of from the day of

Remaining on hand on the day of 186 to be accounted for	Marks, Numbers,	Punchcoons,	Gallons,	Proof,
Made from the day of 186 to the day of 186				
Total to be accounted for				
D I S P O S A L.				
Exported, as per accompanying export certificate (set out particulars)				Vessel in which Shipped, or to whom Sold.
Sold for consumption in the island (set out particulars)				
Sold for exportation, as per export certificate (set out particulars)				
Loss by leakage and evaporation				
Consumed on the estate, duty-paid				
Remaining to be accounted for next givings in viz:				
On the estate				
At the barguadier				
In the hands of factor (naming him or them)				
Total accounted for				

I, do swear that the above is a just and true return of all rum made, consumed on, or disposed of from estate, where such rum is distilled, between the day of 186 and the day of 186 and that the return is made out in the standard measure of this island, and that nothing in the said return is intended to evade the said duty, or is contrary to the true intent and meaning of the act, entitled
 Sworn before me, this 186

To Regulate the Collection of Duty and Warehousing of Rum.

SCHEDULE D.

CERTIFICATE of Overseer, to Accompany Rum sent from an Estate to a Warehouse, or for Exportation.

Date.	Estate from which Shipped.	Parish.	Estate's Mark, and No. of each Cask.	Gallons.	Strength.	No. of Cask.	How sent.	Name of Person in Charge of Conveyance.	Where sent to.	How to be disposed of.	Remarks

Certified as above, sent from _____ this _____ day of _____ 186 _____ Overseer.

To Regulate the Collection of Duty and Warehousing of Rum.

SCHEDULE E.

PORT OF

AN ACCOUNT of all Rum Made in this Island, and Received on the Master for

Shipping Marks and Numbers.	No. of Gallons.	Proof.	No. of Casks.	By whom Shipped.	Estate on which Made.	Parish in which Made.	Date of Shipment.	Whither Bound.

I, _____ master of the _____ do declare that the foregoing quantity of rum, made in this island, amounting in all to _____ casks, containing, to the best of my knowledge and belief, _____ gallons, proof _____ is actually and *bonâ fide* on board of the said ship _____ whereof I am master, for exportation; and that I will not land, or deliver, or suffer to be landed or delivered out of the ship, such rum, or any part thereof, in any part of this island, without permission first obtained, from the receiver-general, or sub-collector of customs.

Declared before me, at the port of _____ this _____ day of _____ 186

SCHEDULE

To Regulate the Collection of Duty and Warehousing of Rum.

SCHEDULE F.—No. 1.

EXPORT DECLARATION BY PERSON IN CHARGE OF ESTATE
FROM WHICH RUM HAS BEEN SHIPPED.

Jamaica, ss.

(1) Proprietor of estate or of his known agent. I (1) do declare that
 (2) Specify the description of spirits, if other than rum. puncheons or casks (2), marked and numbered as per margin, and containing
 (3) Name the estate. gallons of rum, proof are of the produce or manufacture of (3) in the parish of in the island of Jamaica, and in possession of for whom I am and that such rum hath been shipped on board the master, for for exportation from this island.

Declared before me, this day of 18

No. 2.

EXPORT DECLARATION BY PERSON BY WHOM THE RUM
WAS PURCHASED.

I do declare that puncheons or casks, marked and numbered as per margin, containing gallons of rum, proof shipped on board the master, for for exportation from this island, (1) is the same rum, and the whole of it purchased from on the day of last, and manufactured on estate, in the parish of (2) and that such quantity is made up of, and includes the whole of gallons of rum, proof manufactured on estate, in the parish of in this island, in the possession of from whom I purchased the same, on the day of last, through his factor or agent (if purchased from a factor or agent), and gallons of water added thereto by me.

Declared before me, this day of 186

(1) Where rum has been reduced previous to shipment, leave out the words "is the same rum," down to "in the parish of"

(2) When the rum has been shipped as purchased, leave out the words from the words "and that," down to the end.

SCHEDULE

To Regulate the Collection of Duty and Warehousing of Rum.

SCHEDULE G.

CERTIFICATE OF EXPORT.

Port of _____ day of _____ 186

I hereby certify that _____ puncheons,
hogsheads, _____ quarter casks, marked and numbered
as in the margin, and containing _____ gallons rum,
proof _____ were cleared outwards, as shipped from
this port on the _____ day of _____ 186
on board the _____ master, for _____ as the
the produce of _____ estate, in the parish of _____

Given under my hand, this _____ day of _____ 186

A. B. collector, or C. D. sub-collector.

To Regulate the Collection of Duty and Warehousing of Rum.

SCHEDULE I.

FORM OR INFORMATION.

Parish of _____ } Be it remembered, that on the _____ day of
 to wit. _____ } in the year of our Lord
 A. B. (here state his office), giveth me, C. D. a justice of
 the peace in and for the parish of _____ to understand
 and be informed that he, the said A. B. on the _____ day
 of _____ in the year of our Lord 18 _____ at
 in the parish of _____ did take and seize
 puncheons of rum, containing _____ gallons, strength
 _____ for that the same were then unlawfully (here
 state the breach of law for which they were taken and
 seized), contrary to the form of the law in such case made
 and provided, and that E. F. hath entered a claim for the
 said rum so taken and seized as aforesaid; the said A. B.
 therefore prays that the said E. F. may be summoned to
 shew cause, if any he can, why the said
 puncheons of rum, containing _____ gallons, strength
 _____ should not be adjudged forfeited and be con-
 demned accordingly.

SCHEDULE K.

FORM OF CONDEMNATION OF SEIZED GOODS.

Parish of _____ } Be it remembered, that an information hav-
 to wit. _____ } ing been exhibited by A. B. (state his office),
 before us _____ and _____ two of her majesty's
 justices of the peace for the said parish of _____ for
 the condemnation of (here state the goods), for (here state
 offence, and ground of condemnation), whereby the same
 became liable to forfeiture, and which said goods have
 been claimed by E. F. who was duly summoned to shew
 cause why the same should not be condemned as forfeited,
 and the forfeiture thereof being duly proved before us, we
 do adjudge the same to be forfeited, and do condemn the
 same accordingly.

Given under our hands and seals, at _____ the
 day of _____ in the year of our Lord _____

SCHEDULE

To Regulate the Collection of Duty and Warehousing of Rum.

SCHEDULE L.

FORM ON SUMMONS TO WITNESS.

To
You are hereby required personally to be and appear on
the day of next, ensuing, at the hour of
 in the noon before me, or such other jus-
tices of the peace for the parish of as may be
then and there present, to give evidence and testify the
truth, according to your knowledge, concerning the facts
alleged in a certain information against E. F. under the
"Rum Duty Law, 1867," and herein fail not, under the
penalty therein provided.

Given under my hand and seal, at this
day of in the year of our Lord



See Law 2 of 75
Partial unpecific Repeal - Law 6 of 69



JAMAICA—No. 32 OF 1867.

A Law to Provide for the Collection of Taxes.
[13th August, 1867.]

WHEREAS it is expedient to provide for the collection of taxes within this island: It is enacted by the governor of Jamaica, with the advice and consent of the legislative council thereof, as follows:

Preamble.

COLLECTION OF TAXES.

First—It shall be lawful for the governor at any time to appoint a collector of taxes for each or any parish of this island, and as many assistants to every such collector, as may be necessary.

Governor may appoint collector of taxes, and assistants for each parish.

Second—When a collector of taxes shall have been appointed in any parish, he shall, within his parish, have all the powers, and perform all the duties of a collector of dues, or collector of rum duties, under the laws now or hereafter to be in force; and, on the appointment of such a collector of taxes in any parish, the officers of all collectors of dues and collectors of rum duties within that parish, shall cease and determine.

with the powers and duties of collectors of dues and rum duties.

Third—Subject to the orders of the collector of taxes, all assistants to every such collector of taxes shall have the powers of the collector of taxes, and all such assistants shall perform such duties in the revenue department as the collector, whose assistants they are, shall, subject to the orders of his official superiors, prescribe.

Powers and duties of assistants to a collector of taxes.

Fourth—In the conduct of their duties in the revenue department, the collector of taxes and his assistants shall be subject to the orders of the revenue commissioner and the governor.

Collector and assistants subject to order of revenue commissioner and governor.

Fifth—On the appointment of a collector of taxes in any parish, every collector of dues, and collector of rum duties in that parish, shall deliver true accounts, in writing, verified on

On appointment of a collector of taxes collectors of

To Provide for the Collection of Taxes.

dues, &c. to
render accounts
and pay over.

oath before a justice of the peace (which oath any justice is hereby authorized to administer), of all monies collected by him since the period to which he had last previously accounted, and of all monies remaining due and uncollected by him, mentioning the names of the persons by whom owing, the amount which each owes, and the description of property in respect of which such monies are due, and shall pay over all monies in his hands to the receiver-general, or otherwise, as by law required.

Process against
on refusal or
neglect.

Sixth—Every collector of dues, or collector of rum duties, who shall refuse or neglect to comply with any of the provisions of the last preceding clause, shall be proceeded against by the clerk of the peace, who, upon the receipt of a certificate from the receiver-general, that such removed collector of dues, or collector of rum duties hath failed to comply with the requirements of this law, shall procure the warrant of a justice of the peace to apprehend and bring such defaulter before any two justices of the peace, who, upon production and inspection of such certificate, and in the absence of proof to their satisfaction that the requirements of the law have been complied with, shall commit the offender to the common gaol, there to remain without bail or mainprize, until he shall have given such accounts, and made such payment.

Collector of
taxes, or assist-
ant may be
sub-agent of
immigration.

Seventh—It shall be lawful for the governor to appoint a collector of taxes, or an assistant to a collector of taxes, to be also a sub-agent of immigration within his parish, or any part thereof, and within any other parish or parishes, or any part of any other parish or parishes; and any collector of taxes, or assistant to a collector of taxes, so appointed, shall, in respect of the duties of such appointment, be subject to the orders of the agent-general of immigration, and of the governor.

He may be also
clerk of muni-
cipal board and
parochial road
board,

Eighth—A collector of taxes, or an assistant to a collector of taxes in any parish, may also be appointed by the governor to be the clerk of the municipal board, and of the parochial road board of his parish; and, when so appointed, in his capacity of such clerk, shall be subject to the orders of his municipal board, and parochial road board respectively; and any clerk of a municipal board of a parish may be appointed by the governor to be the collector of taxes, or an assistant to the collector of taxes in that parish.

Ninth

To Provide for the Collection of Taxes.

Ninth—A collector of taxes, or an assistant to a collector of taxes in any parish, may be appointed by the governor to be a sub-collector of customs in any port within that parish; and, when so appointed, in his capacity of sub-collector of customs, shall be subject to the orders of the collector of customs, the revenue commissioner, and the governor; and a sub-collector of customs may also be appointed by the governor to be the collector of taxes, or an assistant to the collector of taxes in that parish.

and sub-collector of customs.

Tenth—It shall be lawful for the governor to establish, in any parish in which a collector of taxes shall be appointed, a parochial treasury, whereof the collector of taxes shall be treasurer, in the conduct of his duties as parochial treasurer; when so appointed, he shall be subject to the orders of the receiver-general, the revenue commissioner, and the governor.

Governor may establish parochial treasuries
Collector of taxes treasurer.

Eleventh—When a parochial treasury shall be established, an assistant to the collector of taxes may be employed to perform such duties connected therewith, as the governor may sanction.

Duties of assistant in such case.

Twelfth—The governor, in privy council, may prescribe, from time to time, regulations for the guidance of collectors of taxes and their assistants in every department of their business, and may also fix, for any breach of the said regulations, such penalty as may be thought proper, not exceeding in any one case the sum of fifty pounds.

Governor, in privy council, to make rules.

Thirteenth—All penalties under this law, as well as penalties fixed by regulations prescribed under the authority of the last preceding clause, may be recovered in a summary manner before any two justices of the peace of the parish wherein the offence shall be committed; and, in default of immediate payment, by imprisonment for any period not exceeding three months, unless the same be sooner paid.

Penalties, under this law, and the rules, how recoverable.

Fourteenth—Until the governor shall have made in any parish an appointment of a collector of taxes under this law, every person who, at the time of the passing of this law, shall hold the office of collector of dues, or collector of rum duty, shall continue to hold his office, and to exercise the duties thereof within the limits in which he at present exercises the

Present officers to act until others appointed.

To Provide for the Collection of Taxes.

same; and every person so holding any such appointment as last aforesaid, shall hold the same, subject to removal therefrom by the governor.

On death, or removal of collector of dues, &c. liabilities on bond to cease.

Fifteenth—Upon the death or removal from office of any collector of dues, collector of rum duties, or other officer as aforesaid, the liabilities of himself and sureties under his or their bond or bonds shall cease, except in respect of any non-payment over of monies, or any other defaults previous to his death or removal; and the collector of dues, or other officer as aforesaid, shall be deemed to have been in default in any case in which, within his knowledge, any tax or duty, or any instalment thereof, had fallen due, and payment thereof might have been enforced previously to his death or removal, upon proof being given that the same could have been collected or enforced previously to his death or removal.

Collector of dues, &c. to assist in filling up forms.

Sixteenth—The collector of dues, or other officer as aforesaid, shall give such reasonable assistance in the filling up of the forms under the license and registration duties law, or any other law under which duties or taxes may be receivable by him, as may be required from him by any taxpayer.

Collector of dues, &c. to stop salary or pay to public officer for taxes.

Seventeenth—The collector of dues, or other officer as aforesaid, shall notify to the receiver-general the name of every person in arrear for taxes, who shall be the recipient of any salary payable by the government of this island, or entitled to any money payable out of the public revenue; and thereupon the receiver-general shall retain the amount of such taxes, and any surcharge thereon.

Penalty on neglect of duty.

Eighteenth—For every neglect of duty, for which no other penalty is enforced by this or any other law, the collector of dues, collector of rum duty, or other officer as aforesaid, shall forfeit and pay a fine not exceeding five pounds; and the receiver-general shall deduct, from any salary payable to such defaulting officer, the amount of the penalty inflicted for every such neglect or default.

ENFORCEMENT OF TAXES.

Collector of dues, &c. may, on neglect to make return as by law requir-

Nineteenth—Where no return, in respect of the duties or taxes, or any of them imposed by any law of this island, as shall be by such law required, shall be made to the collector of

To Provide for the Collection of Taxes.

of dues, or other officer as aforesaid, such officer shall assess the person neglecting to make such return to the best of his judgment, and according to such information as he may be able to obtain, and may add thereto one-fourth part of such duties or taxes as a surcharge or penalty, and shall deliver to the person assessed, or leave at his usual or last known place of abode, or on the premises assessed, a statement of such duties and taxes, and surcharge, if any; and if, within ten days after such service, the person so charged shall not make a return as required by the law or laws in that respect, and pay the duties or taxes for which, by such return, he shall appear liable, together with a sum equal to one-fourth of such duties or taxes, the assessment shall be binding and conclusive upon the person charged.

ed, assess and
make sur-
charge.

Twentieth—If any person, making a return of the duties or taxes imposed upon him by any law of this island, shall not therewith pay the said duties or taxes, or if any person assessed shall not make a return of, and pay the duties or taxes to which he is liable, and the surcharge thereon within ten days after the delivery of the assessment to him, the collector of dues, or other officer as aforesaid, without the necessity for any other authority than is given by this law for the recovery of the said duties or taxes so returned, or included in the assessment, and the surcharge thereon (if surcharged), and the costs of distress, may distrain the goods and chattels of the person so liable as aforesaid to the said duties or taxes wheresoever found, as well as any goods and chattels found on the land or premises in the possession of the person liable, on which a landlord might distrain for rent in arrear.

Authority to
distrain.

Twenty-first—If any person liable to the payment of any taxes or duties whatsoever shall, in any return required by him to be made, charge himself with less duty than he is liable to pay under the law or laws imposing such taxes or duties, or in any other manner evade the payment of any such taxes or duties, every such person shall, on conviction, not only be liable to pay the taxes and duties so evaded, but an additional sum, by way of penalty, equal to the amount of the taxes or duties so evaded, and the costs of the proceeding to recover the same, and shall be further liable to a penalty not exceeding five pounds.

Penalty on eva-
sion of taxes.

Twenty-second—In case of any distress on the goods and chattels of any succeeding occupier, for the duties or taxes due
by

Succeeding oc-
cupier distrain-
ed on to deduct
from rent.

To Provide for the Collection of Taxes.

by a previous occupier, it shall be lawful for such succeeding occupier to deduct the amount enforced by such distress from the next payment of rent; but as against the goods and chattels of any other than the person originally liable, such levy must be made within six months after the duties or taxes shall have become leviable.

In case of payment by moieties surcharge payable with first moiety.

Twenty-third—Where the duties or taxes are by any law made payable by moieties, the surcharge, if any, shall be paid with the first moiety.

Recovery of second moiety.

Twenty-fourth—Where only one moiety of the tax or duty shall have been paid, the remaining moiety shall, within ten days after the same falls due, be paid to the collector of dues, or other officer as aforesaid, by the party liable thereto; or in default, the collector of dues, or other officer as aforesaid, without the necessity for any other authority than is given by this law, may distrain for the same, and the costs thereon, in like manner as hereinbefore in the twentieth section directed.

Quit rents recoverable against owner as well as tenant.

Twenty-fifth—The permanent quit rent and land tax may be recovered and enforced under the provisions of this law, as well against the occupier or tenant, as the owner or any other person interested in the land subject thereto.

Costs of distress.

Twenty-sixth—The costs of any such distress shall be charged on the same scale as the fees under the act first Victoria, chapter twenty-five; but it shall not be necessary for the collector of dues, or other officer as aforesaid, in making a distress, to appraise the same, nor shall any charge be allowed for appraisal.

Distress may be made on money, &c.

Twenty-seventh—A distress or levy for any tax, duty, arrear, moiety, penalty, or costs under any law of this island, may be made on any money bonds, bills, notes, or other securities for money, belonging to the same person against whom such distress or levy shall be made, and the same shall be sold and disposed of under the provisions of this law; and, whenever necessary for the purpose of vesting the same in the purchaser thereof, the collector of dues, or other officer as aforesaid, shall assign and endorse such security for money without rendering himself liable thereby.

Twenty-eighth

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To Provide for the Collection of Taxes.

Twenty-eighth—It shall be lawful to keep any distress for the space of ten days (unless the same shall be of a perishable nature, when the same may be immediately sold); and if the same be not redeemed within ten days, or before sale, to sell and disposed of the same, or a sufficient portion thereof, to satisfy the duties or taxes, and the expenses of the distress, and a commission of five pounds *per centum* on such taxes or duties, or on the value of the distress, if the proceeds shall be insufficient to satisfy the duties or taxes; and the surplus of any sale, and any unsold goods or chattels, shall be returned, on demand, to the person distrained on.

When distress
to be sold.

Twenty-ninth—No distress shall be redeemable except upon payment of the duties or taxes due, and of the commission aforesaid.

Distress not
redeemable
but on pay-
ment of taxes
and commis-
sion.

Thirtieth—No action shall be brought, nor shall any collector of dues, or other officer as aforesaid, be answerable or accountable for any loss, deterioration, or injury to any goods or chattels, or other property levied or distrained upon, except for wilful negligence, ill-usage, or injury.

Collector of
dues, &c. not
liable except
for wilful in-
jury, &c. to
distress.

Thirty-first—The person making such distress shall not, by reason of any irregularity, be deemed a trespasser *ab initio*.

Distrainer not
a trespasser *ab
initio*.

Thirty-second—The collector of dues, or other officer as aforesaid, may proceed as by this law directed, for the recovery of duties or taxes, or any arrear, moiety, penalty, or costs respectively, notwithstanding that the property in respect whereof the same shall be payable be in receivership in the court of chancery, or the party proceeded against be an officer of that court, without the necessity of any application to the court for that purpose.

Properties in
receivership
may be dis-
trained in.

Thirty-third—Upon the insolvency of any person charged with the payment of taxes or duties, the sum which shall be charged to such person, whether the same shall have become due or not, shall, to the extent to which such taxes or duties may remain unpaid at the time of such insolvency, be the prior charge and lien upon the estate and effects of such insolvent, in the hands of the official or other assignee of such estate, and shall be paid by him out of such estate and effects, if any; and every such insolvent shall be relieved and discharged from such payment.

Taxes prior
lien in insel-
vency.

Thirty-fourth

To Provide for the Collection of Taxes.

Relief to indigent persons.

Thirty-fourth—Whenever it shall come to the knowledge of any collector of dues, or other officer as aforesaid, that any person in possession of a house, whether as owner or otherwise, which is liable to taxation under any law of this island, is poor and indigent, and unable to pay the tax or duty upon house, or cannot afford to pay more than a portion of such taxes or duties, he shall refrain from enforcing the payment of any such taxes or duties, or portion thereof, until he has transmitted to the municipal board a statement of the case, in which he shall give the name of the party, and the amount due by him for taxes or duties, with a description of the house liable to the taxes or duties, and any evidence he may have of the poverty of such person, or his inability to pay the whole of the tax or duty with which he is charged.

Examination by collector of dues, &c.

Thirty-fifth—It shall be lawful in every such case for the collector of dues, or other officer as aforesaid, to examine on oath (and he is hereby authorized to administer such oath), the person liable for the duties or taxes, and any other person who may be willing to give information respecting his circumstances, and to take down in writing the statement of such persons, to be forwarded with his statement to the municipal board.

Municipal board to recommend, and revenue commissioner to relieve.

Thirty-sixth—The municipal board in every such case may institute such further inquiry as they shall consider necessary; and, when satisfied that the person is poor and destitute, and unable to pay the duties or taxes for which he is liable, or to pay the whole of them, shall report the case, with their recommendation, to the revenue commissioner, who may direct the collector of dues, or other officer as aforesaid, not to levy for the same, or for the whole thereof, as such revenue commissioner may think proper: In all such cases the duties or taxes shall not be charged on the house in respect whereof the same is payable, nor shall any subsequent occupier of the same house be liable in such case for the unpaid duties or taxes thereon.

ACTIONS BY PERSONS AGGRIEVED.

In what cases a replevin for taxes may issue.

Thirty-seventh—Before a writ of replevin shall issue in respect of any goods or chattels distrained on for duties or taxes, the claimant shall file an affidavit showing how and in what manner the goods and chattels so distrained on were not so liable, and the grounds upon which the adverse claim is founded, and shall procure an order of a judge of the supreme or other competent court, authorizing the issue of such writ of replevin

To Provide for the Collection of Taxes.

replevin, an attested copy of which order shall be served with the copy declaration of replevin; and the provost-marshal-general, or his deputy, before executing any such writ, shall require the joint and several bond of the plaintiff, and of two sufficient sureties, to be approved of by the provost-marshal-general, or his deputy, and by the collector of dues, collector of rum duties, or other officer as aforesaid, in a penalty to the collector of dues, collector of rum duty, or other officer as aforesaid, sufficient to cover the value of the goods to be replevined, and the further sum of fifty pounds to cover the probable costs, and to be conditioned for the payment of the sum distrained for, and of the costs of distress, and of the defence, or for a return of the goods, and payment of the defendant's costs, in case of judgment against the plaintiff, or of a nonsuit or discontinuance; and unless such attested copy order shall be served with the copy declaration, and such bond be delivered as aforesaid, the provost-marshal-general or his deputy shall abstain from executing such writ.

Thirty-eighth—An action of replevin shall not abate by the death of the defendant, but shall be continued by suggestion and substitution of the person on whom his rights shall devolve; and every such replevin shall, when issued from the supreme court, be tried at latest within two courts after issue joined, unless the supreme court, or judge of the circuit court, shall retain the same for sufficient cause, on oath, or unless the same shall be continued at the instance of the defendant; and unless so tried, the action shall thereupon be peremptorily discontinued without any order for the purpose; and if the amount distrained for, and the costs of suit be not paid, or the goods and chattels returned, and costs paid upon demand, the collector of dues, collector of rum duties, or other officer, may enforce the penalty of the bond against the party and his sureties, without prejudice to the defendant's other remedies for the recovery of his costs.

Replevin not to abate by death of officer.

Thirty-ninth—In any action to be brought against any collector of dues, collector of rum duties, or other officer or person, for any distress or other act in the execution of his duty, the defendant may, with the plea of not guilty, make avowry of, or justify the taking of the said distress, or any such other act charged, and allege generally that the same was so made or done by virtue of this or any other law in that behalf, with-

out

Pleading by collector, &c. on replevin.

To Provide for the Collection of Taxes.

out setting forth any other matter or circumstance constituting such justification; and the plaintiff may reply thereto the general replication *de injuria*, and upon the trial of the issue thereon the whole matters relied upon by both parties may be given in evidence.

Damages recoverable against collector, &c.

Fortieth—In any action to be brought for recovery of the value of any distress for duties or taxes which may have been sold, no greater damages than the net proceeds of sale, after payment of all expenses attending the same, shall be recoverable, unless the plaintiff shall prove that by fraud, or want of care, the distress hath been sold at an undervalue, or that before the sale he had given written notice to the collector of dues, collector of rum duties, or other officer, or person distraining, of his intention to replevy such goods, within a time to be mentioned in such notice, not exceeding ten days from the taking, and had required the sale to be delayed to enable him to replevy the same, and tendered a reasonable sum to cover the additional expenses occasioned thereby, and that the sale was notwithstanding proceeded with before the expiration of such time.

Limitation of actions.

Forty-first—All actions to be brought against any person for any act done by him in the execution of his duty, under this or any other act or law relating to, or arising out of the collection of duties or taxes shall be brought within six calendar months next after the accruing of the cause of action, and shall be defended at the expense of the government, unless the judge, or court before whom the same shall be tried, shall certify that the costs of such defence ought to be borne by the defendant personally.

RECOVERY OF PENALTIES.

Recovery of penalties, forfeitures, and taxes by other process than distress.

Forty-second—All penalties and forfeitures imposed by this Law, or by "The License and Registration Duties Law, 1867," or by any other law in force for raising and imposing duties or taxes, may be recovered, and all taxes, duties, and arrears required to be paid to the collector of dues, or other officer as aforesaid, and not paid to him pursuant to the provisions of this law, or "The License and Registration Duties Law, 1867," or other such law as aforesaid, as well as the surcharge thereon, may, instead of the process of distress hereinbefore directed, also be recovered in a summary manner before two justices

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justices of the parish wherein such offence or default was committed, or the offender or defaulter resides; and, in case of non-payment, may be enforced by distress and sale of the offender's or defaulter's goods, or imprisonment not exceeding three months, unless such penalty, taxes, duties, arrears, and costs shall be sooner paid, and may be enforced under the provisions of the thirteenth Victoria, chapter thirty-five, or any other act or law in respect to summary proceedings, and the forms of the said last-mentioned act may be adapted to meet the requirements of this law, and "The License and Registration Duties Law, 1867," or other such law as aforesaid; and, notwithstanding anything in the said act of the thirteenth Victoria, chapter thirty-five contained, the taxes, duties, and arrears, and the surcharge, and any penalty attaching to such non-payment, may be included in, and recovered in one proceeding.

Forty-third—Nothing in the said act, thirteenth Victoria, chapter thirty-five contained, shall preclude the collector of dues, or other officer as aforesaid, from proceeding by distress, or under the provisions of the preceding section, for the recovery of the said taxes, duties, arrears, and surcharge, at any time until full payment shall have been made to the government of this island for the same.

No limitation
as to recovery
for taxes.

Forty-fourth—In all legal proceedings, the production of a certificate, purporting to be signed by the receiver-general, or other officer to whom the duty shall appertain, or by any collector of dues, or other officer as aforesaid, stating the number and description or the value of property, in respect of which the person therein named appears to have paid taxes or duties; and any book, record, statement, or return made by any of those officers in the execution of this law, or "The License and Registration Duties Law, 1867," or other such law as aforesaid, shall be received as *prima facie* evidence of the truth of the statements therein contained; and any certificate, purporting to be signed as aforesaid, that the person therein named does not appear, from any document in his office, authorized to occupy, or keep, or use any property within the meaning of this law, or "The License and Registration Duties Law, 1867," or other such law as aforesaid, or any greater number of any such items respectively than shall be expressed in any such certificate, shall be also received as *prima facie* evidence of the truth of the facts therein stated.

Certificates of
certain officers
evidence.

To Provide for the Collection of Taxes.

Justices may give moiety of penalty to informer.

Forty-fifth—The justices adjudicating under this law may award to the informer a sum not exceeding a moiety of the penalty to be imposed.

APPLICATION OF LAW.

This law to apply to taxes, the collection of which not otherwise provided for.

Forty-sixth—The powers and provisions of this law shall apply to the collection and enforcement of all taxes, duties, and penalties which are or shall be raised or imposed by any law not otherwise specifically providing for the collection of the same.

Repeal of acts.

Forty-seventh—The act of the twenty-seventh Victoria, session one, chapter thirty-one, to provide for the collection of taxes, is hereby repealed, but without prejudice to any act or proceeding done or commenced thereunder; and every proceeding commenced may be carried on to completion, and any offence committed against, or penalty incurred under any provision of the recited act, may be punished or enforced, notwithstanding such repeal, agreeably to the provisions thereof.

Short title.

Forty-eighth—This law may, for all purposes, be cited as "The Tax Collection Law, 1867."



JAMAICA—No. 33 OF 1867.

A Law to Provide for the Better Security of the Public Revenue.

[13th August, 1867.]

WHEREAS it is expedient to provide for the better security of the public revenue, in the manner hereinafter mentioned: It is enacted by the governor of Jamaica, with the advice and consent of the legislative council thereof, as follows:

Preamble.

First—Every person having the collection, receipt, or payment of any monies of the public revenue shall, if thereunto required by the governor of this island, enter into security to our sovereign lady the queen, in a joint and several bond, with two or more sureties, who may limit the amount of their respective liabilities thereunder, in the sums to be respectively approved of and fixed by the governor.

Persons in the collection, receipt, or payment of the public revenue to give bond as the governor may require.

Second—Such bonds may respectively be in the form, and conditioned as or to the effect prescribed in the schedule A to this law annexed: Provided, That nothing herein contained shall preclude the governor of this island from accepting the guarantee of the European Assurance Society, as authorized by the act of twenty-seventh Victoria, session one, chapter thirty-five, entitled *An act to authorize the taking of the guarantee of the European Assurance Society, instead of other surety required to be given by persons in public offices and employments in this island, in the forms prescribed or adopted by the said society.*

Bond to be in form or to effect of schedule A.
Proviso as to security from European Assurance Society.

Third—The governor may at any time require any such person to give any new or further security for the performance of the duties of his office.

Governor may call for further security.

Fourth—The security given by any person now in the collection, receipt, or payment of the public revenue shall, notwithstanding the passing of this law, continue and be in force until such person shall be required to give security under this law.

Present security in force in the meantime.

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To Provide for the Better Security of the Public Revenue.

Neglect to give security vacates office.

Fifth—If any person, required by the governor to give security under the provisions of this law, shall fail or neglect to give the security required within the time prescribed, his office shall be deemed vacated, and the governor may make a fresh appointment to such office.

Bonds to be proved and recorded.

Sixth—All bonds under this law shall be proved by the subscribing witness, and delivered to the auditor-general, and recorded in the office of the secretary of this island at the public expense; and such bonds shall not be subject to stamp duty; and the production of every such bond, and the probate thereof, or the record thereof, or an attested copy of such record, shall be sufficient *prima facie* evidence of its execution, without proof by the subscribing witness, or otherwise.

Bonds under this law sufficient security to meet particular act or law.

Seventh—Every bond entered into in the form or to the effect in schedule A to this law, shall be deemed a sufficient entering into bond or security, by any person having the collection, receipt, or payment of any monies of the public revenue to meet the requirements of any act or law directing specific or particular security to be taken or entered into.

Island secretary to keep separate book and index for crown bonds.

Eighth—The island secretary shall keep a separate book for recording all bonds to the crown, and an index thereto.

Particulars of breaches of bond may be given as in form B.

Ninth—In any action upon any security bond under this or any former law, it shall be sufficient, instead of assigning or suggesting breaches of the condition of such bond, to deliver particulars in the breaches in the form B, hereunto annexed, or to the like effect, with alterations or additions, as the case may require; and the jury or court before whom the same shall be tried, shall assess the damages incurred, and interest shall be recovered thereon at the rate of six pounds *per centum per annum*; and, upon any further breach, the same shall, from time to time, be suggested in like manner, and further damages assessed, and interest after the rate aforesaid recovered thereon.

Filing of action by the crown, and entry by clerk of supreme court equal to registered judgment.

Tenth—Immediately upon the filing of any declaration, and an entry thereof made by the clerk of the court, in a book to be kept for that purpose, against any person having, or who shall have had the collection, receipt, or payment of any monies of the public revenue, his heirs, executors, or administrators, or against any surety upon any such security bond, under this,

To Provide for the Better Security of the Public Revenue.

this or any former law, his heirs, executors, or administrators, all the lands, tenements, and hereditaments of, or to which any such person, principal or surety as aforesaid, his heirs, executors, or administrators shall, at the time of filing such declaration, or at any time afterwards be seized, possessed, or entitled for any estate or interest whatsoever at law or in equity, whether in possession, reversion, remainder, or expectancy, or over which such person shall have any disposing power, shall be charged with, and bound by the said declaration, and all damages thereafter to be entered upon, or assessed in respect thereof, as fully and effectually as if a judgment had been entered up and registered in the supreme court.

Eleventh—Upon affidavit, shewing that any person having, or having had the collection, receipt, or payment of any monies of the public revenue, hath neglected to pay or account for any sum of money by him received, a judge of the supreme court may issue an attachment, to be tested as of the date of its issue, directed to the provost-marshal, or his deputy, authorizing him to arrest the body, and to seize and secure the goods, chattels, and personal property of such person where-soever the same can be discovered and found; and in case the accounts of such person shall not be duly delivered, or the monies detained by him shall not be paid or satisfied to the receiver-general, or otherwise, as by law directed, within fourteen days after such seizure, or if the sale shall not be stayed by order of a judge, as next mentioned, the provost-marshal, or his deputy, shall sell and dispose of all such goods, chattels, and personal property so seized as aforesaid, or such part thereof as may suffice to satisfy and pay the sum so due and unaccounted for, together with the costs of recovering the same; and the surplus, if any, shall be restored to the person against whom such attachment shall have issued.

Attachment may issue against person in collection, receipt, or payment of public revenue not paying over or accounting for money.

Twelfth—Any person, against whom such attachment shall issue, may apply to a judge of the supreme court, upon affidavit, to be admitted to bail, or for a stay of execution under the said attachment, to enable him to make application to the supreme court to discharge the same, and the judge may make order accordingly.

Judge, on application, may admit to bail or stay execution.

Thirteenth—It shall be lawful for the governor, upon application of any person who shall have had the collection, receipt,

Governor may direct discharge of principal or

To Provide for the Better Security of the Public Revenue.

principal or surety
imprisoned.

Not to affect
security.

On full per-
formance of
condition of
bond and on
final discharge
of officer, bond
may be given
up, and satis-
faction enter-
ed.

or payment of any monies of the public revenue, or of any surety of such person who may be committed to prison under any process or judgment against such person or surety in respect of such monies, or on his bond, to direct his discharge from imprisonment in respect of his detainer under such process or judgment; and an order in writing, signed by the revenue commissioner for the time being, shall be a sufficient authority to the keeper of the gaol or prison, in which any such person shall be detained, to discharge such person out of custody; but no such order, nor the discharge thereunder, shall operate to satisfy the said process or judgment, or to discharge the liability of any other person liable jointly with such person as surety, or with such other person so discharged.

Fourteenth—Upon full performance of the condition of the bond of any person entrusted with the collection, receipt, or payment of any portion of the public revenue; and, upon the final discharge of any such person from his office, and on the certificate in writing of the officer authorized to pass his accounts, that the same have been duly audited and passed, such person, or his sureties, shall be entitled to have delivered up to them the bond or bonds entered into by such person; and also at the public expense to have satisfaction entered on the margin of the records respectively of the said bond, and of any judgment recovered thereon.

SCHEDULE A.

JAMAICA, SS.

Know all men by these presents, That I
of the parish of _____ in the county of
and island aforesaid _____ and we
and _____ of the said parish of _____
are held and firmly bound unto our sovereign lady
Victoria, of the united kingdom of Great-Britain
and Ireland, queen and of Jamaica, lady, defender
of the faith, in the sum of _____ lawful money
of Jamaica, to be paid to our said sovereign lady
the queen, her heirs and successors, for the use of
the government of the said island, for which pay-
ment to be well and faithfully made, we bind our-
selves, and each of us, and any two of us, and the
heirs, executors, and administrators of each of us,
jointly,

To Provide for the Better Security of the Public Revenue.

jointly, severally, and respectively firmly by these presents.

Sealed with our seals, dated this _____ day
of _____ in the year of our Lord one
thousand eight hundred and _____

Whereas the above bounden _____ hath been
duly appointed _____ and has been required
to enter into security in his said office: Now the con-
dition of this obligation is such, That if the above
bounden _____ whilst and so long as he shall
continue and be _____ and that whether under his
present or any future appointment, should well, duly,
and faithfully collect, receive, and get in all duties, taxes,
and monies of the public revenue of this island, which it
shall be the duty of the said _____ as such
to collect, and receive, and get in; and if he the
said _____ should well, duly, and faithfully account
for, and pay over, or appropriate and apply in such man-
ner, and at such times, and agreeably to the acts and laws
in that behalf which, for the time being, shall be in force
or otherwise, as he shall be directed by the governor of this
island, all and every the duties, taxes, and monies which he
shall collect or receive, or which shall come to his hand,
custody, or controul, by virtue of his said office; and if the
said _____ should, from time to time, and at all
times during his continuance in the said office, well, duly,
and faithfully perform and execute all and every the
duties of his said office of _____ and that whether
such duties shall, during his continuance therein, be alter-
ed or not by any regulation of the governor, or by any
law of this island; and if he should well, duly, and faith-
fully comply with all and every the provisions of the acts,
laws, and regulations for the time being in force, relating
to his said office, and enforce and put in execution all such
powers as he shall be entitled or authorized to enforce and
put into execution for the recovery and receipt of the
said duties, taxes, or monies of the public revenue, or any
of them; and if he should not in anywise take to his own
use, misapply, lend, or embezzle, make away with, neglect
to account for, lose, or hazard any such duties, taxes, or
monies, or any part thereof; and if he should, at the ex-
piration or other termination of his said office, deliver up
to

To Provide for the Better Security of the Public Revenue.

to the person who shall be duly authorized to receive the same, all books, accounts, papers, documents, and vouchers relating to his duties in the said office, and account for, and pay over any sum or sums of money which shall come, or shall have come to his hands, of the duties, taxes, or monies aforesaid, then this obligation to be void, otherwise to be and remain in full force and virtue: Provided, That the liability of the said _____ as one of the sureties of the said _____ shall not exceed the sum of _____ nor shall the liability of the said _____ as the other of such sureties exceed the sum of _____ exclusive of interest, costs, and charges respectively attaching to each.

Signed, sealed, and delivered }
in the presence of }

SCHEDULE B.

FORMS OF PARTICULARS OF BREACHES ON SECURITY BOND.—(a) AGAINST THE PRINCIPAL.

THE QUEEN vs. A. B.

The following are the breaches of the bond, or writing obligatory in the declaration in this cause mentioned, on account of which the several sums understated are sought to be recovered in this action:

1. For not collecting and getting in divers sums of money payable to or receivable by you _____ as (here state the office of such person) from divers persons within the parish of _____ and amounting in the whole to _____ pounds.

(Insert particulars)

2. For not duly accounting to the receiver-general (if to any other officer, name such officer, and his title of office, and omit receiver-general,) for divers sums of money collected and received by you, the said _____ as (state the office of such person), and amounting in the whole to the sum of _____ pounds.

(Insert particulars.)

3. For

To Provide for the Better Security of the Public Revenue.

3. For not duly paying over to (here insert the name of the officer to whom to be paid, and his title of office, or to the colonial bank, to the credit of (name of officer, and his title of office), divers sums of money collected and received by you, the said as (stating his office), and amounting in the whole to the sum of _____ pounds.

(Insert particulars.)

4. For not enforcing the powers of the acts and laws of this island against divers persons who made default by non-payment of divers duties, taxes, or monies which they were liable to pay, amounting in the whole to the sum of _____ pounds.

(Insert particulars.)

5. For not (here insert any other breach, and add as many as may have been committed).

Dated this _____ day of _____ 18

To

(b).—AGAINST A SURETY.

THE QUEEN v. C. D. or E. F.

The following are the breaches of the condition of the bond or writing, obligatory in the declaration in this cause mentioned, on account of which the several sums understated are sought to be recovered in this action :

1. For that A. B. (principal) did not collect and get in divers sums of money payable to, or receivable by him the said A. B. as (conclude as in subdivision one against the principal.)
2. For that (the said) A. B. (principal) did not duly account to the receiver-general (if to any other officer name such officer, and his title of office, and omit receiver-general), for divers sums of money collected and received by the said A. B. as (conclude as in subdivision two against the principal.)
3. For that (the said) A. B. (principal) did not duly pay over to (here insert the name of the officer to whom

2 H

to

To Provide for the Better Security of the Public Revenue.

to be paid, and his title of office), or to the colonial bank, to the credit of (name of officer, and title of office), divers sums of money collected and received by the said A. B. as (conclude as in subdivision three against the principal.)

4. For that (the said) A. B. (principal) did not duly enforce (conclude as in subdivision four against the principal.)

5. For (the said) A. B. (principal) did not (here insert any other breach, and add as many as may have been committed.)

Dated the day of 18

To



22 2 68

JAMAICA—No. 34 of 1867.

A Law to Authorize the Jamaica Railway Company to Make and Maintain a Branch or Continuation Line of Railway from Spanish-Town to Old Harbour, and for Raising Additional Capital.

[6th September, 1867.]

WHEREAS an act of the legislature of this island was passed in the seventh year of the reign of her majesty queen Victoria, chapter twenty-five, entitled *An act for making and maintaining a railway from Kingston to Spanish-Town, with liberty to continue the same to the Angel's pen or plantation, situate in the parish of Saint Catherine and for other purposes*: And whereas another act of the said legislature was passed in the eighth year of the reign of her said majesty, chapter twelve, entitled *An act for the protection of the public, by amending an act of the legislature, passed in the seventh year of the reign of her majesty queen Victoria, chapter twenty-five, entitled An act for making and maintaining a railroad from Kingston to Spanish-Town, with liberty to continue the same to the Angel's pen or plantation, and for other purposes*, as therein expressed: And whereas the said Jamaica railway company have carried the said first recited act into execution: And whereas the said Jamaica railway company are desirous of extending their line of railway, by constructing and establishing a branch or continuation of the present line of railway, with all proper and necessary works connected therewith, from a point at or near the present terminus, at or near Spanish-Town, in the parish of Saint Catherine, to a point at near Old-Harbour Market, in the said parish of Saint Catherine, and the said Jamaica railway company are willing, at their own costs and charges, to carry into execution the said undertaking: And whereas it is expedient that the powers and provisions contained in the said recited acts should be adopted, modified, altered, amended, and enlarged, for the purposes of this law, and the undertaking hereby authorized: It is enacted by the governor of Jamaica, with the advice and consent of the legislative council thereof, as follows:

Preamble

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First

Jamaica Railway Company to Make Continuation Line, &c.

Powers, duties, &c. of recited acts to apply to this law.

First—All the powers, provisions, duties, liabilities, matters, and things contained in the said recited acts, or either of them, for framing, providing, and executing a deed of settlement for the government and regulation of the said company, and otherwise, as in the first recited act mentioned, shall, as nearly as may be, apply and extend to this law, and to the undertaking hereby authorized, and to the demanding, levying, and raising of tolls in respect thereof; and the money to be raised by debenture bonds, as hereinafter provided, or otherwise, for the same, and to the government and conduct of the said company, and generally in all and every respects whatever, shall operate and be in force in reference thereto as fully and effectually as if the same powers, provisions, duties, liabilities, matters, and things were repeated and re-enacted in this law, and had specific reference thereto, except in so far as such powers, provisions, liabilities, matters, and things are, for the purposes of this law, repealed, altered, or modified, or as is otherwise herein provided for: Provided, That nothing in the said recited acts or deed of settlement contained, shall prevent monies, for the purposes of this law, and the undertaking thereby authorized, from being raised under this law by debenture bonds, as may seem best and most expedient for the purposes of this law, and the said undertaking.

Jamaica railway company to make and maintain railway from Spanish-Town to Old-Harbour.

Second—It shall be lawful for the said Jamaica railway company, and they are hereby empowered to make and maintain a branch or continuation line of railway from any point at or near the present terminus, at or near Spanish-Town, in the parish of Saint Catherine, to any point at or near Old Harbour Market, in the said parish of of Saint Catherine, with all necessary and proper works, erections, and buildings, for the purpose and use of the said line, and for the working thereof as a railway from Spanish-Town aforesaid, to Old Harbour Market aforesaid.

Company may raise by debenture bonds, £120,000.

Third—The said Jamaica railway company may borrow, or raise by debenture bonds, an additional sum beyond the monies which they are now by law authorized to raise, to the extent of one hundred and twenty thousand pounds, for the purposes of the undertaking by this law authorized, and for other purposes of the said body corporate.

To be issued to bearer, or

Fourth—For the purpose of raising the said additional capital

Jamaica Railway Company to Make Continuation Line, &c.

pital of one hundred and twenty thousand pounds, or so much thereof as may be necessary, it shall be lawful for the said Jamaica railway company to issue such and so many debenture bonds of such amount respectively, and to be payable to bearer, or otherwise, at such periods, and at such rate of interest, and to be appropriated and disposed of in such manner and on such terms, and by such ways and means, as by order of any general or special general meeting of the said company shall be determined.

otherwise, at such periods and rate of interest as company may determine.

Fifth—The said additional capital of one hundred and twenty thousand pounds shall be considered as forming part of the general and original capital authorized to be raised by the said first recited act.

Additional capital part of original capital.

Sixth—All persons to whom any debenture bonds may be issued or transferred under this law, shall be entitled, one with another, to their respective proportions of the tolls, sums, and premises comprised in such debenture bonds, according to the respective sums in such debenture bonds mentioned and stipulated for, and to be repaid the sums so advanced with interest, without any preference one above another, by reason of priority of date, or of the meeting at which the same was authorized, on any other account whatsoever.

No priority as to debenture bond holders *inter se*.

Seventh—All mortgages already granted under the powers of the said first recited act shall, during the continuance thereof, have priority, in respect of the property thereby mortgaged, over the debenture bonds granted subsequent to the passing of this law.

Mortgages already granted to retain their priority over property included in mortgages.

Eighth—All debenture bonds issued under the provisions of this law shall be, and are hereby declared to be valid, and existing liens and charges on the real and personal property of the Jamaica railway company, not only in respect of the line authorized by this law, but also of the line constructed under the said first mentioned act.

Debenture bonds liens on the real and personal property of the company.

Ninth—Under the provisions of this law, and the said recited acts, it shall be lawful for the Jamaica railway company, for the purpose of the said branch or continuation line, to agree with the owners of, and other persons interested in the lands which they are hereby authorized to enter into and take for
the

Company may make agreements for purchase of land.

Jamaica Railway Company to Make Continuation Line, &c.

the purpose of the said branch or continuation line, and also with all parties having any estate or interest in such lands for the purchase, for a consideration in money, or in consideration of a rent charge on any such lands, or such parts thereof as they shall think proper, and of all subsisting leases thereon, and of all rent, charges, annuities, mortgages, or incumbrances affecting any such lands, and all commonable or other rights to which such lands may be subject, and of all other estates or interest in such lands, of what kind soever, and for the apportionment of subsisting rents and charges.

Railway may cross highways.

Tenth—It shall be lawful for the Jamaica railway company to construct the said branch or continuation line contemplated by this law, across and on the level of, or under all or any public carriage-ways or highways, over, or across, or under which the said company shall carry the line, under the terms of this law, or under the powers of the said first recited act.

Bridges and aqueducts to be made as in recited act, or as agreed.

Eleventh—Bridges over or under any private carriage-way, or private road and aqueducts may be built, and the approaches to any such bridge or aqueducts may be made in any such manner as is by the said first recited act directed, or, with the consent of the owners thereof, in any other manner.

During contracts materials to be deemed property of company.

Twelfth—During the execution of any contract made with the company, the works in course of being done under such contract, and all the materials of every description brought upon or near such works, for the purpose of being used in the execution of such contract, shall, to and for all intents, purposes, and intendments of law, and in all legal proceedings, civil and criminal, be held to be the property of the Jamaica railway company.

Company may demand tolls, &c. and provisions in recited acts applicable.

Thirteenth—The company may, subject to the provisions in the said first recited act contained, lawfully demand and receive, in respect of the branch or continuation line hereby authorized, for the tonnage of all articles, matters, and things conveyed upon the same railway; or any part thereof respectively, and for in respect of passengers and animals conveyed on the same, or any part thereof, and for and in respect of locomotive or stationery engines, or other power supplied by the company, and for the conveyance upon the same, or any part thereof, in waggons or carriages belonging to the company,
of

Jamaica Railway Company to Make Continuation Line, &c.

of any passengers, animals, goods, wares, merchandize, articles, matters, and things, such amount of rates, tolls, or other charges as by the said recited acts the company are authorized to demand and receive in respect of all or any part of the main line of the Jamaica railway company, or the works connected therewith, or any part thereof, and all the provisions, restrictions, rules, and regulations in the said recited acts contained, relative to the imposition, collection, and recovery of tolls, and also the powers for leasing the same, and otherwise, shall extend and be applicable to the tolls to be levied by virtue of this law on the said branch or continuation line by this law provided for.

Fourteenth—In all cases where it shall be necessary for the purposes of valuing lands required by the said company, for the purposes of this present law, and the branch or continuation line hereby authorized to be made, it shall not be necessary to impanel, summon, and return a jury or juries to enquire into and assess the value of such lands; but all such valuations, matters, and things shall be enquired into by a judge of the supreme court, in open court, who, by himself, shall assess the value of such lands, and shall have and be entitled to all and every the several powers given and conferred by the first recited act, of enquiring, assessing, ascertaining and giving verdicts in and about the valuing and assessing of all such lands as a jury or juries would have had but for this law: And the several verdicts, and the judgments of such judge, to be pronounced and given thereon, shall be as binding, effectual, and conclusive as the inquisitions, assessments, and verdicts of a jury or juries for, in, and about the various and several lands required by the said company for the purposes of this law, and as the judgments given upon such verdicts would be, under and by virtue of the said first-recited act, if this present law had not been made and passed; and the judgments of such judge shall be deemed to be conclusive between the parties.

Fifteenth—All verdicts and judgments being first signed by the judge presiding and pronouncing such judgments, shall be delivered to the clerk of the peace of the parish of Saint Catherine, to be by such clerk of the peace recorded in his office in a book to be kept by him for that purpose; and the clerk of the peace shall be entitled to be paid by the said company a fee of one shilling and sixpence for every one hundred and sixty words so recorded, and the same shall be deemed records

Not necessary to summon juries, but judge may, without jury, make the assessments and verdicts.

All verdicts and judgments to be recorded with clerk peace, Saint Catherine.

Jamaica Railway Company to Make Continuation Line, &c.

ords to all intents and purposes; and copies thereof, certified by the clerk of the peace, shall be allowed to be good evidence in all courts whatsoever; and all persons shall have liberty to inspect the same, paying for such inspection the sum of one shilling, and also to obtain copies thereof, to be made and certified by the clerk of the peace paying for every copy after the rate of one shilling for every one hundred and sixty words so copied and certified; and the originals shall be kept by the said clerk of the peace amongst the records of his said office.

Judge to have powers of court of law or equity to compel execution of title.

Sixteenth—Where any verdict or judgment shall be given by any such judge, he shall, and is hereby authorized to direct and compel all necessary parties to execute all proper conveyances in respect of such lands, and the form of such conveyance may, as near as possible, be as provided for in the nineteenth section of the first recited act; and such judge shall have all the powers of a court of law or equity to compel such execution.

Machinery, &c. free from present or future duties.

Seventeenth—All iron work, machinery, locomotives, carriages, materials, articles, and things of any nature or kind required for the use of, or in constructing and making the said branch or continuation line of railway, shall, until the railway is open for traffic, be free of all duty whatsoever thereon, now imposed or hereafter to be imposed by any law of this island.

Agreements, &c. not liable to stamp duty

Eighteenth—All agreements and conveyances in respect of any such lands, and all proceedings at law or in equity in respect of any such lands, shall be and are hereby exempt from stamp duty.

Except land tax no tax or duty to be assessed on railway.

Nineteenth—No rate, charge, tax, or duty whatsoever, shall be imposed or levied upon the said branch or continuation line of railway, but the same, and the carriages used thereon, shall be free and exempt of and from all taxes, rates, charges, or duties whatsoever save the consolidated quit rent and land tax.

Time of commencement and completion of undertaking.

Twentieth—The undertaking authorized by this law shall be commenced within twelve months after the passing of this law, and shall be completed within three years from the commencement of the undertaking; and, in the event of failure in either case, this law shall cease and determine.

Twenty-first

Jamaica Railway Company to Make Continuation Line, &c.

Twenty-first—In citing the said recited acts and this law in other laws of the legislature, and in legal instruments, notices, or other documents, it shall be sufficient to use the expression “The Jamaica Continuation and extension Railway Law.”

Title of laws.

Twenty-second—For and in respect of all proceedings at law or in equity whatever, in respect of any matter or thing directly or indirectly relating to the line of railway authorized by this law, the said company shall sue and be sued by the name of “The Jamaica Railway Company” as hitherto, under the said recited acts.

Company to sue and to be sued by name of Jamaica Railway Company





22974

JAMAICA—No. 35 OF 1867.

A Law to Provide District Courts.

[11th October, 1867.]

WHEREAS it is expedient to introduce into this island improvements of legal procedure, which have, of late years, been introduced with great success in Great-Britain and Ireland, and otherwise to improve the administration of law in this island, in order to the rendering of justice in the mass of civil cases, easily, quickly, and cheaply obtainable by all classes of people, and to the trial of the more common classes of criminal cases, without delay or unnecessary public expence and inconvenience; and, in order to obtain these objects, to constitute district courts of limited civil and criminal jurisdiction: Be it therefore enacted by the governor of Jamaica, with the advice and consent of the legislative council thereof, as follows:

Preamble.

First—This law may be cited, for all purposes, as “The District Courts Law, 1867.”

Short title.

Second—It shall be lawful for the governor from time to time to make an order that this law shall be put in force in such district or districts as to the governor from time to time shall seem fit; and that a court, to be called “The District Court,” shall be holden in such district, or in each of such districts; and this law shall extend and apply to the district or districts concerning which any such order shall have been made, and not otherwise or elsewhere.

Governor may create district courts,

Third—And it shall be lawful for the governor at any time to divide the whole island into districts, and to order that a court, to be called “The District Court,” shall be holden under this law in each of such districts, and from time to time alter such districts in such manner as to the governor shall seem expedient, and to fix, and from time to time to alter, the place or places of holding any such court, or to order that the holding of any such court at any place or places shall be discontinued, or to consolidate any two or more of such districts: Provided always, That there shall not be more than one district court in each parish.

and may divide the island into districts,

To Provide District Courts.

Jurisdiction of district courts.

Fourth—Every judge of a district court, within the district to which he is appointed, to the amounts, and to the extent, and in the manner by this or any other law provided, or to be provided, shall have jurisdiction in all actions at law, whether arising from tort or from contract, or from both and in all suits in equity and in all cases relating to land; and to all charges or incumbrances affecting, or purporting to affect land; and all cases in bankruptcy or insolvency; and in all cases of granting probate of wills, or administration of estates of intestates; and in all other civil procedures of any kind or nature whatsoever; and also in the recovery of all penalties and forfeitures to the crown, and of fines in the nature of penalties under all laws now or hereafter to be in force relating to the public revenue, or otherwise; and every judge of a district court within the district, and to the extent, and in the manner aforesaid, shall have jurisdiction in criminal cases, and shall also have in his district court all the powers which are now or hereafter may be possessed by any two or more justices of the peace sitting together; and every judge of a district court shall be the coroner for his district, or any part thereof, wherever a coroner shall not have been or be otherwise appointed.

Courts to be of record.

Fifth—Every district court shall be a court of record.

Orders to be in Jamaica Gazette.

Sixth—Any order made by the governor for the purposes of this law shall be published in the "Jamaica Gazette, by Authority," and shall be signed by the colonial secretary, and such publication shall be proof of such order.

Who may be appointed judges.

Seventh—The governor shall appoint a fit person, being a member of the English or Irish bar, or of the faculty of advocates of Scotland, to be judge of each district court, and may transfer a judge, so appointed, from one district to another, without loss of emoluments.

District court of Kingston.

Eighth—The duties of judge of the district court, of that district wherein the city of Kingston is situated, shall be discharged by one or other of the assistant judges of the supreme court, to be appointed from time to time by the governor: Provided, That such judge of the supreme court, whilst so appointed, shall not be required to hold circuit courts, or to sit, except in cases of necessity, in the supreme court, or to act as coroner, or to act as a justice of the peace in his district court.

Ninth

To Provide District Courts.

Ninth—No judge of a district court shall practice at the bar, or be directly or indirectly concerned as a solicitor, attorney, or proctor; or shall be directly or indirectly concerned in mercantile pursuits, or in the care or management of any estate, or shall be the proprietor or lessee of land (save and except for the purposes of residence), in the district to which he shall have been appointed.

Judges not to practise or trade.

Tenth—Except with the special permission of the governor, every judge of a district court shall reside within the district for which he shall have been appointed.

To reside with in their districts.

Eleventh—Any judge of a district court shall be eligible for the office of a judge of the supreme court.

Qualified to be judges of supreme court.

Twelfth—When any judge of a district court shall die, resign, or be removed, another judge, qualified in the manner hereinbefore mentioned, may be appointed by the governor.

Permanent vacancies how to be filled.

Thirteenth—When any judge of a district court shall be incapacitated from illness, or absent on leave, or when a vacancy in the office of such a judge shall occur, the governor may appoint any barrister, advocate, or attorney-at-law to act temporarily as judge of such court; and the person so appointed shall have, for the time being, all the powers and jurisdiction of judge.

Temporary vacancies how to be supplied.

Fourteenth—For every district court there shall be a clerk, whom the governor is empowered to appoint; and in cases requiring the same, an assistant clerk or clerks may also be appointed by the governor.

Clerks to be appointed.

Fifteenth—In case of the illness or absence of any such clerk, or assistant clerk, the governor may appoint a person to act temporarily as his substitute, and such substitute, whilst so acting, shall have all the powers, and be charged with all the duties of such clerk, or assistant clerk.

Acting clerks may be appointed.

Sixteenth—The clerk of each district court, or, in his absence, an assistant clerk, shall issue all summonses, warrants, precepts, and writs of execution; and shall register all orders and judgments of the said court; and shall keep an account of all proceedings of the court; and shall take charge and keep an

Duties of clerk.

To Provide District Courts.

an account of all court fees and fines payable or paid into court, and of all monies paid into or out of court; and shall enter an account of all such fees, fines, and monies as and when received, in a book, belonging to the court, to be kept by him for that purpose; and shall, from time to time, at such times as shall be directed by the order of the court, submit his accounts to be audited and settled by such person as the court shall appoint, and shall do such other business as the judge of his court shall direct.

Clerks to keep
accounts.

Seventeenth—The clerk of every district court, or, in his absence, an assistant clerk, shall, monthly, and as often as he shall be required so to do by the judge, and in such form as the judge shall require, deliver to the judge a full account, in writing, of the fees received in that court, and a like account of all fines imposed or levied by the court, and of the expenses of levying the same; and a like account of all monies paid into or out of court.

To reside with-
in their dis-
tricts.

Eighteenth—Every clerk of a district court, and every assistant clerk, shall reside within the district of the court for which he shall have been appointed.

No officer to
practise in his
own court.

Nineteenth—No officer of any district court shall practice, or shall be directly or indirectly concerned as a solicitor, attorney, or proctor in any suit, action, or proceeding pending in the district court of which he is an officer.

Bailiffs.

Twentieth—For every district court there shall be a bailiff, who shall be appointed by the governor; and every such bailiff shall be empowered, by any writing under his hand, subject to the approval of the judge, to appoint a sufficient number of able and fit persons to assist the said bailiff, and shall be empowered, at his pleasure, to dismiss all or any of them.

Duties of bai-
liff.

Twenty-first—The bailiff of every district court shall attend the court when required by the judge; and shall, by himself or his assistants, serve all the summonses and orders, and execute all the warrants, precepts, and writs issued out of the court; and the said bailiff and his assistants shall, in the execution of their duties, conform to all general rules from time to time made for regulating the proceedings of the court, as hereinafter provided; and, subject thereto, shall obey the orders and directions.

To Provide District Courts.

rections of the judge; and the said bailiff shall be entitled to receive all fees and sums of money allowed by this or any other law; and every bailiff shall be responsible for the acts and defaults of himself and of his assistants.

Twenty-second—The bailiff of every district court shall keep a full account, in writing, of all fees and sums of money which he shall receive; and shall account for the same monthly to the clerk of the said district court.

Bailiffs to keep accounts.

Twenty-third—The same person may not be bailiff of more than one district court.

Not to act in more than one court.

Twenty-fourth—The bailiff of every district court shall monthly make to the clerk of the court a true return of every process in his possession, custody or power, under penalty of contempt of his court; and shall, under a like penalty, deliver up to the said clerk every such process within seven days after being required by him so to do, and every bailiff misconducting himself in the execution of his office shall be guilty of contempt of his court.

Shall make returns.

Twenty-fifth—The clerk, assistant clerks, and bailiff of every district court shall give security for such sum, and in such manner and form, as the governor from time to time shall order, for the due performance of their several offices, and for the due accounting and payment of all monies received by them under this law.

Clerks and bailiffs to give security.

Twenty-sixth—A judge of a district court, proposing to sue any person subject to his jurisdiction, may bring his action or suit in the district court of any adjoining district of which he is not the judge; and any person proposing to sue a judge of a district court may bring his action or suit in any district court of a district adjoining the district of which the defendant is the judge.

How judge may sue or be sued.

Twenty-seventh—An officer of a district court, proposing to sue any person subject to the jurisdiction of the court of which he is an officer, may bring his action or suit in the court of any adjoining district; and any person, proposing to sue an officer of a district court, may bring his action or suit in the court of any adjoining district.

How officer may sue and be sued.

Twenty-eighth

To Provide District Courts.

Venue may be
changed.

Twenty-eighth—If the judge of a district court shall be satisfied, by either party to a cause pending in his court, that such cause can be more conveniently or fairly tried in some other district court, he shall order that the cause be sent for hearing to such other district court; or if the judge shall be interested in the matter of any cause pending in his court, he shall order that the cause be sent for hearing to some convenient district court, of which he is not the judge, at his discretion; and in either case the clerk of the court in which the action or suit was entered shall forthwith transmit by post to the clerk of the court to which the cause is to be sent, all the proceedings in the action or suit, either in original, or by certified copy thereof, and a certified copy of the order, directing the hearing by such other district court; and the judge of such last-mentioned court shall appoint a day for the hearing, notice whereof shall be sent by post or otherwise by the clerk to both parties.

Court fees.

Twenty-ninth—A table of all fees, payable on every proceeding in the district courts, shall be put on some conspicuous place in every court-house, and in every clerk's office; and the fees, except in interpleaders, or where such fees shall be payable in respect of keeping possession, appraising, or selling goods seized, shall be paid in the first instance by the plaintiff or party in whose behalf such proceeding is to be taken, on such proceeding being taken; and, in default of payment of any fees, payment thereof shall be enforced by order of the judge, by such ways and means as any debt or damage ordered by the court to be paid, can be received.

to be paid to
such person as
the governor
may direct.

Thirtieth—The clerk of every district court, holden under this law, shall pay monthly, or oftener, as the judge may direct, unto such person as the governor shall from time to time appoint, all fees which shall be paid into court under the authority of any law; and also all fines which shall be levied by the court.

Salaries of
judges.

Thirty-first—There shall be paid to the judges of the several district courts, to be holden under this law, such salaries, not less than eight hundred pounds, and not exceeding one thousand pounds each, by the year, as the governor shall order.

Salaries of
clerks.

Thirty-second—There shall be paid to the clerks, and assistant clerks of the district courts, holden under this law, such salaries, by the year, in the case of a clerk, not less than two hundred

To Provide District Courts.

dred pounds, and not exceeding four hundred pounds ; and in the case of an assistant clerk, not exceeding one hundred and twenty pounds, as the governor shall order.

Thirty-third—There shall be paid to the bailiffs of the said courts such salaries, not exceeding one hundred pounds each, by the year, as the governor shall order ; and such bailiffs shall be entitled to receive such fees as may be authorized by the laws relating to the district courts for the time being in force.

Salaries and fees of bailiffs.

Thirty-fourth—The judge of each district court shall attend and hold the district court at each place where the governor shall have ordered that the district court shall be holden, at such times as the judge shall appoint for that purpose, so that a court shall be holden in every such place once at least in every month, or oftener as the governor may order ; and notice of the day on which the court will be holden shall be put in some conspicuous place in the court-house, and in the office of the clerk, and no other notice thereof shall be needed ; and whenever any day, so appointed for holding the court, shall be altered, one month's notice of such intended alteration shall be put up in some conspicuous place in the court-house and office of the clerk.

Courts, where and when to be held.

Thirty-fifth—The judge may in any case make orders 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 any court, or the hearing or further hearing of any cause or matter, in such manner as to the judge may seem right ; and he may, in any action at law, or suit in equity, where the plaintiff is not resident within this island, on application, by the defendant, make an order staying all proceedings in such action or suit until the plaintiff shall give such security as to costs, as to such judge may seem fit : Provided always, That the defendant, at the time of making the application, shall have made an affidavit of merits.

Judges may grant time, and adjourn, and require security.

Proviso.

Thirty-sixth—Where, by reason of the absence of the judge, a district court cannot be held, the clerk of the court, or, in the event of his absence, an assistant clerk, or the bailiff, shall adjourn the court to the day of the next court, notified to be held at the same place, or to such other day as the judge may deem convenient, and shall enter in the minute book the cause of such adjournment ; and, in case no such adjournment shall be

Clerk or bailiff may adjourn court.

To Provide District Courts.

made by any such officer, the court shall stand adjourned until the day of the next court, notified to be held at the same place.

Seal.

Thirty-seventh—For every district court there shall be made a seal of the court; and all summonses and other process issuing out of the said court shall be sealed or stamped with the said seal; and every person who shall forge the seal, or any judgment, process, or order of the court, or who shall serve or enforce any such forged judgment, process, or order, knowing the same to be forged; or who shall deliver, or cause to be delivered to any person any paper, falsely purporting to be a copy of any summons, or other process of the said court, knowing the same to be false; or who shall act, or profess to act under any false colour or pretence of the process of the said court, shall be guilty of felony, and shall be liable to imprisonment, with or without hard labor, for any term not exceeding two years.

Who may act for a party:

Thirty-eighth—It shall not be lawful for any person, except the party to a suit or other proceeding, or a member of his family, or his servant, or his master, or an admitted attorney, being the attorney generally in the action for such party, or a barrister, retained by or on behalf of such party, to appear and act for such party in such suit or proceeding.

Attorneys only to be paid for so acting.

Thirty-ninth—No person, not being an admitted attorney, shall be entitled to have or recover any sum of money for appearing or acting on behalf of any other person in a district court; and no admitted attorney shall be entitled to have or recover for appearing on behalf of any person in a district court beyond the amount allowed by the laws applicable to such courts.

Costs between party and party to be taxed and allowed.

Fortieth—In cases tried in any district court, all costs and charges between party and party shall be taxed by the clerk of the court in which such costs and charges were incurred; but his taxation shall be subject to reviewal by the judge; and no taxed bill of costs shall constitute an enforceable demand against any party, unless it has been allowed by the judge, his allowance to be testified by his signature at the foot of the bill.

Costs between attorney and

Forty-first—In cases tried in any district court, all costs and charges

To Provide District Courts.

charges between attorney and client shall, on the application either of the attorney or client, but not otherwise, be taxed by the clerk of the court in which such costs and charges were incurred; by his taxation shall be subject to reviewal by the judge; and no costs or charges shall be allowed on such taxation which are not sanctioned by the scale of allowance authorized by law, unless a special agreement in writing to pay such additional costs or charges shall have been made by the client, and filed by the attorney in the office of the clerk of the court before judgment, in which case they may be allowed; and no taxed bill of costs shall constitute an enforceable demand against the client which has not been allowed by the judge, his allowance to be testified by his signature at the foot of the bill.

client may be taxed; special agreement may be made for costs.

Forty-second—In cases tried in any district court, no attorney shall have a right to recover from his client any costs or charges in respect of any proceedings, unless they shall have been allowed on taxation.

No recovery of costs except on taxation.

Forty-third—Whenever a jury is required for the trial of any matter of fact in any civil proceeding, in a district court, the jury shall be taken from the jury list of the parish in which the court is held, and the jury shall consist of five jurors, and shall be selected in the following manner:

Juries how to be taken.

There shall be taken by the clerk of the court, by ballot, the number of fourteen jurors, who shall be summoned to attend on the day fixed for the trial of the cause.

On the day of trial the necessary numbers shall be taken from these fourteen, by ballot.

Each party shall have the right peremptorily to challenge not more than three of the jurors so taken; and both parties shall have the right to challenge any juror for good cause shown.

The verdict shall be that of the majority of the jury.

Forty-fourth—The judge of the district court shall take notes of the evidence in all criminal proceedings; and in all civil suits, where the amount or value at issue exceeds ten pounds.

Judge to take notes.

Forty-fifth

*To Provide District Courts.*Appeals how
to be heard.

Forty-fifth—Whenever an appeal lies in the supreme court from any decision or order of a judge of a district court, and whenever a judge of a district court is authorized to make a reference to the supreme court, such appeal or reference may be heard or determined by the supreme court, whether in ordinary session, or in a special session for the hearing and determination of such appeals and references: And it shall be the duty of the supreme court to fix the times at which such special sittings shall be held: Provided, That there shall not be less than one such special session between every two ordinary sessions, and that not less than one month's notice of every such special session shall be given by advertisement in the "Jamaica Gazette, by Authority."

Proviso.

When appel-
late court
equally di-
vided.

Forty-sixth—Whenever, on an appeal from a decision of a judge of a district court, the judges of the supreme court shall be equally divided in opinion, the original decision or order of the judge of the district court shall stand.

Rules of prac-
tice how to be
made.

Forty-seventh—The judges of the supreme court shall, except as to suits in equity, have power to make and amend general rules and forms for the practice and proceedings of the district courts, and also for keeping all books, entries, and accounts to be kept by the clerks of the said courts; and also for settling the duties of the several officers of the said courts; and the rules so made, and the forms so framed, shall (subject as hereinafter provided), be observed and used in all the courts holden under this law; and, in any case not expressly provided for herein, or by the said rules, the general principles of practice of the supreme court shall be adopted and applied, at the discretion of the judges of the district courts, to actions and proceedings in their several courts.

To be submit-
ted to the le-
gislative coun-
cil.

Forty-eighth—Such rules and forms, or amended rules and forms, certified to the governor, under the hands of the said judges, shall be submitted to the legislative council, who may allow or disallow, or alter the same from time to time; and the rules and forms, or amended rules and forms, shall, from a day to be named by the governor, be in force in every district court: Provided, That such rules and forms shall be in full force and effect until so disallowed or altered.

Courts may

Forty-ninth—On the hearing of any action, or in any other proceeding,

To Provide District Courts.

proceeding, civil or criminal, before a district court, all persons adduced as witnesses may be examined upon oath, or, in those cases in which persons are allowed by law to make affirmation instead of taking an oath, on solemn affirmation.

administer
oaths.

Fiftieth—Any of the parties to a suit, or any other proceeding, civil or criminal, under this law, may obtain, at the office of the clerk of the court, summonses to witnesses, to be served by the bailiff of the court, or his assistants, with or without a clause requiring the production of books, deeds, papers, and writings in their possession or control; and, in any such summons, any number of names may be inserted.

Summonses
how to be ob-
tained.

Fifty-first—Every summons, warrant, precept, or writ of execution, granted under the authority of this law, may be lawfully and competently executed at any place within the island of Jamaica, either by an officer of the court granting the same, or by a constable acting under the authority of any law, although addressed to the officer or officers of the court issuing the warrant: Provided always, That in all cases where execution shall be issued against property, real or personal, such execution shall be carried into effect by the officer of the district court within the jurisdiction of which such property may be.

How sum-
monses, &c.
may be exe-
cuted.

Proviso.

Fifty-second—Service of any summons, or other process of the court, which shall require to be served out of the district of the court, may be proved by affidavit purporting to be sworn before any judge, or clerk of a district court, or before a justice of the peace; and in all other cases the bailiff shall return a certificate of service, signed by him, which shall be sufficient evidence of service, unless contested; or shall appear and give evidence, on oath, of such service having been made.

Service, how to
be proved.

Fifty-third—Every person upon whom any summons to testify shall have been served, either personally or in such other manner as shall be directed by the general rules or practice of the court, and to whom, at the same time, payment, or a tender of payment of his expenses shall have been made on the authorized scale of allowance, and who shall refuse and neglect without sufficient cause, to appear, or to produce any books, papers or writings 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 or to give evidence, shall

Penalty for
disobedience to
summons to
testify.

To Provide District Courts.

shall forfeit and pay such fine, not exceeding ten pounds, as the judge shall set on him; and the whole, or any part of such fine, in the discretion of the judge, after deducting the costs, shall be applicable towards indemnifying the party injured by such refusal or neglect, and the remainder thereof, if any, shall be paid into the public treasury.

Fines how to be enforced.

Fifty-fourth—Payment of any fines imposed by any district court may be enforced upon the order of the judge, in like manner as payment of any debt adjudged in the said court.

Clerk to keep a minute book.

Fifty-fifth—The clerk of every district court shall cause a note of all complaints and 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, and to be called the "Minute Book," which shall be kept at the office of the court; and such entries in the said book, or a copy thereof, bearing the seal of the court, and purporting to be signed and certified as a true copy by the clerk of the court, 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 any such proceeding, without any further proof.

Contempt of court.

Fifty-sixth—If any person shall wilfully insult the judge, or any officer of any court under this law, during his sitting or attendance in court, or shall wilfully interrupt the proceedings of the court, or otherwise misbehave in court, it shall be lawful for any bailiff or officer of the court, with or without the assistance of any other person, by the order of the judge to take the offender into custody, and detain him till the rising of the court; and such judge shall be empowered, if he shall think fit, by a warrant under his hand, and sealed with the seal of the court, to commit any such offender to any prison, with or without hard labour, for any time not exceeding one calendar month, or to impose upon any such offender a fine not exceeding ten pounds for every such offence; and, in default of payment thereof, to commit the offender to prison for any time not exceeding one calendar month, unless the said fine shall be sooner paid.

Penalty for assaulting officer.

Fifty-seventh—If any officer or bailiff, or the lawfully appointed assistant of any officer or bailiff of any district court, shall

To Provide District Courts.

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, on the fact being proved to the satisfaction of the court, be liable to a fine not exceeding ten pounds, to be recovered by order of the court; and it shall be lawful for the bailiff of the court, or any peace officer in any such case, to take the offender into custody (with or without warrant), and to bring him before such court accordingly.

Fifty-eighth---If any clerk, bailiff, or other officer of the court, acting under colour or pretence of the process of the said court, shall be charged with extortion or misconduct, or with not duly paying or accounting for any money levied by him under the authority of any law relating to the district courts, it shall be lawful for the judge to inquire into the matter in a summary way, and for that purpose to summon and enforce the attendance of all necessary parties and witnesses, in like manner as the attendance of witnesses in any other case may be enforced, and to make such order 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 fine upon the clerk, bailiff, or other officer, not exceeding ten pounds for each offence, as he shall deem adequate; and, in default of payment of any money so ordered to be paid, payment of the same may be enforced by such ways and means as are provided for enforcing a judgment recovered in the said court.

Penalty for extortion.

Fifty-ninth---The judge of a district court may at all times amend all defects and errors in any proceeding, civil or criminal, in such court, whether there is anything in writing to amend by or not, and whether the defect or error be that of the party applying to amend or not; and all such amendments may be made with or without costs, and upon such terms as the judge may seem fit; and all such amendments as may be necessary for the purpose of determining the real question in controversy between the parties shall be so made, if duly applied for.

Proceedings may be amended.

Sixtieth---No officer of a district court, in executing any warrant of a district court, and no person, at whose instance any such warrant shall be executed, shall be deemed a trespasser by reason of any irregularity or informality in any proceeding on the

No trespass by reason of invalid process.

To Provide District Courts.

the validity of which such warrant depends, or in the form of such warrant, or in the mode of executing it; but the party aggrieved may bring an action for any special damage which he may have sustained by reason of such irregularity or informality against the party guilty thereof; and in such action he shall recover no costs unless the damages awarded shall exceed forty shillings.

Affidavits.

Sixty-first—Any affidavit, to be used in a district court, may be sworn before a judge, or clerk of a district court, without the payment of any fee, or before a commissioner for taking affidavits in the supreme court, or before a justice of the peace.

No privilege of exemption.

Sixty-second—No privilege shall be allowed to any person, to exempt him from the jurisdiction of any district court.

Persons acting under this law how protected.

Sixty-third—For the protection of persons acting in the execution of this law, all actions and prosecutions to be commenced against any person for any thing done in pursuance of any law relating to the district courts, shall be tried in the circuit court for the district where the facts was committed, and shall be commenced within three calendar months after the fact 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 be made before action brought, or if, after action brought a sufficient sum of money shall have been paid into court, with costs, by or on behalf of the defendant.

Bailiffs, &c. acting under warrant how protected.

Sixty-fourth—No action shall be brought against any bailiff, or against any person or persons acting by the order, and in aid of any bailiff, for anything done in obedience to any warrant under the hand of the clerk or clerks of the said court, and the seal of the said court, until demand hath been made or left at the office of such bailiff by the party or parties intending to bring such action, or by his or their attorney or agent, in writing, signed by the party demanding the same, for the perusal and copy of such warrant, and until the same hath been refused or neglected for the space of six days after such demand; and in case, after such demand and compliance therewith, by showing the said warrant, or permitting a copy to be taken thereof by the party demanding the same, any action shall be brought
against

To Provide District Courts.

against such bailiff, or other person or persons acting in his aid, for any such cause as aforesaid, without making the clerk or clerks of the said court, who signed or sealed the said warrant, defendant or defendants, on producing or proving such warrant at the trial of such action, the jury shall give their verdict for the defendant or defendants, notwithstanding any defect of jurisdiction or other irregularity in the said warrant: And if such action shall be brought jointly against such clerk or clerks, and also against such bailiff, or person or persons acting in his aid as aforesaid, then, on proof of such warrant, the jury shall find for such bailiff, and for such person or persons so acting as aforesaid, notwithstanding such defect or irregularity as aforesaid; and if the verdict shall be given against the said clerk or clerks, in such case the plaintiff shall recover his or their costs against him or them, to be taxed in such manner as to include such costs as such plaintiff or plaintiffs is or are liable to pay to such defendant or defendants for whom such verdict shall be found as aforesaid. And if any action shall be brought, the defendant or defendants shall and may plead the general issue, and give the special matter in evidence at any trial had thereupon.

Sixty-fifth—If any action or suit shall be brought against any person for any thing done in pursuance of this law, or of any other law relating to the district courts, such person may plead the general issue, and give the special matter in evidence; and the warrant, under seal of the district court, being produced in any such action or suit, shall be deemed sufficient proof of the authority of the said district court previous to the issuing of the warrant: And in case the plaintiff in such action shall have a verdict pass against him, be nonsuit, or discontinue the action or suit, the defendant shall, in any of the said cases be allowed full costs, as between attorney and client.

General issue
may be plead-
ed.

Sixty-sixth—The attorney-general, on the behalf of the crown, or any body politic or corporate, may be a party to any proceeding in any district court.

Attorney-ge-
neral and bo-
dies corporate
may be parties.

Sixty-seventh—The forms of proceeding which may be prescribed by virtue of this law, may be either in writing or printed, or may be partly written and partly printed; and all such forms as bear reference to any antecedent form, may be either on the same sheet of paper therewith, or on a separate sheet attached to it.

Forms of pre-
cedure, written
or printed, or
both.

To Provide District Courts.

Costs to or
against the
crown may be
awarded.

Sixty-eighth—In all civil suits or proceedings in a district court, to which the crown shall be party, it shall be lawful for the judge of such court to award costs to or against the crown, as in the case of suits between private parties.

No stamp duty
charged on
proceedings.

Sixty-ninth—In proceedings before the district courts no stamps shall be charged.

Court fees pay-
able in stamp-
ed paper.

Seventieth—In proceedings before the district courts the court fees may be paid by means of paper specially stamped for this purpose, when such paper shall have been provided by the government.



22774

JAMAICA—No. 36 OF 1867.

A Law for the Trial of Small Causes.

[11th *October*, 1867.]

BE it enacted by the governor of Jamaica, with the advice and consent of the legislative council thereof, as follows :

First—This law may be cited, for all purposes, as the Short title.
“ Small Causes Law, 1867.”

Second—All pleas of personal actions, where the debt or damage claimed is not more than fifty pounds, whether on balance of account or otherwise, may be holden in a district court; and all such actions brought in any of the said courts shall be heard and determined according to the provisions of this law. Jurisdiction in personal actions.

Third—All pleas of personal actions, whatever be the amount of debt or damage claimed, wherein both parties shall agree by memorandum, signed by them or their respective attorneys, that any district court named in such memorandum shall have power to try the action, may be heard and determined in like manner by the district court so named. Special jurisdiction by agreement.

Fourth—On the application of any person desirous to bring a personal action under this law, the clerk of the court shall enter, in a book to be kept for this purpose in his office, a plaint, stating briefly the names, and the last known places of abode of the parties, and setting forth the nature and grounds of the debt or claim, every one of which plaints shall be numbered in every year according to the order in which it shall be entered; and thereupon a summons, embodying the matter of the plaint, and accompanied by the particulars of the claim, if any, and bearing the number of the plaint on the margin thereof, shall be issued by the clerk of the court, under the seal of the court, and shall be served on the defendant eight days at least before the day on which the court shall be holden, at which the cause is to be tried: and delivery of such summons to the defendant, or in such other manner as shall be specified Suits, how to be brought.

For the Trial of Small Causes.

in the rules of practice, shall be deemed good service; and no misnomer, or inaccurate description of any person or place in any such plaint or summons shall vitiate the same, if the person or place be therein described so as to be commonly known.

Who may be made defendants.

Fifth—Such summons may issue in any district in which the defendant, or one of the defendants shall dwell or carry on his business at the time of the action brought; or in any district in which the defendant, or one of the defendants shall have dwelt or carried on his business at some time within six calendar months next before the time of the action brought, or in any district in which the cause of action arose.

Summons, how to be served.

Sixth—A copy of the summons and particulars, if any, shall be served by the bailiff on the defendant personally, or at his dwelling place, or in case of a corporation or company, at their ordinary place of business.

Cause of action may not be divided, but excess may be abandoned.

Seventh—It shall not be lawful for any plaintiff to divide any cause of action for the purpose of bringing two or more suits in any of the said courts; but any plaintiff having cause of action for more than fifty pounds, for which a plaint might be entered under this law, if not more than fifty pounds, may abandon the excess; and thereupon the plaintiff shall, on proving his case, recover to an amount not exceeding fifty pounds; and the judgment of the court upon such plaint shall be in full discharge of all demands, in respect of such cause of action, and entry of the judgment shall be made accordingly; and the plaintiff shall, in all cases, be held to have passed from, and abandoned any remaining portion of any debt, demand, or penalty beyond the sum actually sued for in the plaint.

Jurisdiction where there is a set-off.

Eighth—Where in any action the debt or demand claimed consists of a balance not exceeding fifty pounds, after an admitted set-off of any debt or demand claimed or recoverable by the defendant from the plaintiff, the court shall have jurisdiction to try such action.

Minors may prosecute for wages.

Ninth—It shall be lawful for any person above the age of fourteen years, and under the age of twenty-one years, to prosecute any suit in any district court for any sum of money which may be due to him for wages or work done, in the same manner as if he were of full age.

Tenth

For the Trial of Small Causes.

Tenth—The jurisdiction of the district courts shall extend to the recovery of any demand not exceeding the sum of fifty pounds, which is the whole or part of the unliquidated 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.

Balance of partnership account.

Eleventh—It shall be lawful for any executor or administrator to sue and be sued in any district court, and judgment and execution shall be such as in the like case would be given or issued in the supreme court.

Executors, &c. may sue and be sued.

Twelfth—Where any plaintiff shall have any demand, recoverable under this law, against two or more persons jointly answerable, it shall be sufficient if any of such persons be served with process, and judgment may be obtained, and execution issued against the person or persons so served, notwithstanding that others jointly liable may not have been served or sued, or may not be within the jurisdiction of the court; and every such person against whom judgment shall have been obtained under this law, and who shall have satisfied such judgment, shall be entitled to demand and recover in a district court contribution from any person jointly liable with him.

Where demand is against two or more jointly.

Thirteenth—On the day in that behalf named in the summons, the plaintiff shall appear, and thereupon the defendant shall be required to answer such plaint; and, on answer being made in court, the judge shall proceed in a summary way to try the cause, and shall give judgment without further pleading or formal joinder of issue.

Trial to be in a summary way.

Fourteenth—No evidence shall be given by the plaintiff, on the trial of any such cause as aforesaid, of any demand or cause of action, except such as shall be specified in the summons hereby directed to be issued.

Restriction to causes specified in summons.

Fifteenth—No defendant shall be allowed to set-off any debt or demand claimed or recoverable by him from the plaintiff, or to set up, by way of defence, and to claim and have the benefit of infancy, coverture, or any statute of limitations, or of his discharge under any statute relating to insolvents, unless such notice thereof, as shall be directed by the rules made for regulating the practice of the court, shall have been given to the

How sets-off and certain special defences must be made.

For the Trial of Small Causes.

the clerk of the court; and, in every case in which the practice of the court shall require such notice to be given, the clerk of the court shall, as soon as conveniently may be, after receiving such notice, communicate the same to the plaintiff, by causing the same to be delivered at his usual place of abode or business; but it shall not be necessary for the defendant to prove on the trial that such notice was communicated to the plaintiff by the clerk.

Arbitration.

Sixteenth—The judge 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 he shall think reasonable and just; and such reference shall not be revocable by either party, except with the consent of the judge; and the award of the arbitrator, or arbitrators, or umpire shall be entered as the judgment in the cause, and shall be a binding and effectual, to all intents and purposes, as if given by the judge: Provided, That the judge may, if he shall think fit, on application to him, 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 hereby empowered to administer an oath to all such witnesses as may appear, or be called before him or them.

Proviso.

When plaintiff
does not appear
or prove his
case.

Seventeenth—If, upon the day of the return of any summons, or at any continuation or adjournment of the said court, or of the cause for which the said summons shall have been issued, the plaintiff shall not appear, the cause shall be struck out; and if he shall appear, but shall not make proof of his demand to the satisfaction of the court, it shall be lawful for the judge to nonsuit the plaintiff, or to give judgment for the defendant; and, in either case, where the defendant shall appear and shall not admit the demand, to award to the defendant, by way of costs and satisfaction for his trouble and attendance, such sum as the judge, in his discretion, shall think fit; and such sum shall be recoverable from the plaintiff by such ways and means as any debt or damage ordered to be paid by the same court can be recovered: Provided always, That if the plaintiff shall

Proviso.

not

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not appear when called upon, and the defendant, or some one duly authorized in his behalf, shall appear and admit the cause of action to the full amount claimed, and pay the fees payable in the first instance by the plaintiff, the court, if it shall think fit, may proceed to give judgment as if the plaintiff had appeared.

Eighteenth—If, on the day so named in the summons, or at any continuation or adjournment of the court or cause in which the summons was issued, the defendant shall not appear, or sufficiently excuse his absence, or shall neglect to answer when called in court, the judge, upon due proof of the service of the summons, may proceed to the hearing or trial of the cause on the part of the plaintiff only; and the judgment thereupon shall be as valid as if both parties had attended: Provided always, That the judge in any such case, at the same or any subsequent court, may set aside any judgment so given in the absence of the defendant, and the execution thereupon, and may grant a new trial of the cause, upon such terms as he may think fit, on sufficient cause shown to him as that purpose.

When defend-
ant does not
appear.

Proviso.

Nineteenth—It shall be lawful for the defendant in any action brought under this law, within such time as shall be directed by the rules regulating the practice of the court, to pay into court such sum of money as he shall think a full satisfaction for the demand of the plaintiff, together with the costs incurred by the plaintiff up to the time of such payment, calculating the court fees as on a demand equal to the sum of money paid in; and notice of such payment shall be communicated by the clerk of the court to the plaintiff by causing the same to be delivered at his usual place of abode or business; and the said sum of money shall be paid to the plaintiff, if he accepts the same in full satisfaction of his demand; but if he shall elect to proceed, and shall recover no further sum in the action than shall have been so paid into court, the plaintiff shall pay to the defendant the costs incurred by him in the said action, after such payment; and such costs shall be settled by the court, and an order shall thereupon be made by the court for the payment of such costs by the plaintiff; and the money paid into shall be applied in payment of such costs, and the balance, if any, shall be paid to the plaintiff.

When defend-
ant pays into
court, before
re-trial, part of
the demand

Twentieth—Any person against whom a plaint shall be entered may, if he think fit, whether he be summoned upon such
plaint

When defen-
ant pays into

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court, before
trial, the whole
demand,

or confesses to
the demand,

plaint or not, three days before the day of hearing, pay to the clerk of the district court in which such plaint shall have been entered, the amount of debt or demand for which the plaint shall have been entered with one half of the court fees up to that time incurred, in which case no further costs will be exigible from him, and the remaining court fees shall be returned by the clerk of the court to the plaintiff: And any person against whom a plaint shall be entered, may, if he think fit, whether he be summoned upon such plaints or not, in the presence of the clerk, or of an attorney, sign a statement confessing and admitting the amount of the debt or demand, or part of the amount of the debt or demand, for which the plaint shall have been entered; and the clerk shall, as soon as conveniently may be after receiving such statement, give notice thereof to the plaintiff, by causing the same to be delivered at his usual place of abode or business; and thereupon it shall not be necessary for the plaintiff to prove his debt or demand, so confessed and admitted as aforesaid, but the judge of the court, at the next sitting of such court, whether the parties, or either of them, attend the court or not, shall, upon proof by affidavit or otherwise of the signature of the party, if such statement were not made in the presence of the clerk, proceed to give judgment for the debt or demand so confessed and admitted, in the same manner, and subject to the same conditions, as if he had tried the cause and given judgment thereupon under the provisions of this law.

Upon agree-
ments judg-
ment may be
entered,

Twenty-first—If the person against whom a plaint shall be entered can agree with the person on whose behalf such plaint shall have been entered, upon the amount of the debt or demand in respect of which such plaint shall have been entered, and upon the terms and conditions upon which the same shall be paid and satisfied, it shall be lawful for such persons respectively, in the presence of the clerk, or of an attorney, to sign a statement of the amount of the debt or demand so agreed upon, and of the terms and conditions upon which the same shall be paid or satisfied; and such clerk shall receive such statement, and shall thereupon, upon proof by affidavit, or otherwise, of the signature of the party, if such statement were not made in the presence of the clerk, enter up judgment for the plaintiff for the amount of the debt or demand so agreed upon, and upon the terms and conditions mentioned in such statement; and such judgment shall, to all intents and purposes, be the same

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same, and have the same effect, and shall be enforced and enforceable in the same manner, as if it had been a judgment of the judge of the said court.

Twenty-second—In any action in a district court for a debt, or liquidated money demand, exceeding ten pounds, the plaintiff may, at his option, cause, to be issued, either a summons in the ordinary form, or a summons in the form or to the effect given in schedule B to this law, numbered three: Provided, That if such last-mentioned summons be issued, it shall be personally served on the defendant twelve clear days before the return-day thereof; and then if the defendant shall not, at least six clear days before such return-day, give notice, in writing, signed by himself, to the clerk, of his intention to defend, the plaintiff may, on or within one month after such return-day, on making affidavit of the truth of the debt or demand, and without giving any further proof of his claim, have judgment entered up against the defendant for the amount of his claim and costs, such costs to be taxed by the clerk; and 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 attorney or agent shall, in writing, have consented to take at the time of the plaint.

Special forms
of summons.

Proviso.

Twenty-third—If the defendant shall give such notice as in the last preceding section is specified, the action shall be heard in the ordinary course; but in any event the clerk shall, immediately after the last day for giving such notice, deliver to the plaintiff, or leave at his usual place of abode or business, a letter stating whether the defendant has or has not been served with such summons, and whether he has or has not given notice of his intention to defend.

Plaintiff to be
informed as to
defendant's
intention.

Twenty-fourth—All the costs of any action or proceeding in the court not herein otherwise provided for, shall be paid by, or apportioned between the parties in such manner as the judge shall think fit; and, in default of any special direction, shall abide the event of the action; and execution may issue for the recovery of any such costs in like manner as for any debt adjudged in the said court.

Costs.

Twenty-fifth—The judge shall have power to nonsuit the plaintiff in every case in which satisfactory proof shall not be given

Nonsuit.

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given to him entitling either the plaintiff or defendant to the judgment of the court.

Appeal.

Twenty-sixth—An appeal shall lie to the supreme court from the judgment of a judge of a district court, whereby any personal action in such district court has been disposed of, in which the debt, or damage claim exceeds ten pounds, upon any point of law, or upon the admission or rejection of any evidence bearing upon the facts, or upon the question of the finding upon such facts being founded upon lawful evidence or legal presumption, or upon the question of the sufficiency of the facts found to support the judgment, or upon the question of costs; but no appeal shall lie upon the finding of a judge of a district court upon questions of a conflicting evidence: And the said court of appeal may either affirm, reverse, or amend the judgment of the district court, or order the judgment to be entered for either party, as the case may require, or remit the cause to the judge of the district court, with instructions, or for re-hearing generally, and may also make such order as to costs of the said appeal as such court shall think proper; and such order shall be final: Provided always, That no judgment of a district court shall be altered or reversed on any point which has not been raised at the original trial of the cause by the party making the appeal: And provided further, That no such judgment shall be altered or reversed where the effect of the judgment shall be to do substantial justice between the parties to the cause.

Proviso 1st.

Proviso 2d.

Notice of appeal.

Twenty-seventh—The appeal shall be taken and minuted in open court at the time of pronouncing judgment, or if not so taken, then by lodging a written appeal with the clerk of the district court, and serving a copy of it upon the opposite party or his attorney, personally, or at his place of dwelling, within fourteen days after the date of the judgment; and the party appealing shall, at the time of lodging the appeal, deposit with the clerk of the district court ten pounds as security for the costs of the appeal; but there shall be no stay of proceedings on judgment, except upon payment, into the hands of the clerk of the district court, of the whole sum, if any, found due by the judgment and costs, if any.

Deposit for costs.

Not to stay proceedings.

Deposit subject to order of appellate court.

Twenty-eighth—The sum deposited as aforesaid, shall be subject to any order which the appellate court may think reasonable and just.

Twenty-ninth

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Twenty-ninth—Upon the party intending to appeal depositing the sum aforesaid, the clerk of the court shall transmit to the clerk of the supreme court copies of the notes of the judge, and (in original) all the other proceedings in the cause.

On appeal, proceedings to be sent to appellate court.

Thirtieth—Such appeal may be in the form of a case agreed upon by both parties, or their attorneys, or agents.

Appeal may be on a case stated.

Thirty-first—No plaint entered in any court under this law, and no judgment or order given or made by any judge of a district court, and no cause or matter brought before him, or pending in his court under this law, shall be removed by appeal, motion, writ of error, *certiorari*, or otherwise, into any other court whatever, save and except in the manner, and according to the provisions hereinbefore mentioned.

No removal by *certiorari*, &c.

Thirty-second—No appeal shall lie from the decision of a district court, if before such decision is pronounced, both parties shall agree, in writing, that the decision of the judge shall be final; and such agreement shall not require a stamp.

Appeal may be barred by agreement.

Thirty third—No plaint, entered in any district court under this law, shall be removed from the said court into the supreme or any other court by any writ or process, unless the debt or damage claimed shall exceed ten pounds; and then only by leave of the judge of the district court before whom such plaint shall have been entered, in cases which shall appear to the judge fit to be tried in the supreme or any other court, and upon such terms as to payment of costs, giving security for debt or costs, or such other terms as he shall think fit.

Plaints above £10 may be removed by leave.

Thirty-fourth—In proceedings under this law, admitted attorneys shall be allowed to have and recover for acting on behalf of any party, the fees fixed in schedule A, to this law annexed; but the expense of employing a barrister by the successful party shall not be allowed in the calculation of costs as against the unsuccessful party, unless the judge shall certify that the case was such as to warrant the employment of a barrister; and in cases in which the amount of demand does not exceed twenty pounds, the expense of employing an attorney or a barrister by the successful party shall not be allowed in the calculation of costs as a charge against the unsuccessful party, unless the judge shall certify that the case

Rules as to fees of attorneys and barristers.

was

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was such as to warrant the employment of an attorney, or of both an attorney and a barrister.

Payment by instalments.

Thirty-fifth—Where judgment is given in a district court for a sum not exceeding twenty pounds, exclusive of costs, the judge may order such sum, and the costs, to be paid at such time or times, and by such instalments, if any, as he shall think fit, and all such monies shall be paid into court; but in all other cases he shall order the full amount, for which judgment has been obtained, to be paid either forthwith, or within fourteen clear days from the date of the judgment, unless the plaintiff, or his agent, or attorney, will consent that the same shall be paid by instalments; in which case the judge shall order the same to be paid at such time or times, and by such instalments (if any) as shall be consented to; and all such monies, whether payable in one sum or by instalments, shall be paid into court.

Cross judgments.

Thirty-sixth—If there shall be cross-judgments between the parties, execution shall be taken out by that party only who shall have obtained judgment for the larger sum, and so much only as shall remain after deducting the smaller sum; and satisfaction for the remainder shall be entered, as well satisfaction on the judgment for the smaller sum; and if both sums shall be equal, satisfaction shall be entered upon both judgments.

Execution.

Thirty-seventh—Whenever the judge shall have made an order for the payment of money, the amount shall be recoverable, in case of default or failure of payment thereof forthwith, or at the time or times, or in the manner thereby directed, by execution against the goods and chattels of the party against whom such order shall be made; and the clerk of the court, at the request of the party prosecuting the order, shall issue, under the seal of the court, a writ of *fieri facias* as a warrant of execution to the bailiff of the court, who, by such warrant, shall be empowered to levy, or cause to be levied, by distress and sale of the goods and chattels of such party, such sum of money as shall be so ordered, wheresoever they may be found, and also the costs of the execution.

Default of payment of instalment.

Thirty-eighth—If the judge shall have made any order for the payment of any sum of money by instalments, execution upon such

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such order shall not issue against the party until after default in payment of an instalment, according to such order; and execution, or successive executions, may then issue for the whole of the said money and costs then remaining unpaid, or for such portion thereof as the judge shall order, either at the time of making the original order, or at any subsequent time, under the seal of the court.

Thirty-ninth—Every bailiff or officer executing any process of execution issuing out of the said district court, against the goods and chattels of any person may, by virtue thereof, seize and take any of the goods and chattels of such person (excepting the wearing apparel and bedding of such person or his family, and the tools and implements of his trade, to the value of five pounds, which shall to that extent be protected from such seizure;) and may also seize and take any money or bank notes, and any cheques, bills of exchange, promissory notes, bonds, specialties, or securities for money, belonging to any such person against whom any such execution shall have issued as aforesaid.

What may be seized in execution.

Fortieth—The precise time when application shall be made to the clerk of the court to issue a warrant against the goods of a party, shall be entered by him in the execution book, and on the warrant; and when more than one such warrant shall be delivered to the bailiff to be executed, he shall execute them in the order of the times so entered.

Time of issue of warrant to be noted.

Forty-first—When a writ against the goods of a party has issued from the supreme court, and a warrant against the goods of a party has issued from a district court, the right to the goods seized shall be determined by the priority of the time of the delivery of the writ to the provost-marshal to be executed, or of the applications to the clerk of the court for the issue of the warrant to be executed; and the provost-marshal, on demand, shall, by writing, signed by any clerk in his office, inform the bailiff of the precise time of such delivery of the writ, and the bailiff, on demand, shall show his warrant to any deputy-marshal, or person employed by the deputy-marshal and such writing, purporting to be so signed, and the endorsement on the warrant, shall respectively be sufficient justification to any bailiff or deputy-marshal acting thereon.

Priority of delivery of writs to determine the right to seize.

Forty-second—The bailiff shall hold any cheques, bills of exchange

Bailiff may

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hold and realize securities.

exchange, promissory notes, bonds, specialties, or other securities for money, which shall have been so seized or taken as aforesaid, as a security or securities 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 plaintiff, and the plaintiff may sue in the name of the defendant, or in the name of any person in whose name the defendant 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.

Claims to goods seized, how to be settled.

Forty-third—If any claim shall be made to, or in respect of any goods or chattels taken in execution under the process of any district court, or in respect of the proceeds or value thereof, by any landlord for rent, or by any person, not being the party against whom such process has issued, it shall be lawful for the clerk of the court, upon application of the officer charged with the execution of such process, as well before as after any action brought against such officer, to issue a summons calling before the said court, as well the party issuing such process as the party making such claim, and thereupon any action which shall have been brought in any other court in respect of such claim shall be stayed, and the court in which such action shall have been brought, or any judge thereof, on proof of the issue of such summons, and that the goods and chattels were so taken in execution, may order the party bringing such action to pay the costs of all proceedings had upon such action after the issue of such summons out of the district court; and the judge of the district 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 such order shall be enforced in like manner as any order made in any suit brought in such court.

If claimant make no deposit, goods seized may be sold.

Forty-fourth—Where any claim shall be made, under the immediately preceding section, to or in respect of any goods taken in execution under the process of a district court, the claimant may deposit with the bailiff either the amount of the value of goods claimed (such value to be fixed by appraisal, in case of dispute), to be by such bailiff paid into court, to abide the decision of the judge upon such claim, or the sum which the bailiff shall be allowed to charge as costs for keeping

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ing possession of such goods, until such decision can be obtained; and in default of the claimant making either of such deposits, the bailiff shall sell such goods, as if no such claim had been made, and shall pay into court the proceeds of such sale, to abide the decision of the judge.

Forty-fifth—It shall be lawful for any party who has obtained any unsatisfied judgment or order in any court held by virtue of this law, for the payment of any debt, or damages, or costs, to obtain a summons from any district court within the limits of which the other party shall then dwell or carry on his business, or, by leave of the judge, from the court in which the judgment was obtained, although the judgment debtor shall not then dwell or carry on his business within the district of such court; if the judge shall think fit, in the exercise of his discretion, to grant such leave, such summons to be in the form, or to the effect in the schedule to this law annexed, and to be served personally upon the person to whom it is directed, requiring him to appear at such time, as shall be directed by the said rules, to answer such things as are named in such summons; and if he shall appear in pursuance of such summons he may be examined upon oath touching his estate and effects, and the manner and circumstances under which he contracted the debt, or incurred the damages or liability which is the subject of the action in which judgment has been obtained against him; and as to the means and expectation he then had, and as to the property and means he still hath, of discharging the said debt, or damages, or liability; and as to the disposal he may have made of any property; and the person obtaining such summons as aforesaid, and all other witnesses whom the judge shall think requisite, may be examined upon oath or affirmation touching the inquiries authorized to be made as aforesaid; and the costs of such summons, and all proceedings thereon, shall be deemed costs in the cause.

A judgment debtor may be summoned and examined.

Forty-sixth—If the party so summoned shall not attend, as required by such summons, and shall not allege a sufficient excuse for not attending; or shall, if attending, refuse to be sworn or to disclose any of the things aforesaid; or if he shall not make answer touching the same, to the satisfaction of the judge; or if it shall appear to such judge, either by the examination of the party, or by any other evidence, that such party, if a defendant, in incurring the debt or liability which is the subject

And in certain cases committed to prison.

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subject of the action in which judgment has been obtained, has obtained credit from the plaintiff under false pretences, or by means of fraud, or breach of trust, or has wilfully contracted such debt or liability without having had at the same time a reasonable expectation of being able to pay or discharge the same; or shall have made, or caused to be made any gift, delivery, or transfer of any property, with intent to defraud his creditors, or any of them; or shall have charged, removed or concealed the same with intent to defraud his creditors, or any of them; or if it shall appear to the satisfaction of the judge, that the party so summoned has then, or has had, since the judgment obtained against him, sufficient means and ability to pay the debt, or damages, or costs so recovered against him, either altogether, or by any instalment or instalments which the court, in which the judgment was obtained, shall have ordered, and if he shall refuse or neglect to pay the same as shall have been so ordered, or as shall be ordered pursuant to the power hereinafter provided, it shall be lawful for such judge, if he shall think fit, to order that any such party may be committed to any prison for any period not exceeding sixty days.

Judge may rescind or alter orders.

Forty-seventh—It shall be lawful for the judge, before whom such summons shall be heard, if he shall think fit, whether or not he shall make any order for the committal of the defendant to rescind or alter any order that shall have been previously made against any defendant so summoned before him for the payment, by instalments or otherwise, of any debt or damages recovered, and to make any further or other order, either for the payment of the whole of such debt, or damages and costs forthwith, or by any instalments, or in any other manner as such judge may think reasonable and just.

In certain cases defendants may be examined, and committed to prison at the trial.

Forty-eighth—In every case where the defendant in any personal action shall have been personally served with the summons to appear, or shall personally appear at the trial of the same, the judge, at the hearing of the cause, or at any adjournment thereof, if judgment shall be given against the defendant, shall have the same power and authority of examining the defendant and the plaintiff, and other parties, touching the several things hereinbefore mentioned, and of committing the defendant to prison, and of making an order, as he might have and exercise under the provisions hereinbefore contained, in case the plaintiff had obtained a summons for that purpose, after the judgment obtained as hereinbefore mentioned.

Forty-ninth

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Forty-ninth—Whenever any order of commitment shall have been made as aforesaid, the clerk of the court shall issue, under the seal of the court, a warrant of commitment, directed to one of the bailiffs of any district court, who, by such warrant, shall be empowered to take the body of the person against whom such order shall be made; and all constables, and other peace officers within their several jurisdictions, shall aid in the execution of every such warrant; and the gaoler, or keeper of every gaol or prison mentioned in any such order, shall be bound to receive and keep therein the person against whom such order of commitment shall have been made, until he shall be discharged under the provisions of this law, or otherwise by due course of law.

Warrant of
commitment.

Fiftieth—Every warrant of commitment shall, on whatever day it may be issued, bear date on the day on which the order for commitment was made, and shall continue in force for one year from such date, and no longer; but no order for commitment shall be drawn up or served.

When to be
dated, and how
long to be in
force.

Fifty-first—No imprisonment under this law shall in anywise operate as a satisfaction or extinguishment of the debt or other cause of action on which a judgment has been obtained, or protect the defendant from being anew summoned and imprisoned for any new fraud or other default rendering him liable to be imprisoned under this law, or deprive the plaintiff of any right to take out execution against the goods and chattels of the defendant, in the same manner as if such imprisonment had not taken place.

Imprisonment
not to be a sa-
tisfaction of
debt.

Fifty-second—In all cases where a warrant of execution shall have issued against the goods and chattels of any party, or an order for his commitment shall have been made under this law and such party, or his goods and chattels, shall be out of the jurisdiction of the court, it shall be lawful for the bailiff of the court to send such warrant of execution or of commitment to the clerk of any other court within the jurisdiction of which such party, or his goods and chattels shall then be, or be believed to be, with a warrant thereto annexed, under the hand of the bailiff, and seal of the court from which the original warrant issued, requiring execution of the same; and the clerk of the court to which the same shall be sent shall seal or stamp the same with the seal of his court, and shall reissue the said

Execution out
of the jurisdic-
tion.

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warrant or order to the bailiff of such court, and thereupon such bailiff shall be authorized and required to act in all respects in the execution of the said warrant or order, within the jurisdiction of the court to which the same shall have been so sent, in the same manner, with the same powers, and subject to the same rules, as if the district to which the warrant or order shall have been sent, were within the limits of the court which originally issued the warrant or order; and, in case a levy shall have been made, shall, within such time as shall be specified in the rules of practice, pay over all monies received, in pursuance of the warrant, to the bailiff of the court from which the same shall have originally issued, retaining the fees for execution of the process; and, where any order of commitment shall have been made, and the person apprehended, he shall be forthwith conveyed in custody of the bailiff, or officer apprehending him, to the nearest gaol, or prison, and kept therein for the time mentioned in the warrant of commitment, unless sooner discharged under the provisions of this law; and all constables and other peace officers shall be aiding and assisting within their respective districts in the execution of such warrant.

In cases of sickness and inability execution may be stayed.

Fifty-third—If it shall at any time appear to the satisfaction of the judge that any 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 that such temporary cause of disability has ceased.

Sale of goods taken in execution.

Fifty-fourth—No sale of any goods, which shall be taken in execution as aforesaid, shall be, until after the end of five days at least next following the day on which such goods shall have been so taken, unless such goods be of a perishable nature, or upon the request, in writing, of the party whose goods shall have been taken: And, until such sale, the goods shall be deposited by the bailiff in some fit place, or they may remain in the custody of a fit person, approved by the bailiff, to be put in possession by the bailiff: And it shall be lawful for the bailiff to act as a broker or appraiser for the purpose of valuing and

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and selling any goods, chattels, or effects taken in execution under this law, without paying license duty as an auctioneer.

Fifty-fifth—No judgment or execution shall be stayed, delayed, or reversed upon or by any writ of error, or superseded thereon.

No stay of execution on writ of error. &c.

Fifty-sixth—In and upon every warrant of execution, issued against the goods and chattels of any person whomsoever, the clerk of the court shall cause to be inserted or endorsed the sum of money and costs adjudged, with the sum allowed by this law as increased costs for the execution of such warrant; 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 to the clerk of the court out of which such warrant of execution has issued, or to the bailiff holding the warrant of execution, such sum of money and costs as aforesaid, or such part thereof as the person entitled thereto shall agree to accept in full of his debt, or damages and costs, together with the fees by this or any other law directed to be paid, the execution shall be superseded, and the goods and chattels of the said party shall be discharged and set at liberty.

Warrant to be endorsed.

Fifty-seventh—Any person imprisoned under this law, who shall have paid or satisfied the debt or demand, or the instalments thereof payable, and costs, remaining due at the time of the order of imprisonment being made, together with the costs of obtaining such order, and all subsequent costs, shall be discharged out of custody, upon the certificate of such payment or satisfaction, signed by the clerk of the court, by leave of the judge of the court in which the order of imprisonment was made.

Prisoners satisfying the debt to be discharged.

Fifty-eighth—If the judge of the district court shall be satisfied that a party, against whom judgment has been obtained in the district court has no goods and chattels which can conveniently be taken to satisfy such judgment, he may, if he shall think fit, make an order declaring that such judgment shall have the same force and effect as a judgment of the supreme court, and such order shall be made an order of the supreme court, and thereupon such judgment shall have such force and effect accordingly, and the same proceedings may be had thereon to make the said judgment a lien on, and enforce-

If there are no goods that can be taken.

able

For the Trial of Small Causes.

able against the real as well as personal estate, but not against the person of the debtor, as in the case of a judgment of the supreme court; but no action shall be brought upon such judgment.

Bailiff liable
for neglect,
&c.

Fifty-ninth—In case any bailiff of the said court who shall be employed to levy any execution against goods and chattels, shall, by neglect or connivance, or omission, fail to levy such execution, (the fact alleged being proved to the satisfaction of the court) the judge shall order such bailiff to pay such damages as it shall appear that the plaintiff has sustained thereby, not exceeding in any case the sum of money for which the said execution issued, and the bailiff shall be liable thereto; and, upon demand made thereof, and upon his refusal to pay and satisfy the same, payment thereof shall be enforced by such ways and means as are herein provided for enforcing a judgment recovered in the said court.

When district
court causes
are taken into
supreme court.

Sixtieth—If any action in the supreme court shall be commenced, after the passing of this law, in the supreme court, for any cause for which a plaint might have been entered in any district court, and a verdict shall be found for the plaintiff for a sum less than fifty pounds, if the said action is founded on contract, or less than twenty pounds, if it be founded on tort, the plaintiff shall have judgment to recover the said sum only, and no costs; and if a verdict shall not be found for the plaintiff, the defendant shall be entitled to his costs, as between attorney and client, unless in either case the judge, who shall try the cause, shall certify on the back of the record that there was sufficient reason for bringing the said action in the supreme court, when costs may be awarded as between party and party.

Form of pro-
ceedings.

Sixty-first—The form of proceedings under this law may be as in schedule B, to this law annexed.

Court fees.

Sixty-second—The court fees payable upon proceedings under this law shall be in conformity with schedule C, to this law annexed; and such fees shall be paid to the clerk of the court by the party requiring process to issue, or action to be taken.

Court fees to
be according
to amount of
demand, but if
plaintiff reco-

Sixty-third—In all plaints for the recovery of debt or damages the court fees shall be estimated on the amount of the demand; but where the plaintiff recovers less than the amount of his claim

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claim, the difference between the court fees, according to that amount, and the court fees, according to the amount received, shall be paid by the plaintiff, and shall not be charged as costs against the defendant.

vers less than demanded, excess to be paid by plaintiff.

SCHEDULES REFERRED TO IN THIS LAW.

SCHEDULE A.

BARRISTERS AND ATTORNEYS' FEES AND COSTS.

The following is a Scale of Costs and Charges, to be paid to Counsel and Attornies in the District Courts, as well between Party and Party, as between Attorney and Client.

In cases in which the amount of demand does not exceed ten pounds, no fees shall be allowed, unless under special agreement, in writing, according to the forty-third section.

In cases in which the demand exceed ten pounds and does not exceed twenty twenty pounds, if an attorney had been employed by the party—

For the conduct of the cause, one shilling in the pound on the amount of the demand recovered.

For attendance in court at the hearing of the cause, where a barrister is not employed £0 10 0

For attendance in court, when the cause is called and adjourned - - - 0 2 6

For drawing instructions for a barrister, when employed - - - 0 5 0

For attendance at the hearing, when a barrister is employed - - - 0 5 0

For a barrister, when employed by written order of the client, sum paid not exceeding - 1 11 6

In cases in which the amount of demand exceeds twenty pounds, if an attorney has been employed for the conduct of the cause, one shilling in the pound on the amount of the demand recovered.

For attendance in court at the hearing of the cause, when a barrister has not been employed £1 10 0

For attendance in court, when the cause is called on and adjourned - - - 0 5 0

For drawing instructions for a barrister, when employed - - - 0 15 0

For

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For attendance in court, when a barrister is employed	-	-	£1 15 0
For a barrister, when employed by written order of the client, sum paid not exceeding	-	3	3 0
For a barrister, when employed, refresher fee on an adjournment of the case	-	0	10 6
In calculating the above fees a fraction of a pound is to be taken as one pound.			
No travelling expenses allowable to barristers or attorneys, except by written agreement under section forty-third.			
In cases in which the amount of claim exceeds fifty pounds, tried under section third, the same fees as in a case for £50.			

NEW TRIAL.

Costs to be allowed on the same scale as the original trial.

ARBITRATION.

Attending reference, without counsel, for each sitting	-	-	1 0 0
Attending reference with counsel, for each sitting	0	15	0
Fee to counsel for each sitting, sum paid not exceeding the rate payable on the trial of a case of the same amount.	-	-	-
Witnesses' expenses, same as on trial.			

NOTE.—Costs of counsel and attorney, or of an attorney, on attending reference, shall not be allowed without the order of the judge; nor shall the costs of more than one sitting be allowed without order of the judge.

COSTS OF APPEALS.

Preparing notice of appeal, including copies and services	-	-	£0 5 0
Paying money into court as deposit on appeal, including notice and service	-	0	3 0
Notice of nature and particulars of proposed securities, including notices and service	-	0	3 0
Preparing case, including copies	-	0	10 0
Attending judge to sign, or to settle and sign case	-	0	3 0
Transmitting copies of case, including depositing the same	-	0	3 0
Transmitting case and copies, including notice and service thereof	-	0	3 0
			Application

For the Trial of Small Causes.

Application to judge for leave to proceed on the judgment - - - - - £0 5 0
 Depositing order of court of appeal, including notice, and service thereof - - - - - 0 3 0
 Where a new trial takes place, in pursuance of the directions of the court of appeal, the costs of such new trial shall be allowed on the same scale as those of the original trial.

ALLOWANCES TO WITNESSES.

Planters, merchants, bankers, and professional persons, *per diem* - - - - - 0 10 0
 Tradesmen, auctioneers, accountants, clerks, overseers, and bookkeepers, *per diem* - - - - - 0 5 0
 Artizans, journeymen, *per diem* - - - - - 0 3 0
 Labourers, and the like, *per diem* - - - - - 0 1 6
 Females according to their rank in life, but not exceeding ten shillings *per diem*.
 Travelling expenses—sum reasonably paid, but not more than 6d *per mile*, one way.

For the Trial of Small Causes.

SCHEDULE B.
1.—FORM OF PLAINT BOOK.

No.	Dates of Plaint.	Plaintiffs.	Defendants.	Nature and Grounds of Claim.	Amount.	How Served.	When Served.	By whom Served.	When Tried.	Judgments, with Dates.	Amount Recovered.	Costs.	Orders, with Dates.

(Note.)—After the name of each plaintiff, and defendant let the letter P or A be added, in order to mark whether the party was present or absent when cause was heard; and should the party appear by or with any other person, or an attorney, his name shall be marked as so appearing.

For the Trial of Small Causes.

2—SUMMONS.

In the [*title of court issuing summons.*]

No. [*of plaint.*]

To A. B. [*name, description, and address of defendant*] defendant.

Whereas a plaint has this day been entered against you in this court by C. D. [*name, description, and address of plaintiff*] plaintiff, that [*here state concisely the nature and grounds of the action*].

These are therefore to require you to appear before the judge of the district court of _____ in the court house at _____ on the _____ day of _____ at _____ o'clock in the _____ noon, then and there to answer the plaint of the said C. D. in the said matter.

Given under the hand of the clerk of court, and sealed with the common seal of the court, at the _____ day of _____ one thousand eight hundred and _____ E. F. clerk of district court of _____

3.—SUMMONS TO OBTAIN JUDGMENT BY DEFAULT OF PERSONAL SERVICE.

No. [*of plaint*] in the [*title of court issuing summons.*]

To A. B. [*name, description, and address of defendant*], defendant.

Whereas a plaint has this day been entered against you in this court by C. D. [*name, description, and address of plaintiff*] plaintiff, that [*here state concisely the nature and grounds of action.*]

Take notice, That unless, at least six clear days before the [*day of appearance to summons*], you return to the clerk of this court at [*place of office*], the notice given below, dated and signed by yourself, you will not afterwards be allowed to make any defence to the claim which the plaintiff makes on you, but the plaintiff may, on making affidavit of the truth of the debt (or demand), and without further proof of his claim, proceed to
 2 O judgment

For the Trial of Small Causes.

judgment and execution: If you return such notice to the clerk within the time specified, you must appear yourself, or by your attorney, or agent, before the judge of the district court of _____ in the court-house at _____ on the _____ day of _____ 18 _____ at _____ o'clock _____ noon, to answer the said plaint, which will be heard on that day.

Given under the hand of the clerk of court, and sealed with the common seal of the court, at _____ the _____ day of _____ one thousand eight hundred and _____ E. F. clerk of the district court of _____

NOTICE OF INTENTION TO DEFEND.

No. [of plaint] in the [title of court.]

C. D. vs. A. B.

I intended to defend this cause.

Dated this _____ day of _____ 18 _____ A. B. defendant

4.—TO BE INDORSED ON THE SUMMONS.

If you pay the amount of claim or debt, as <i>per margin</i> , into the clerk's office three days before the day of hearing, with one half of the court fees up to that time incurred, you will	Amount of claim or debt - £		
	Court fees -		
	Attorney's cost (<i>where claim exceeds £10</i>)		
	Total amount of debt and costs -		

avoid further costs: If you admit part only of the claim, you may, by paying into the clerk's office, the amount so admitted, together with the costs incurred by the plaintiff up to the time of such payment, three clear days before the hearing, avoid further costs, unless the plaintiff, at the hearing, shall prove a claim against you exceeding the sum so paid.

If

For the Trial of Small Causes.

If you intend to rely on a set-off, infancy, coverture, or statute of limitations, or a discharge under a bankrupt or insolvent law, as a defence, you must give to the clerk notice of such special defence six clear days before the day of hearing; and such notice must contain the particulars of such special defence; and you must deliver to the clerk as many copies of such notice as there are plaintiffs, and an additional copy for the use of the court: If your defence be a set-off, you must, with the notice thereof, also deliver to the clerk a statement of the particulars thereof: If your defence be a tender, you must pay into court before, or at the hearing, the amount tendered.

Hours of attendance at the office of the clerk of this court at _____ from _____ to _____

On entering the plaint, the plaintiff shall, in all cases, deliver to the clerk as many copies of the particulars of his claim as there are defendants, and also an additional copy to be filed by the clerk; and where the demand exceeds £50, but the plaintiff desires to abandon the excess, or to admit set-off, and sues in a district court for the residue, the abandonment, or the admission of the set-off, must be entered in the particulars before service; and, in all cases, the particulars shall be deemed to be part of the summons.

5.—SUMMONS FOR COMMITMENT.

In the [title of court issuing summons.]

No. [of summons.]

No. [of judgment or order.]

To A. B. [name, description, and address of defendant] defendant.

Whereas C. D. [name description, and address,] plaintiff, obtained a judgment (or order) against you in the district court of _____ on the _____ day of _____ one thousand eight hundred and _____ for the payment of _____ for debt [or damages] and _____ for costs, upon which judgment [or order], and the subsequent process issued thereon, the sum of _____ is now due: You are therefore hereby summoned to appear personally in this court, at _____ on the _____ day of _____ one thousand eight hundred and _____ at _____ o'clock noon, to be examined by the court touching your estate and effects, and the circumstances under which you contracted the _____

For the Trial of Small Causes.

the said debt [or incurred the said damages], and as to the means and expectation you then had, and as to the means you still have of discharging the said debt [or damages], and as to the disposal you may have made of any property: And take notice, That if you disobey this summons the court may commit you to prison.

Given under the hand of the clerk of the court, and sealed with the common seal of the court, at
 the day of one
 thousand eight hundred and
 E. F. clerk of the district court of

Note.—When issued by leave of the judge of the court, in which the judgment obtained, insert:—"Issued by leave of the judge."

6.—WARRANT OF COMMITMENT

In the [*title of the court ordering committal.*]

No. [*of commitment.*]

No. [*of judgment summons.*]

To the bailiff of the said court, and all peace officers within the jurisdiction of the said court and to the keeper or superintendent of the [*name of prison*].

Whereas C. D. [*name, description, and address*], plaintiff, obtained a judgment [or order against A. B.] [*name, description, and address*] defendant, in the district court of
 on the day of one thousand eight
 hundred and for payment of for debt
 [or damages] and costs, upon which judgment
 [or order], and the subsequent process issued thereon, the
 sum of was, at the date of the issuing of
 the summons hereinafter mentioned, and still due:

And whereas a summons was, at the instance of the plaintiff, duly issued out of this court, by which the defendant was required to appear at this court on the day
 of one thousand eight hundred and to
 answer such questions as might be put to him pursuant to section forty-eighth of "The Small Causes Law, 1867," in relation to such debt [or damages], which summons was proved to this court to have been personally and duly served on the defendant:

And

For the Trial of Small Causes.

And Whereas this court, at the hearing of the said summons, ordered that the defendant should be committed to prison for _____ days, for (as the case may be, not appearing pursuant to such summons, or alleging a sufficient excuse for not so appearing):

(Or for refusing to be sworn):

(Or for refusing to answer such questions as aforesaid, to the satisfaction of the judge):

(Or for contracting the said debt under false pretences, or by means of fraud, or breach of trust, or without reasonable expectation of being able to pay the same):

(Or for making a gift, or transfer of part of his property with intent to defraud his creditors):

(Or for having changed, or removed, or concealed part of his property, with intent to defraud his creditors):

(Or for not having satisfied the said judgment, and costs, having had sufficient means, and ability so to do.

These are therefore to require you, the said bailiff, to take the defendant, and to deliver him to the keeper (or superintendent) of the (name of prison); and you, the said keeper (or superintendent) to receive the defendant and him safely keep under in the said prison for _____ days, from the arrest under this warrant, or until he shall be sooner discharged by due course of law,

Dated and sealed this _____ day of
one thousand eight hundred and _____

E. F. clerk of the dtstrict court of _____

Amount remaining due	£
Fees for issuing this warrant	£
Total	£

This warrant remains in force one year from the date thereof.

Note.—This form is applicable to all judgments recovered at the hearing, or by default, or by consent and to all orders, within the jurisdiction of the court.

7.—CERTIFICATE OF SERVICE ON DEFENDANT.

Upon the _____ day of _____ one thousand
eight hundred and _____ This summons was served by
me

For the Trial of Small Causes.

me [*insert name*], bailiff, (or by _____ my assistant),
 upon [*insert name or names*], defendant: This I did by
 leaving a copy of the above summons, and of the account
 of particulars of the claim (if any, for the said defendant in
 his hands personally, (or, if served otherwise, state the mode
 of service.)

G. H. bailiff of the district court of

8.—AFFIDAVIT TO BE SWORN TO BY BAILIFF, OR HIS AS-
 SISTANT, WHEN REQUIRED.

At _____ the _____ day of _____ in pre-
 sence of _____ appeared G. H. bailiff, (or
 assistant to G. H. bailiff,) of the district court of
 _____ who, been duly sworn, maketh oath and saith,
 that what is contained in that proceeding certificate is true
 as he shall answer to God.

Signature of bailiff, or his assistant.

Signature of judge, clerk, or justice.

9.—SUMMONS TO WITNESSES.

To I. J. [*name him, and describe his calling and residence*]:

You are hereby summoned to appear before the judge of
 the district court of _____ in the court-house at
 _____ upon the _____ day of _____ one
 thousand eight hundred and _____ at _____ o'clock
 in the _____ noon, and to give evidence for the plaintiff
 (or defendant, as the case may be), in the matter of com-
 plaint, in which C. D. [*name, description, and address of plain-
 tiff*], is the plaintiff, and A. B. [*name, description, and address
 of defendant*], is the defendant, (if to produce documents
 say And you are required to bring with you (specify
 documents required): Therefore fail not at your peril.

Given under the hand of the clerk of the district court
 of _____ at _____ the _____ day of
 one thousand eight hundred and _____

E. F. clerk of the district court of

10.—CERTIFICATE

For the Trial of Small Causes.

the execution of this warrant, upon the goods and chattels (except the necessary wearing apparel and bedding, tools and implements of trade, to the value of five pounds), of the said : And you are also required to sell the goods and chattels so distrained within the space of days from and after such levy, and, out of the proceeds thereof, to satisfy the amount of the said claim of the said together with the costs aforesaid, and to return any overplus to the said

Given under my hand, and the seal of the district court of this day of one thousand eight hundred and E. F. clerk of the district court of

For the Trial of Small Causes.

SCHEDULE C.

C O U R T F E E S.	A M O U N T O F D E M A N D.																	
	Not Exceeding £5.			Exceeding £5, and not exceeding £10.			Exceeding £10, and not exceeding £20.			Exceeding £20, and not exceeding £30.			Exceeding £30, and not exceeding £40.			Exceeding £40.		
	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.
Filing every agreement under the forty-first section of the District Courts Law, 1867	0	2	0	0	2	6	0	2	6	0	2	6	0	2	6	0	2	6
Entering every plaint, and issuing the summons thereon	0	2	6	0	5	0	0	10	0	0	15	0	1	0	0	1	5	0
Every subpoena, when required	0	1	0	0	1	0	0	1	0	0	1	0	0	1	0	0	1	0
Every order, not being a nonsuit or judgment	0	1	0	0	1	0	0	1	0	0	1	0	0	1	0	0	1	0
Entering and giving notice of special defence	0	1	0	0	1	0	0	1	0	0	1	0	0	1	0	0	1	0
Swearing every witness for plaintiff or defendant	0	0	3	0	0	3	0	0	3	0	0	3	0	0	3	0	0	3
For the hearing of the case where the claim is contested	0	2	6	0	5	0	0	10	0	0	15	0	1	0	0	1	5	0
Entering and drawing up every judgment	0	1	0	0	1	0	0	2	0	0	3	0	0	4	0	0	5	0
Every copy thereof, for every sheet of 160 words	0	1	0	0	1	0	0	1	0	0	1	0	0	1	0	0	1	0
Payment of money into court, and entering same in books, and notice thereof, or of sum, in full satisfaction having been paid into court, each instalment or payment	0	1	0	0	1	0	0	1	0	0	1	0	0	1	0	0	1	0
Payment of money out of court, and taking receipt, exclusive of stamp	0	1	0	0	1	0	0	1	0	0	1	0	0	1	0	0	1	0
Every search in the books	0	0	6	0	1	0	0	1	0	0	1	0	0	1	0	0	1	0
Issuing every warrant, attachment, or execution	0	1	0	0	1	0	0	1	0	0	1	0	0	1	0	0	1	0
Supersedeas of execution, or certificate, or withdrawal of a cause	0	0	6	0	1	0	0	1	0	0	1	0	0	1	0	0	1	0

For the Trial of Small Causes.

SCHEDULE C—(continued.)

COURT FEES.	AMOUNT OF DEMAND.																	
	Not exceeding £5.		Exceeding £5, and not exceeding £10.		Exceeding £10, and not exceeding £20.		Exceeding £20, and not exceeding £30.		Exceeding £30, and not exceeding £40.		Exceeding £40.							
	£.	s.	£.	s.	£.	s.	£.	s.	£.	s.	£.	s.						
Warrant of commitment for an insult to, or misbehaviour in the court	0	1	0	0	0	1	0	0	1	0	0	1	0	0	1	0		
Taxing costs	0	0	6	0	1	0	0	1	6	0	2	0	0	2	6	0	3	0
Copies of evidence or documents, for every sheet of 160 words	0	1	0	0	1	0	0	1	0	0	1	0	0	1	0	0	1	0
For entering every appeal	--	--	--	--	0	0	10	0	0	10	0	0	10	0	0	10	0	10
Entering every plaint, and issuing the summons thereon, in cases tried by agreement, under section third, where the amount of demand exceeds fifty pounds, at the rate of sixpence in the pound on the amount of the demand; and, for the purpose of this calculation, any fraction of a pound shall be taken as a pound.	0	2	6	0	2	6	0	2	6	0	2	6	0	2	6	0	2	6
Taking recognizance or security	0	1	6	0	1	6	0	1	6	0	1	6	0	1	6	0	1	6
Inquiry into sufficiency of security	0	1	0	0	1	0	0	1	0	0	1	0	0	1	0	0	1	0
Affidavit of service of summons out of jurisdiction	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Serving every summons order, or subpoena within one mile of court-house where the cause is to be tried, if the service is not personal	0	0	6	0	0	6	0	0	6	0	0	6	0	0	6	0	0	6

BAILIFF'S FEES.

Taking recognizance or security --
 Inquiry into sufficiency of security --
 Affidavit of service of summons out of jurisdiction --
 Serving every summons order, or subpoena within one mile of court-house where the cause is to be tried, if the service is not personal --



22 7 74

JAMAICA—No. 37 OF 1867.

A Law to Confer upon the District Courts a Limited Jurisdiction in Matters Relating to Land.

[11th October, 1867.]

BE it enacted by the governor of Jamaica, by and with the advice and consent of the legislative council thereof, as follows :

First—This law may be cited, for all purposes, as “The District Courts Land Law, 1867.” Short title.

Second—The statute twenty-fifth Victoria, chapter forty-six, entitled *An act to repeal the third Victoria, chapter thirty-three, and twenty-first Victoria, chapter ten, relating to summary recovery of lands of small value, and to make other enactments in lieu thereof*, save and except as to any proceeding under the same, commenced before the enacting hereof, is hereby repealed. 25 Vic. c. 45, repealed.

Third—For the purposes of this law the jurisdiction of every judge of a district court shall extend to the district for which he is appointed judge, and one mile beyond the boundary line of the said district. Jurisdiction beyond boundary line.

Fourth—To facilitate and render inexpensive the production of evidence, an original deed, which shews upon the face of it that it was proved as by law required and recorded, shall be received in evidence, without calling the attesting or any other witness ; and plain copies of documents of record in any public office of this island shall also be received in evidence, if accompanied by an affidavit, sworn to before a justice of the peace of any parish of this island by two persons, stating that they carefully compared such copies with the original records, and that such copies are true and correct. Evidence of documents of record.

Fifth—When the term and interest of the tenant of any lands or hereditaments shall have expired, or shall have been determined either by the landlord or the tenant by a legal notice to quit Proceedings on refusal to deliver possession after notice to quit.

The District Courts Land Law.

quit, and such tenant, or any person holding or claiming by through, or under him, shall neglect or refuse to deliver up possession accordingly, the landlord may enter a plaint, at his option, either against such tenant or against such person so neglecting or refusing, in the district court of the district in which the premises lie, for the recovery of the same, and thereupon a summons shall issue to such tenant, or such person so neglecting or refusing, returnable in not less than eight days; and if the defendant shall not, at the time named in the summons, show good cause to the contrary, then, on proof of his still neglecting or refusing to deliver up possession of the premises, and on proof of the holding, and of the expiration or other determination of the tenancy, with the time and manner thereof, and of the title of the plaintiff, if such title has accrued since the letting of the premises, and of the service of the summons, if the defendant shall not appear thereto, the judge may order that possession of the premises mentioned in the plaint be given by the defendant to the plaintiff, either forthwith, or on or before such day as the judge shall think fit to name; and if such order be not obeyed, the clerk, on proof to him of service of such order, shall, at the instance of the plaintiff, issue a warrant authorizing and requiring the bailiff of the court to give possession of such premises to the plaintiff.

A claim for rent or mesne profits, or both may be added.

Sixth—In any such plaint against a tenant, as in the last preceding section is specified, the plaintiff may add a claim for rent or mesne profits, or both, down to the day appointed for the hearing, or to any preceding day named in the plaint, so as the same shall not exceed fifty pounds; and any misdescription in the nature of the claim may be amended at the trial.

Proceedings for recovery of possession when rent in arrear.

Seventh—When the rent of any lands or hereditaments shall be in arrear, and the landlord shall have right by law to re-enter for the non-payment thereof, he may, when the rent so in arrear shall not exceed fifty pounds, without any formal demand or re-entry, enter a plaint in the district court of the district in which the premises lie for the recovery of the premises; and thereupon a summons shall issue to the tenant, the service whereof shall stand in lieu of a demand or re-entry; and if the tenant shall, before the return day of such summons, pay into court all the rent in arrear, and the costs, the said action shall cease; but if he shall not make such payment, and shall not, at the time named in the summons, show good cause why the premises

The District Courts Land Law.

premises should not be recovered, then, on proof of the fact that the rent was in arrear before the plaint was entered, and that no sufficient distress was then to be found on the premises to countervail such arrear, and of the landlord's right to re-enter, and of the rent being still in arrear, and of the title of the plaintiff, if such title has accrued since the letting of the premises, and of the service of the summons, if the defendant shall not appear thereto, the judge may order that possession of the premises mentioned in the plaint be given by the defendant to the plaintiff forthwith, or on or before such day as the judge shall think fit to name, unless all the rent in arrear, and the costs, be paid into court; and if such order be not obeyed, the clerk of the court shall, on proof to him of the service of such order, at the instance of the plaintiff, issue a warrant authorizing and requiring the bailiff of the court to give possession of such premises to the plaintiff, and the plaintiff shall, from the time of the execution of such warrant, hold the premises discharged of the tenancy, and the defendant, and all persons claiming by, through or under him, shall, so long as the order of the court remains unreversed, be barred from all relief in equity or otherwise.

Eighth—Where any summons for the recovery of a tenement, as is hereinbefore specified, shall be served on or come to the knowledge of any sub-tenant of the plaintiff's immediate tenant, such sub-tenant, being an occupier of the whole or part of the premises sought to be recovered, shall forthwith give notice thereof to his immediate landlord, under penalty of forfeiting one year's rackrent of the premises held by such sub-tenant to such landlord, to be recovered by such landlord by action in the court from which the summons shall have issued; and such landlord, on the receipt of such notice, if not originally a defendant, may, on his application, be added or substituted as a defendant to defend possession of the premises in question.

Sub-tenant to give notice to his immediate landlord.

Ninth—Every summons under this law may be served like other summonses to appear to plaintiffs in the district courts; and if the defendant cannot be found, and his place of dwelling shall either not be known, or admission thereto cannot be obtained for serving any such summons, a copy of the summons shall be posted on some conspicuous part of the premises sought to be recovered, and such posting shall be deemed good service on the defendant.

Summonses under this law to be served as summonses in the district courts.

Tenth

The District Courts Land Law.

Warrant to bailiff, authority to enter and give possession.

Tenth—Any warrant to a bailiff to give possession of a tenement shall justify the bailiff named therein in entering upon the premises named therein, with such assistants as he shall deem necessary, and in giving possession accordingly; but no entry under any such warrant shall be made except between the hours of ten in the morning and four in the afternoon.

Date of such warrant.

Eleventh—Every such warrant shall, on whatever day it may be issued, bear date on the day next after the last day named by the judge in his order for the delivery of possession of the premises in question, and shall continue in force for three months from such date, and no longer; but no order for delivery of possession need be drawn up or served.

Owner may enter plaint and recover possession from persons holding land without title.

Twelfth—When any person shall be in possession of any lands or tenements, without any title thereto from the crown, or from any reputed owner, or any right of possession, prescriptive or otherwise, the person legally or equitably entitled to the said lands or tenements may enter a plaint in the district court for the recovery of the same, and thereupon a summons shall issue to such first mentioned person; and if the defendant shall not, at the time named in the summons, show good cause to the contrary, then, on proof of his still neglecting or refusing to deliver up possession of the premises, and on proof of the title of the plaintiff, and of the service of the summons, if the defendant shall not appear thereto, the judge may order that possession of the premises mentioned in the plaint be given by the defendant to the plaintiff, either forthwith, or on or before such day as the judge shall think fit to name: And if such order be not obeyed, the clerk of the court, whether such order can be proved to have been served or not, shall, at the instance of the plaintiff, issue a warrant, authorizing and requiring the bailiff of the court to give possession of such premises to the plaintiff.

Crown may, in absence of owner, recover such possession.

Thirteenth—When any person shall be in possession of any lands or tenements, without any title thereto from the crown, or from any owner or reputed owner, or any right of occupation through an undisturbed possession, not being expressly permissive, for twenty years, whereof the burden of proof to exclude the application of this clause, shall lie upon such person, the crown, no person legally or equitably entitled to the said lands or tenements appearing, may enter a plaint in the district court for

The District Courts Land Law.

for the recovery of the same, and thereupon a summons shall issue to such person in possession; and if the defendant shall not at the time named in the summons, show good cause to the contrary, then, on proof of his still neglecting or refusing to deliver up possession of the premises, and of the service of the summons, if the defendant shall not appear thereto, the judge may order that possession of the premises mentioned in the plaint be given by the defendant to the plaintiff, either forthwith, or on, or before such day as the judge shall think fit to name: And, if such order be not obeyed, the clerk of the court may issue a warrant, giving possession of the premises to the plaintiff, as in the last preceding section: Provided always, That if the person legally or equitably entitled to such premises shall, within seven years from the date of the order or warrant giving possession to the crown, or, in the case of a minor, at his option, within three years after he shall have attained the age of twenty-one years, or, in the case of a lunatic, within three years of his becoming *compus mentis*, establish his title to the same, then, and in that event, but not otherwise, the crown, when required by him so to do, shall give possession to such person of the said lands and tenements.

Proviso in favor of owner.

Fourteenth—Whenever a dispute shall arise respecting the title to land or tenements, possessory or otherwise, the annual value whereof does not exceed twelve pounds, any person claiming to be legally or equitably entitled to the possession thereof, may enter a plaint in the district court, setting forth the nature and extent of his claim, and thereupon a summons shall issue to the person in actual possession of such land or tenements; and if such person be a lessee, then a summons shall also issue to the lessor under whom he holds; and if the defendant, or the defendants, or either of them, shall not, on a day to be named in such summons, show cause to the contrary, then, on proof of the plaintiff's title and of the service of the summons on the defendant, or the defendants, as the case may be, the judge may order that possession of the lands or tenements mentioned in the said plaint be given to the plaintiff, on or before such day, not being less than one month from the date of the order, as the judge may think fit to name; and if such order be not obeyed, the clerk of the court, on proof to him of the service of such order, shall, at the instance of the plaintiff, issue a warrant, authorizing and requiring the bailiff of the court to give possession of such lands or tenements to the plaintiff.

Owner, when annual value of land does not exceed £12, may recover possession.

The District Courts Land Law.

Proceedings in
cases of disput-
ed boundary.

Fifteenth—Whenever a dispute shall arise between the possessors or occupiers of adjoining lands or hereditaments, respecting the boundary line between the same, either of the parties may apply to the district court, and thereupon a summons shall issue to the other party; and if the defendant shall not, on a day to be named in such summons, show cause to the contrary, then, on proof of the respective possession or occupation of the plaintiff and defendant, and of the dispute, and of the service of the summons, if the defendant shall not appear there-to, the judge, if he thinks it expedient so to do, may make an order that the matter in controversy shall be referred to a commissioned surveyor, or with the consent of both parties or some other fit person or persons whom he shall nominate; and the person or persons so nominated, under the control and direction of the court, shall make a survey of the lands mentioned in the plaint, in so far as the same may be necessary to ascertain and settle the boundary line between the said lands, and shall ascertain and settle the said boundary line, and shall (if necessary), make a plan or diagram of the said lands, indicating the boundary line, and shall make a report thereof to the court, and shall file the said report in court; and the court shall, on a day to be appointed for that purpose, take the said report into consideration; and it shall be competent for either of the parties to take exceptions to the said report, and the court shall hear argument upon such exceptions, and shall allow or disallow such exceptions, or confirm the report as the justice of the case may appear to require: Provided, That the judge, if he thinks fit, may adjudicate upon any matter arising under the present section, without referring the same to any surveyor or other person.

Remuneration
to referees.

Sixteenth—Referees under the last section shall be remunerated after a scale to be fixed by the rules of the court; and, until the rules of court shall be made and issued, after such a rate as shall be determined by the court in the particular case before it.

Deposit to be
made before
reference.

Seventeenth—No reference shall be made as hereinbefore mentioned until the plaintiff shall have deposited with the clerk of the court a sum of money, to be fixed by and to be subject to the order of the court.

Eighteenth

The District Courts Land Law.

Eighteenth—The court may order the costs of any such reference as aforesaid, to be costs in the cause in which such reference shall be made.

Costs of reference may be ordered to be costs in the cause.

Nineteenth—Whenever a dispute shall arise between the possessors or occupiers of adjoining lands or hereditaments relative to rights of way or water, or any other rights or easements affecting the said lands or tenements, either of the parties may apply to the district court, and thereupon a summons shall issue to the other party; and if the defendant shall not, on a day to be named in such summons, show cause to the contrary, then, on proof of the right claimed by the plaintiff, and of the dispute, and of the service of the summons (if the defendant shall not appear thereto), the judge may order that judgment be entered for the plaintiff, with costs, or do otherwise as the justice of the case may require.

Proceedings in respect to rights of way or water.

Twentieth—Whenever a dispute shall arise between the landlord of any lands or tenements and the public, relative to the constitution or exercise of any right or easement affecting the said lands or tenements, either the landlord of the said lands or tenements, or one or more persons as representing the public, may apply to the district court, and thereupon a summons shall issue to the other party, and notice thereof shall be given to the plaintiff by advertisement in the "Jamaica Gazette by Authority," at least four weeks before the day to be named in the summons; and if the defendant shall not on such day named as aforesaid, show cause to the contrary, then, on proof of the right claimed by the plaintiff, and of the dispute, and of the service of the summons, if the defendant shall not appear thereto, the judge may order that judgement be entered for the plaintiff, with costs, or do otherwise as the justice of the case may require: Provided always, That no increase of fees and costs shall be charged as costs against the unsuccessful party, by reason of there being more than one plaintiff or defendant.

The like where public interested.

Twenty-first—Any person interested, or claiming to be interested in any such dispute as aforesaid, may, upon application to the court for that purpose, be added or substituted as a defendant in the suit.

Any person interested may be made defendant.

Twenty-second—On the day in that behalf named in any summons

Where both parties appear.

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judge may proceed summarily.

summons under this Law, the plaintiff shall appear, and thereupon the defendant shall be required to answer the plaint ; and, on answer being made in court, the judge shall proceed in a summary way to hear the matter, and give judgment without further pleading or formal joinder of issue.

Proceedings where plaintiff does not appear.

Twenty-third—If, upon the day of the return of any summons, or at any continuation or adjournment of the said court, or of the cause for which the said summons shall have been issued, the plaintiff shall not appear, the cause or matter shall be struck out ; and if he shall appear, but shall not make proof of his plaint to the satisfaction of the court, it shall be lawful for the judge to nonsuit the plaintiff, or to give judgment for the defendant ; and in either case, where the defendant shall appear and shall not admit the claim, to award to the defendant, by way of costs and satisfaction for his trouble and attendance, such sum as the judge, in his discretion, shall think ; and such sum shall be recoverable from the plaintiff by such ways and means as any debt or damage ordered to be paid by the same court can be recovered : Provided always, That if the plaintiff shall not appear when called upon, and the defendant, or some one duly authorized in his behalf, shall appear and admit the cause of action, and pay the fees payable in the first instance by the plaintiff, the court, if it shall think fit, may proceed to give judgment as if the plaintiff had appeared.

Proceedings where defendant does not appear.

Twenty-fourth—If, on the day named in the summons, or at any continuation or adjournment of the court or cause in which the summons was issued, the defendant shall appear, or sufficiently excuse his absence, or shall neglect to answer when called in court, the judge, upon due proof of the service of the summons, may proceed to the hearing of the cause or matter on the part of the plaintiff only, and the judgment thereupon shall be as valid as if both parties had attended : Provided always, That the judge in any such case, at the same, or any subsequent court, may set aside any judgment so given in the absence of the defendant, and the execution thereupon, and may grant a new hearing of the cause or matter upon such terms as he may think fit, on sufficient cause shown to him for that purpose.

Costs to defendant when

Twenty-fifth—In every case where the plaintiff shall not appear, either by himself or his attorney, upon the day of the return

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turn of any summons for hearing, or at any continuation or adjournment of the said hearing, and the defendant shall appear either by himself or by his attorney upon such day of hearing, continuation, or adjournment, it shall be lawful for the judge to award to the defendant, or to his attorney, by way of costs for his attendance, and satisfaction for his trouble, such sum as the judge in his discretion shall think fit; and the sum so awarded shall be recoverable from the plaintiff by such ways and means as any debt or damage ordered to be paid by the said court can be recovered.

plaintiff does
not appear.

Twenty-sixth—All the costs of any action or proceeding under this Law, not herein otherwise provided for, shall be paid by, or apportioned between the parties in such manner as the judge shall think fit; and, in default of any special direction, shall abide the event of the action or proceeding; and execution may issue for the recovery of any such costs in like manner as for any debt adjudged in the said court.

Apportion-
ment of pay-
ment or costs

Twenty-seventh—An appeal shall lie to the supreme court from the judgment of a judge of a district court whereby any action or suit under this law in such district court has been disposed of upon any point of law, or upon the admission or rejection of any evidence bearing upon the facts, or upon the question of the finding upon such facts, being founded upon lawful evidence, or legal presumption, or upon the question of the sufficiency of the facts found to support the judgment, or upon the question of costs; but no appeal shall lie upon the finding of a judge of a district court upon questions of conflicting evidence: Provided always, That no judgment of a district court shall be altered or reversed on any point which has not been raised at the original trial of the cause by the party making the appeal, or where the effect of the judgment shall be to do substantial justice between the parties to the cause.

Appeals to
supreme court.

Twenty-eighth—The appeal shall be taken and minuted in open court at the time of pronouncing judgment; or, if not so taken, then by lodging a written appeal with the clerk of the district court, and serving a copy of it upon the opposite party, or his attorney personally, or at his place of dwelling, within fourteen days after the date of the judgment; and the party appealing shall, at the time of lodging the appeal, deposit with the clerk of the district court ten pounds as security for the costs

Proceedings to
entitle to ap-
peal.

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costs of the appeal ; but there shall be no stay of proceedings on judgment, except upon payment into the hands of the clerk of the district court of the whole sum, if any, found due by the judgment and costs, if any, or upon such terms as the judge of the district court shall think fit.

Deposit to be subject to order of appellate court.

Twenty-ninth—The sum deposited as aforesaid shall be subject to any order which the appellate court shall think reasonable and just.

Clerk, on appeal, to transmit proceedings to clerk of supreme court.

Thirtieth—Upon the party intending to appeal depositing the sum, or giving security as aforesaid, the clerk of the court shall transmit to the clerk of the supreme court copies of the notes of the judge, and (in original) all the other proceedings in the cause.

Appeal may be by way of case.

Thirty-first—Such appeal may be in the form of a case agreed upon by the parties, or their attorneys, or agents.

Plaint not removable except as allowed by this law.

Thirty-second—No plaintiff entered under this law, in any district court, and no judgment or order given or made by any judge of a district court, and no cause or matter brought before him, or pending in his court under this law, shall be removed by appeal, motion, writ of error, certiorari, or otherwise, into the court of chancery, or any other court whatever, save and except in the manner and according to the provisions herein mentioned.

No appeal against order by consent.

Thirty-third—No appeal shall lie from the decision of a district court, if, before such decision is pronounced, both parties shall agree, in writing, that the decision of the judge shall be final ; and such agreement shall not require a stamp.

Plaints, with consent of judge, may be transferred to supreme court.

Thirty-fourth—Any plaintiff or suit entered under this law in any district court, may be removed from the said court into the supreme court, by leave of the judge of the district court in cases which shall appear to him fit to be tried in the supreme court, and upon such terms as to the payment and amount of costs, giving security, in the way of deposit or otherwise, for debt or costs, or such other terms, as he shall think fit.

No action or suit to be brought in su-

Thirty-fifth—If any action or suit shall be commenced after the enacting of this law, in the supreme court, for any cause
for

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for which a plaint might have been entered in any district court, and a verdict shall be found for the plaintiff, and the jury shall find (and the presiding judge is hereby authorized and required to submit the issue to the jury) that the land in question is of the annual value of twenty-five pounds or under, the plaintiff shall recover no costs; and if a verdict shall not be found for the plaintiff, the defendant shall be entitled to his costs, as between attorney and client, unless in either case the judge who shall try the cause shall certify on the back of the record that the action was fit to be brought in the supreme court, when costs may be awarded as between party and party.

preme court
when plaint,
under this law,
might have
been entered
in district
court.

Thirty-sixth—If any suit or other proceeding shall be commenced after the enacting of this law, in the court of chancery, for any cause for which a plaint might have been entered in the district court, and judgment shall be given for the plaintiff, the plaintiff shall not be entitled to any costs of suit; and if judgment shall not be given for the plaintiff the defendant shall be entitled to his costs, as between attorney and client, unless in either case the judge of the court of chancery shall certify that the suit was fit to be brought in the court of chancery, when costs may be awarded as between party and party.

Nor in the
court of chan-
cery.

Thirty-seventh—For the purposes of this law the judge of the court of chancery is required to ascertain and determine the annual value of any land about which any suit or proceeding may be brought or taken before him.

Judge in chan-
cery to ascer-
tain value of
land.

Thirty-eighth—In the construction, and for the purposes of this law, the following terms shall have the respective meanings hereinafter assigned to them; that is to say, "land" shall extend to messuages, tenements, and hereditaments; "person," and likewise "owner" shall extend to the crown, and to a body politic or corporate, as well as to an individual; and "the landlord" shall include the person entitled to the immediate reversion of the lands, or if the property be held in joint tenancy, coparcenary, or tenancy in common, shall include any one of the persons entitled to such reversion

Interpretation
clause.

Thirty-ninth—In proceedings under this law admitted attorneys employed by either party shall be entitled to have and recover fees agreeably to schedule A, to this law annexed.

Fees of attor-
neys, schedule
A.

Fortieth

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Forms of proceedings, schedule B.

Fortieth—The forms of proceedings under this law may be as in schedule B, to this law annexed.

Court fees schedule C.

Forty-first—The court fees, payable upon proceedings under this law, shall be in conformity with schedule C, to this law annexed; and such fees shall be paid to the clerk of the court by the party requiring process to issue, or action to be taken.

SCHEDULE A.

ATTORNIES FEES AND COSTS.

Subject to the provisions made in schedule C of this law, regarding the valuation of claims for the purpose of determining the court fees, the fees of attornies and barristers, in cases tried under this law, shall be taxed as well between party and party, as between attorney and client, in the manner provided for by schedule A of "The Small Causes Law, 1867," so far as the same may be applicable, except in actions relative to rights of way or water, or other rights or easements affecting lands or tenements, and in boundary cases, in which classes of cases the attorney's poundage fees shall be two shillings, instead of one shilling in the pound.

In plaints for the recovery of possession of land or tenements, if a claim be made also for mesne profits or rent, the fees of attornies and barristers, in cases tried under this law, shall be taxed in the gross value of the double claim: Provided, That when the valuation thus made shall exceed fifty pounds, the fees shall be calculated upon fifty pounds only.

SCHEDULE B.—FORMS OF PROCEDURE.

SUMMONS.

No. (of plaint.)

To A. B. [*add description, and address*].In the [*name of the court*].

Take notice, That you are hereby summoned to appear at a district court, to be holden at _____ on the _____ day of _____ 18____ at the hour of _____ in the _____ the

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the noon, to answer C. D. [*name, description, and address of plaintiff*], plaintiff, wherefore you neglect or refuse to deliver up to him possession of the piece or parcel of land, with the buildings thereon, situated in the parish of _____ and containing _____ acres, _____ roods, and _____ perches, or _____ feet, more or less, and butting and bounding (state the boundaries as correctly as can be, and the name of the lands, if any), which said lands and premises are claimed by the said plaintiff as (state the estate claimed): And take further notice, That in the event of your not appearing, the case will be heard and determined in your absence.

Given under my hand, and the seal of the court,
 at _____ the _____ day of _____ one
 thousand eight hundred and _____
 E. F. clerk of the district court of _____

WARRANT FOR GIVEN POSSESSION.

In the [*title of court issuing warrant.*]

No. (of summons).

No. (of warrant).

To the bailiff of the said court.

Whereas upon the complaint of C. D. [*name, description, and address of plaintiff*], plaintiff, against A. B. [*name, description, and address of defendant*], defendant, heard and adjudicated in the district court of (title of district of court on the _____ day of _____ one thousand eight hundred and _____ it was adjudged and determined that the said plaintiff is legally entitled to the possession of the piece or parcel of land, with the buildings thereon, situated in the parish of _____ and containing _____ acres, _____ roods, and _____ perches, or _____ feet, more or less, and butting and bounding (state the boundaries as correctly as can be, and give the name, if any, of the lands), which said lands and premises are claimed by the said plaintiff as (state the estate claimed): These are therefore, in her majesty's name, to authorize and require you forthwith to to proceed to the lands and premises in question, and with such force as may be necessary, to take and deliver pos-

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session of the said lands and premises to the said plaintiff, or to such agent as may attend on his behalf, to receive such possession.

Given under my hand, and the seal of the court,
at the day of one
thousand eight hundred and
E. F. clerk of the district court of

SUMMONS TO A TENANT TO DELIVER UP POSSESSION.

No. (of plaint.)

To A. B. [*description and address.*]

In the [*name of the court*].

Take notice, That you are hereby summoned to appear at a district court, to be holden at on the day of 18 at the hour of in the noon to answer C. D. [*name, description, and address of plaintiff*], plaintiff, wherefore you neglect or refuse to deliver up to him possession of a certain (messuage with appurtenances, or part of a house, &c. or, as the case may be) situate at

(When rent or mesne profits are claimed, add: "Take notice, That the plaintiff claims of you for rent (or mesne profits, or for rent and mesne profits) the sum of £ for a period from the day of 18 to the day of 18 :") And take further notice, That in the event of your not appearing, the case will be heard and determined in your absence.

Given under my hand, and the seal of the court, at
the day of one thousand eight
hundred and
E. F. clerk of the district court of

Costs of this summons £

Claim for £

Take notice, That if the plaintiff in this action be not your immediate landlord you must forthwith give notice thereof to your immediate landlord, otherwise you will
be

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be liable, under section eight of "The District Courts Land Law, 1867," to forfeit to such landlord one year's rack rent of the premises held by you of him, in respect of which the summons shall have issued.

SUMMONS TO A TENANT FOR POSSESSION ON ARREAR OF
RENT.

No. (of plaint)

In the [*name of the court.*]

To A. B. [*description and address*], defendant.

Take notice, That you are hereby summoned to appear at a district court, to be holden at _____ on the _____ day of _____ 18____ at the hour of _____ in the _____ noon, to answer C. D. [*name, description, and address of plaintiff*], plaintiff, why possession of a certain (messuage, with appurtenances, or a part of a house, &c. or as the case may be), situate at _____ should not be given up to the plaintiff by reason of the rent payable in respect thereof by you, being (half a year, or such other time, as the case may be) in arrear, the plaintiff alleging right by law to re-enter for the non-payment thereof: If you shall pay to the clerk of this court the rent in arrear, and the costs of this action, as stated at the foot of the summons, before the day you are required to appear to this summons, this action will cease: And take notice, That if you do not pay such rent in arrear, and costs, or appear at the said court and shew cause why possession of the said (messuage, with appurtenances, or a part of a house, &c. or as the case may be), should not be recovered against you, you may be ordered by the court to give possession of such premises to the plaintiff; and if such order be not obeyed, a warrant may issue to give possession to the plaintiff.

Given under my hand, and the seal of the court, at
the _____ day of _____ one thousand eight hundred and _____

E. F. clerk of the court.

Costs of this summons £

Claim for £

Take notice, That if the plaintiff in this action be not
your

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your immediate landlord you must forthwith give notice thereof to your immediate landlord, otherwise you will be liable, under section eight of the "District Courts Land Law, 1867," to forfeit to such landlord one year's rack rent of the premises held by you of him, in respect of which the summons shall have issued.

ORDER FOR DELIVERY OF POSSESSION AND PAYMENT OF RENT.

No. (of plaint). } Between A. B. plaintiff [*address de-*
In the [*name of the court*]. } C. D. defendant [*address description*].

Upon the hearing of this cause, at a court holden this day, it was ordered that the defendant do give to the plaintiff possession of a certain (messuage, with appurtenances, or part of a house, &c. or, as the case may be), situate at _____ forthwith, (or on the _____ day of 18 _____), and it is adjudged that the plaintiff do recover against the defendant the sum £ _____ for rent [*or mesne profits, or rent and mesne profits*], and £ _____ costs; and it is ordered, that the defendant do pay to the clerk of the court the sum [*or sums*] above mentioned, on or before the _____ day of _____ 18 _____

Given under my hand, and the seal of the court, at
the _____ day of _____ one thousand eight
hundred and _____

By the court,
E. F. clerk of the court.

To A. B. the defendant.

Take notice, That if you do not give such possession, a warrant may issue requiring the bailiff of the court to give possession of the said [*messuage with appurtenances, or part of a house, &c. or, as the case may be*], to the plaintiff, and to levy the sum above-mentioned with further costs.

WARRANT

The District Courts Land Law.

WARRANT TO GIVE POSSESSION AND DISTRAIN.

No. (of plaint) } Between C. D. plaintiff [*address de-*
 No. (of warrant) } *scription*], and
 In the [*name of the court.*] } A. B. defendant [*address description*].

Whereas at a court, holden at on the
 day of 18 it was ordered by the court that
 the defendant should give the plaintiff possession of a
 certain (messuage with appurtenances, or part of a house,
 &c. or, as the case may be), situate at and
 that the plaintiff should recover against the defendant the
 sum £ for rent [*or mesne profits, or for rent and mesne*
profits], and costs: And whereas the defendant has not
 obeyed the said order: These are therefore to authorize
 and require you to forthwith give possession of the said
 hereinbefore mentioned premises to the plaintiff: And
 these are therefore further to require and order you forth-
 with to make and levy, by distress and sale of the goods
 and chattels of the defendant, wheresoever they may be
 found within the district of this court (excepting the wear-
 ing apparel and bedding of the defendant, or his family,
 and the tools and implements of his trade, if any, to the
 value of five pounds), the said sum and costs of this war-
 rant and execution; and also to seize and take any money
 or notes of the colonial bank, and any cheques, bills of ex-
 change, promissory notes, bonds, specialties, or securites
 for money of the defendant, which may there be found,
 or such part, or so much thereof, as may be sufficient to
 satisfy this execution, and the costs of making and exe-
 cuting the same, and to pay the amount so levied to the
 clerk of this court, and make return of what you have done
 under this warrant immediately upon the execution thereof.

Given under my hand, and the seal of the court, at
 the day of one thousand
 eight hundred and

By the court,
 E. F. clerk of the court.

To the bailiff of the said court.

Rent [<i>or mesne profits, or rent and mesne</i>	
<i>profits</i>]	£
Costs	£
Issuing this warrant	£
Total amount to be levied	£

ORDER

The District Courts Land Law.

In cases of boundary dispute, and in all cases in which the value of the claim cannot be precisely estimated, that value shall be taken for this purpose at twenty-five pounds.

In other complaints for obtaining possession of land or tenements, the amount claimed shall be taken for this purpose at one pound for every acre so possessed: Provided, That for this purpose the value shall in no case be taken at less than twenty-five pounds.

In complaints for the recovery of possession of land or tenements, if a claim be made also for mesne profits or rent, the court fees upon such claim shall be according to the scale of fees in schedule C of "The Small Causes Law, 1867;" and such fees shall be in addition to the fees chargeable on complaints for the recovery of possession of land or tenements.

Subject to the above provisions, the court fees chargeable in cases tried under this law shall be according to the scale in schedule C of "The Small Causes Law, 1867."

MEMORANDUM

Received of the Treasurer of the State of New York the sum of \$1000.00 for the year 1850.

Witness my hand and seal this 1st day of January 1850.

John C. ...

...

...

...

...



22294

JAMAICA—No. 38 of 1867.

A Law to Confer upon the District Courts a Limited Jurisdiction in Equity.

[11th October, 1867.]

BE it enacted by the governor of Jamaica, by and with the advice and consent of the legislative council thereof, as follows :

First—This law may be cited, for all purposes, as “The District Courts Equitable Jurisdiction Law, 1867,” Short title.

Second—Every judge of a district court shall have and exercise all the power and authority of the court of chancery of this island, in the suits or matters hereinafter mentioned, that is to say : Jurisdiction of district courts in equity, in amounts to extent of £300.

1. In all suits by creditors, legatees, (whether specific, pecuniary, or residuary), devisee (whether in trust or otherwise), heirs-at-law, or next of kin, in which the personal or real, or personal and real estate against or for an account or administration, of which the demand may be made,, shall not exceed in amount or value the sum of two hundred pounds. for administration.

2. In all suits for the execution of trusts, in which the trust, estate, or fund shall not exceed in amount or value the sum of two hundred pounds. for execution of trusts.

3. In all suits for foreclosure, or redemption, or for enforcement by sale or otherwise any charge or lien, where the mortgage, charge, or lien shall not exceed in amount the sum of two hundred pounds. for foreclosure redemption, of for sale,

4. In all suits for specific performance, or for delivering up or cancelling any agreement for the sale or purchase of any property, where the purchase-money shall not exceed the sum of two hundred pounds. for specific performance.

5. In all proceedings under the act of the eleventh Victoria, chapter thirteen, entitled *An act for better securing* In proceedings for relief of trustees, &c.

To Confer on District Courts Jurisdiction in Equity.

securing trust funds and for the relief of trustees, and "The Chancery Deposit Act, 1855," and the act nineteenth Victoria, chapter five, entitled *An act to make further provision for the payment of chancery deposits out of the loan raised under the seventeenth Victoria, chapters twenty-nine and thirty-five, and to authorize the investment of certain sums payable out of said loan, and otherwise, according to the provisions of "The Chancery Deposits Act, 1855," and to amend the said last-mentioned act*, in which the trust, estate, or fund to which the proceeding relates, shall not exceed in amount or value the sum of two hundred pounds.

in suits for maintenance or advancement of infants,

6. In all proceedings relating to the maintenance or advancement of infants, in which the property of the infant shall not exceed in amount or value the sum of two hundred pounds.

in suits relating to partnership,

7. In all suits for the dissolution or winding up of any partnership, in which the whole property, stock, and credits of such partnership shall not exceed in amount or value the sum of two hundred pounds.

in matters of injunction.

8. In all proceedings for orders, in the nature of injunctions, where the same are requisite for granting relief in any matter in which jurisdiction is given by this or by any other law to the district court, or for stay of proceedings at law.

District judge to have powers of vice-chancellor.

Third—In all such suits or matters the judge of a district court shall, in addition to the powers and authorities which shall be possessed by him, have all the powers and authorities, for the purposes of this law, of the vice-chancellor; and the clerk, bailiff, or other officer of the district court shall, in all matters in which the district court has jurisdiction under this law, discharge any duties which an officer of the court of chancery can discharge, either under the order of the vice-chancellor, or the practice of that court: And all officers of the district courts shall, in discharging such duties, conform to any rules or orders to be framed as hereinafter provided.

May order money of infants, &c. to be paid to receiver-general.

Fourth—Any legacy or sum of money to which any person who is an infant, a lunatic, or absent from the island, may be found, or declared entitled by any district court, in any suit or matter under this law, may be ordered by the judge to be paid

To Confer on District Courts Jurisdiction in Equity.

paid to the receiver-general of this island; to be by him invested, or to remain with the receiver-general without interest, as the court may direct; and the person ordered to pay the same shall, within such time as the judge shall direct, produce to the clerk of such district court the certificate of the receiver-general of the payment of such money; and, if default be made in such payment, the judge may direct a warrant of execution to issue to the bailiff of the court, who by such warrant shall be empowered to levy, or cause to be levied, by distress and sale of the goods and chattels of such person, a sum of money equal in amount to the sum which he was ordered to pay to the said receiver-general, and to the costs incurred by reason of such default; and the sum so levied shall be paid to, and be receivable by the said receiver-general, under the direction of the judge; and all amounts so paid or transferred to the receiver-general, with any dividends and interest thereon, shall be paid or transferred to the person or persons entitled thereto, or otherwise applied for his or their benefit, on application by summons to the judge of the said district court.

Fifth—For the due execution of any judgment, decree, or order, made under the authority of this law, or of the rules and orders to be framed as hereinafter provided, the judge shall have power to order, and the clerk upon such order shall have authority to seal and issue, and the bailiff to execute, any writ or warrant of possession, writ or warrant of execution, or other process of execution, for carrying into effect any judgment, decree, or order of the said judge; and such writs, warrants, and processes shall be in the form, and executed at the time, and in the manner to be set forth in the said rules and orders.

Court may issue process to enforce decrees.

Sixth—If, during the progress of any suit or matter, it shall be made to appear to the judge that the subject matter exceeds the limit in point of amount to which the jurisdiction of the district courts is hereby limited, it shall not affect the validity of any order or decree already made, but it shall be the duty of the judge to direct the said suit or matter to be transferred to the court of chancery of this island, and thereupon the said suit or matter shall proceed in the said court of chancery, and the vice-chancellor shall have power to regulate the whole of the procedure in the said suit or matter when so transferred: Provided always, That it shall be lawful for any party to apply

If subject matter of suit exceeds limit of amount, district judge may transfer to court of chancery.

To Confer on District Courts Jurisdiction in Equity.

Proviso: court of chancery may grant order to proceed in district court,

apply to such vice-chancellor at chambers, for an order authorizing and directing the suit or matter to be carried on and prosecuted in the district court, notwithstanding such excess in the amount of the limit to which jurisdiction in the matter is hereby given to the district courts; and the vice-chancellor, if he shall deem it right, to summon the other parties, or any of them, to appear before him for that purpose, after hearing such parties; or in default of the appearance of all or any of them, shall have full power to make such order.

where proceedings to be taken,

Seventh—With respect to the district court in which proceedings in equity shall be taken:

for recovering or sale of lands in district where situate,

1. Proceedings under the law which relate to the recovery or sale of any lands, tenements, or hereditaments, or of any mortgage, charge or lien on lands, tenements, and hereditaments, shall be taken in that district court within the district of which the lands, tenements, or hereditaments, or any part thereof, are situated.

under trustee relief act, where applicant resides;

2. Proceedings under the act of the eleventh Victoria, chapter thirteen, entitled *An act for better securing trust funds, and for the relief of trustees*, and "*The Chancery Deposits Act, 1855*," and the act nineteenth Victoria, chapter five, entitled *An act to make further provision for the payment of chancery deposits out of the loan raised under the seventeenth Victoria, chapters twenty-nine and thirty-five*, and to authorize the investment of certain sums payable out of said loan, and otherwise, according to the provisions of "*The Chancery Deposits Act 1855*," and to amend the said last-mentioned act, shall be taken in the district court within the district of which the persons making the application, or any of them, reside or resides.

for administration, where residence of deceased or executors;

3. Proceedings for the administration of the assets of a deceased person shall be taken in the district court within the district of which the deceased person had his last place of abode in this island, or in which the executors, or administrators, or any one of them, shall have their or his place of abode.

in partnership cases, where business carried on;

4. Proceedings in partnership cases shall be taken in any district court within the district of which the partnership business was or is carried on.

5. Proceedings

To Confer on District Courts Jurisdiction in Equity.

5. Proceedings for the specific performance, or the delivery up or cancelling of agreements shall be taken in the district court within the district of which the defendants, or any of them, reside or resides, or carry on or carries on business.

for specific performance, where defendant resides;

6. Proceedings in any suit or other matter under this law, which are not otherwise provided for, shall be taken or instituted in the district court within the district of which the defendants, or any or either of them shall reside or carry on business.

other proceedings, where defendants reside.

Eighth—If, during the progress of a suit or matter, it shall be made to appear to the judge that the same could be more conveniently prosecuted in some other district court, it shall be competent for the judge to transfer the same to such other district court, and thereupon the suit or matter shall proceed in such other district court.

Suit may be transferred to another district court.

Ninth—The vice-chancellor, and one of the assistant judges of the supreme court, shall frame the rules and orders for regulating the practice of the district courts under this law, and forms of proceedings therein, and from time to time may amend such rules, orders, and forms; and such rules, orders, and forms, or amended rules, orders, and forms, certified under their hands, shall be submitted to the legislative council, who may allow or disallow, or alter the same, and so from time to time: And the rules, orders, and forms, so allowed or altered, shall, from a day to be named by the governor, be in force in every district court: Provided, That such rules and forms shall have full force and effect until so disallowed or altered.

Vice-chancellor and one judge of supreme court to frame rules and forms.

Tenth—If any party in a suit or matter under this law shall be dissatisfied with the determination or direction of a judge of a district court on any matter of law or equity, or on the admission or rejection of any evidence, such party may appeal from the same to the vice-chancellor of Jamaica: Provided, That such party shall, within fourteen days after such determination or direction, give notice in writing of such appeal to the other party, or his attorney, and deposit with the clerk of the district court the sum of ten pounds as security for the costs of the appeal; and the said court of appeal may make such final or other decree or order upon the appeal, and

Appeal to court of chancery.

as

To Confer on District Courts Jurisdiction in Equity.

as to the costs of the appeal, as it shall think fit; and such order shall be final: Provided, That nothing herein contained shall authorize any party to appeal against any decision of a district court, given upon any question as to the value of any real or personal property, for the purpose of determining the question of the jurisdiction of the court under this law, nor to appeal against the decision of a district court, on the ground that the proceedings might or should have been taken in any other district court.

Court fees,
schedule A.

Eleventh—The court fees, payable upon proceedings under this law, shall be in conformity with schedule A, to this law annexed; and such fees shall be paid to the clerk of the court by the party requiring process to issue, or action to be taken.

Attorneys'
fees, schedule
B.

Twelfth—In proceedings under this law admitted attorneys, employed by either party, shall be entitled to have and recover the fees fixed in schedule B, to this law annexed.

SCHEDULE

To Confer on District Courts Jurisdiction in Equity.

SCHEDULE A.
COURT FEES.

	Where Claim £50 or under.			Where Claim above £50 and not exceeding £100.			Where Claim above £100 and not exceeding £150.			Where Claim above £150 and not exceeding £200.		
	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.
Filing every agreement as to costs under the "District Courts Law, 1867" ..	0	2	6	0	2	6	0	2	6	0	2	6
On filing each plaint, and issuing the summons thereon ..	0	15	0	1	0	0	1	5	0	1	10	0
On each appearance ..	0	1	6	0	2	0	0	2	6	0	3	0
On an order for injunction ..	0	7	6	0	10	0	0	12	6	0	15	0
On each notice ..	0	1	6	0	2	0	0	2	6	0	3	0
On filing defendant's admission or disclaimer ..	0	5	0	0	7	6	0	10	0	0	12	6
On filing defendant's statement in answer ..	0	5	0	0	7	6	0	10	0	0	12	6
On each summons to witness ..	0	2	6	0	2	6	0	2	6	0	2	6
On each hearing, where cause contested ..	0	10	0	0	15	0	1	0	0	1	5	0
Drawing up and entering each interlocutory decree ..	0	2	6	0	3	9	0	5	0	0	6	3
The like on each final decree ..	0	5	0	0	7	6	0	10	0	0	12	6
On each order of court, other than decretal ..	0	1	6	0	2	0	0	2	6	0	3	0
On proceedings before clerk of the court, for each summons ..	0	2	6	0	2	6	0	2	6	0	2	6
Each notice to creditor or other claimant ..	0	2	6	0	2	6	0	2	6	0	2	6
Each notice of proceeding ..	0	2	6	0	2	6	0	2	6	0	2	6
For each sitting, in which the clerk is employed in taking accounts, making enquiries, or acting as special examiner ..	0	5	0	0	5	0	0	10	0	0	10	0
For every additional hour, or part of an hour beyond one hour ..	0	3	0	0	3	0	0	6	0	0	6	0
Preparing report and certificate, per sheet of one hundred and sixty words ..	0	1	0	0	1	0	0	1	0	0	1	0
Each copy thereof, per sheet of one hundred and sixty words ..	0	1	0	0	1	0	0	1	0	0	1	0
Entering said report, and certificate ..	0	5	0	0	7	6	0	10	0	0	12	6
On each warrant of execution ..	0	15	0	1	0	0	1	5	0	1	10	0
On each other warrant ..	0	7	6	0	10	0	0	12	6	0	15	0
On each return of summons, notice, or warrant ..	0	1	6	0	2	0	0	2	6	0	3	0
On each common petition or motion ..	0	2	6	0	3	9	0	5	0	0	6	3
On each suggestion ..	0	5	0	0	7	6	0	10	0	0	12	6
Amendment of plaint ..	0	5	0	0	7	6	0	10	0	0	12	6
On each bill for taxation ..	0	7	6	0	10	0	0	12	6	0	15	0

SCHEDULE

To Confer on District Courts Jurisdiction in Equity.

SCHEDULE A.

COURT FEES.—(continued.)

	Where Claim £50 or under.			Where Claim above £50 and not exceeding £100.			Where Claim above £100 and not exceeding £150.			Where Claim above £150 and not exceeding £200.		
	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.
On each bond or recognizance	0	2	6	0	3	9	0	5	0	0	6	3
On copies of proceedings, after the rate, per sheet of one hundred and sixty words	0	1	0	0	1	0	0	1	0	0	1	0
Each search in the books, for every three hours	0	1	0	0	1	0	0	1	0	0	1	0
<p>In all plaints the court fees shall be estimated on the amount of the demand claimed; but where the plaintiff recovers less than the amount of his claim, the difference of the court fees, according to that amount, and the court fees, according to the amount, recovered, shall be paid by the plaintiff, and shall not be charged as costs against the defendant.</p>												
APPEAL.												
On entering an appeal	0	10	0	0	15	0	1	0	0	1	5	0
Recognizance, or security on appeal	0	2	6	0	3	9	0	5	0	0	6	3
On filing case	0	5	0	0	7	6	0	10	0	0	12	6
On each notice	0	1	6	0	2	0	0	2	6	0	3	0
On entry of appearance	0	1	6	0	2	0	0	2	6	0	3	0
Attendance to settle case, if not agreed	0	5	0	0	7	6	0	10	0	0	15	0
Hearing	0	10	0	0	15	0	1	0	0	1	10	0
Each decree of appellate court	0	5	0	0	7	6	0	10	0	0	13	6
FEES OF BAILIFF.												
<p>The same as under schedule C of the "Small Causes Law, 1867."</p>												

To Confer on District Courts Jurisdiction in Equity.

SCHEDULE B.

BARRISTERS AND SOLICITORS' FEES.

	CLAIM.											
	Not exceeding £50.			Above £50 and not exceeding £100.			Above £100 and not exceeding £150.			Above £150 and not exceeding £200.		
	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.
Instructions to sue or defend ..	0	7	6	0	15	0	1	2	6	1	10	0
Examining and taking minutes of evidence of each witness, afterwards allowed by the judge ..	0	5	0	0	5	0	0	7	6	0	7	6
Application for substituted service, or service out of Jamaica ..	0	5	0	0	5	0	0	7	6	0	7	6
Service sum allowed by judge—												
Drawing plaint, or petition, or statement by defendant, or preparing instructions for counsel to draw the same, and attendance therewith ..	0	10	0	0	15	0	1	0	0	1	5	0
Fee to counsel therewith ..	1	1	0	1	11	6	2	2	0	3	3	0
Attendance and filing plaint, petition, admission, or statement ..	0	2	6	0	3	4	0	5	0	0	7	6
Every copy of plaint, petition, admission, or statement ..	0	5	0	0	7	6	0	10	0	0	12	6
Preparing, and service of notice to inspect, admit, or produce, and fair copy ..	0	5	0	0	5	0	0	7	6	0	7	6
Attending inspecting documents ..	0	5	0	0	6	3	0	7	6	0	10	0
Preparing admission by defendant ..	0	5	0	0	7	6	0	10	0	0	12	6
All necessary affidavits, not exceeding five folios, including filing, each ..	0	5	0	0	7	6	0	8	0	0	10	0
If above five folios are allowed on taxation, then for every additional folio ..	0	1	0	0	1	0	0	1	0	0	1	0
Attending court and conducting cause where no counsel employed ..	1	0	0	1	10	0	2	0	0	2	10	0
Instructions for, and drawing, and copy briefs, in causes or matters in which counsel employed, including attendances on counsel therewith ..	1	5	0	2	0	0	2	10	0	3	0	0
Fee to counsel ..	1	1	0	1	11	6	2	2	0	3	3	0
Attending court on hearing, with counsel ..	0	10	0	0	15	0	1	0	0	1	5	0
Attending court to support or oppose any application or motion, without counsel ..	0	15	0	1	0	0	1	5	0	1	10	0
Attending in the last mentioned cases, with counsel ..	0	7	6	0	10	0	0	12	6	0	15	0

2 T

SCHEDULE

To Confer on District Courts Jurisdiction in Equity.

SCHEDULE B.

BARRISTERS AND SOLICITORS' FEES.—(continued.)

	CLAIM.											
	Not exceeding £50.			Above £50 and not exceeding £100.			Above £100 and not exceeding £150.			Above £150 and not exceeding £200.		
	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.
Fees to counsel	1	1	0	1	11	6	2	2	0	3	3	0
Every attendance upon the clerk which he may think, upon taxation, was necessary	0	2	6	0	3	4	0	5	0	0	7	6
When the attendance is longer than one hour, then for every additional hour, or part of an hour.	0	2	0	0	3	0	0	4	0	0	5	0
OCCASIONAL COSTS.												
When, in the course of a cause or matter, a party, suing or sued in a fiduciary or representative character, necessarily incurs costs not allowed upon taxation between party and party, the clerk shall apply to the district judge to allow such sum as he may think fit out of any funds in court applicable to that purpose.												
Drawing accounts and other documents not included in the foregoing costs, but allowed upon taxation of costs to be necessary, per folio.	0	1	0	0	1	0	0	1	0	0	1	0
For perusing and adapting old abstracts of title, per three sheets	0	5	0	0	5	0	0	5	0	0	5	0
Drawing abstracts of additional deeds and documents, per three sheets	0	5	0	0	5	0	0	7	6	0	7	6
For preparing conditions and contracts of sale, and fair copy, per folio	0	1	0	0	1	0	0	1	0	0	1	0
Where conditions and contracts are not submitted to counsel, in addition to the above, there shall be allowed for perusing abstracts, every three sheets	0	2	6	0	2	6	0	3	9	0	3	9
Where conditions and contracts are to be settled by counsel, instructions to counsel to accompany abstract, and attendance therewith, or letter	0	7	6	0	10	0	0	12	6	0	15	0
Fee to counsel	1	1	0	1	11	6	2	2	0	3	3	0
Fair copies of abstracts of title, or of												

SCHEDULE

To Confer on District Courts Jurisdiction in Equity.

SCHEDULE B.

BARRISTERS AND SOLICITORS' FEES.—(continued.)

	CLAIM.											
	Not exceeding £50.			Above £50 and not exceeding £100.			Above £100 and not exceeding £150.			Above £150 and not exceeding £200.		
	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.
accounts, documents, opinions of counsel, and of papers received from counsel, per folio	0	1	0	0	1	0	0	1	0	0	1	0
Attending sale	1	0	0	1	10	0	2	0	0	2	10	0
When, by any proceeding taken by the opposite party, it becomes necessary to advise or receive instruction from a client in the progress of a suit or matter, for each attendance	0	5	0	0	6	3	0	7	6	0	10	0
Attendance taxing costs	0	5	0	0	5	0	0	7	6	0	7	6
COSTS OF THE DAY ON ADJOURNMENT.												
Attending court where no counsel employed	0	15	0	1	0	0	1	5	0	1	10	0
Attending with counsel	0	7	6	0	10	0	0	12	6	0	15	0
Refresher fee to counsel, not exceeding	0	10	6	1	1	0	1	11	6	2	2	0
Witnesses' expenses, same as on trial.												
COSTS ON APPEAL.												
Preparing notice of appeal, including copies and service	0	7	6	0	10	0	0	12	6	0	15	0
Preparing case, including copies	0	10	0	0	12	6	0	15	0	1	0	0
Attending judge to sign	0	5	0	0	5	0	0	7	6	0	7	6
Attending judge in case of difference to settle	0	10	0	0	10	0	0	15	0	0	15	0
Application to stay proceedings	0	5	0	0	5	0	0	7	6	0	7	6
Furnishing case and copies, including notice to successful party	0	2	6	0	2	6	0	2	6	0	2	6
Application to judge for leave to proceed on judgment	0	2	6	0	2	6	0	5	0	0	5	0
Depositing decree or order of court of appeal	0	2	6	0	2	6	0	2	6	0	2	6
WITNESSES' EXPENSES.												
As in schedule in "Small Causes Law, 1867."												



22774

JAMAICA—No. 39 OF 1867.

A Law to Confer upon the District Courts a Limited Jurisdiction in Criminal Matters. [11 October, 1867.]

BE it enacted by the governor of Jamaica, with the advice and consent of the legislative council thereof, as follows :

First—This law may be cited, for all purposes, as the “ District Courts Criminal Jurisdiction Law, 1867.” Short title.

Second—Every judge of a district court may and shall act in his district court as a justice of the peace for the district in which he is appointed judge of the district court. District judge justice of the peace.

Third—Every judge of a district court may perform any duty by any law now or hereafter to be in force, required to be performed by two or more justices of the peace. May act as two justices.

Fourth—Whenever any judge of a district court shall be the coroner for the district in which his court is situated, or for any part thereof, it shall be lawful for such judge, when necessary, to appoint a fit person to hold any particular inquest in his stead, and such person shall, in such case, have all the rights, powers, and jurisdiction of a coroner, and shall receive such remuneration as the governor may think fit, not exceeding twenty-one shillings a day, with reasonable travelling charges ; and such appointment or deputation shall not require a stamp. When coroner may appoint deputy.

Fifth—For the purposes of this law the jurisdiction of every judge of a district court shall extend to the district for which he is appointed judge of the district court, and one mile beyond the boundary line of the said district. Jurisdiction one mile beyond boundary line.

Sixth—It shall be lawful for the said courts to hear and determine the offences hereinafter mentioned, (that is to say) ; Offences liable.

The offences specified in the fifteenth, sixteenth, eighteenth, nineteenth, twentieth, twenty-first, twenty-second, twenty-fourth, twenty-fifth, twenty-sixth, twenty-seventh, (333) twenty- Under 27 Vic. c. 33.

The District Courts Criminal Jurisdiction Law.

twenty-eight, twenty-ninth, thirtieth, thirty-first, thirty-second, thirty-third, and fifty-first sections of an act, passed in the twenty-seventh year of the reign of her present majesty, entitled *An act to consolidate and amend the law relating to offences against the person*; as also common assaults, aggravated assaults, and assaults occasioning actual bodily harm.

Under 27 Vic.
c. 32.

Larceny, and the offences specified in the third, ninth, tenth, eleventh, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, nineteenth, twentieth, twenty-first, twenty-second, twenty-fifth, twenty-seventh, twenty-eighth, thirty-fifth, thirty-sixth, thirty-ninth, fortieth, forty-first, forty-second, forty-third, forty-fifth, forty-sixth, forty-seventh, forty-ninth, fiftieth, fifty-second, fifty-third, fifty-fourth, fifty-fifth, fifty-sixth, fifty-ninth, sixtieth, sixty-first, sixty-second, sixty-third, sixty-fifth, sixty-sixth, sixty-seventh, sixty-eighth, sixty-ninth, seventy-second, seventy-third, seventy-fourth, seventy-fifth, seventy-ninth, eightieth, eighty-third, eighty-fifth, and eighty-sixth sections of an act, passed in the year aforesaid, entitled *An act to consolidate and amend the statute laws relating to larceny, and other similar offences.*

Under 23 Vic.
c. 4.

The offences specified in the second, third, and fourth sections of an act, passed in the twenty-eight year of the reign of her present majesty, entitled *An act to repeal the twenty-third and twenty-fourth sections of the twenty-seventh Victoria, chapter thirty-three, entitled An act to consolidate and amend the statute laws relating to larceny and other similar offences, and to re-enact the same with amendments.*

Under 27 Vic.
c. 34.

The offences specified in the thirteenth, fourteenth, fifteenth, nineteenth, twentieth, twenty-first, twenty-second, twenty-third, twenty-fourth, twenty-fifth, twenty-sixth, twenty-eighth, twenty-ninth, thirtieth, thirty-first, thirty-second, and forty-fifth sections of an act, passed in the year aforesaid, entitled *An act to consolidate and amend the statute law relating to malicious injuries to property.*

Limit of punishment.

And the offenders, on convictions, shall be liable to the same punishment as the said offenders are now or hereafter shall be

The District Courts Criminal Jurisdiction Law.

be liable to: Provided always, That the punishment to be adjudged by the said courts shall in no case exceed one year's imprisonment, with or without hard labour, and with or without solitary confinement, or a fine of fifty pounds, or both.

Seventh—The powers and provisions of the hereinbefore mentioned acts respectively, and of all other laws now or hereafter to be in force, relating to the offences aforesaid, shall extend and apply to offences which shall be tried by the judge of a district court under the authority of this law, and to all proceedings at the trial, and generally in relation thereto respectively, as fully and effectually, to all intents and purposes, as the same now extend and apply, or hereafter shall extend and apply, to the said offences when tried at the circuit courts.

The said acts, and other laws relating to said offences, applicable to district courts.

Eighth—It shall be lawful for any justice of the peace for the district within which any such offence as is hereinbefore mentioned has been committed, or is suspected to have been committed, before whom any person shall be brought, charged with the said offence, if he shall think fit so to do, to bind over or commit (as the case may be), such person to take his trial at the next ensuing district court for the district within which he is so acting as such justice, in the same manner and form, and subject to the same conditions and restrictions in all respects, or as near thereto as circumstances will permit, as are now observed when persons are bound over or committed to surrender and to take their trial at the circuit courts.

Justices may bind over or commit for trial at district court.

Ninth—Any person brought before one or more justices, who is charged with having committed any offence or act within the jurisdiction of the said justices, for which he now is or hereafter may be liable by law, upon summary conviction by the said justice or justices, to be imprisoned or fined, or otherwise punished, shall be entitled to require that the hearing and determining of the complaint, information, or other proceeding to which he is a party, shall be transferred to the district court which has jurisdiction therein; and such requisition shall be complied with, if made at or before the time when the substance of the information, complaint, or other proceeding shall be stated to the accused person by the said justice or justices: Provided always, That when any person has been brought before one or more justices, upon a warrant of apprehension,

Persons liable to punishment on summary conviction before justices may require trial before district court.

The District Courts Criminal Jurisdiction Law.

apprehension, it shall be lawful for the justice or justices to grant a warrant to detain him in prison until the complaint, information, or other proceeding shall be heard in the district court, or until he finds bail, by recognizance, for his appearance to answer the said complaint, information, or other proceeding before the district court; and if he do not afterwards appear before the said district court to answer the said complaint, information, or other proceeding, such recognizance shall be proceeded upon as in the case of other recognizances; and the certificate of the clerk of the district court shall be *prima facie* evidence of such non-appearance.

District judge may receive charge, and commit or bind over to circuit court, or hear the case.

Tenth—Any charge, complaint, or information may be laid before a judge of a district court, in the same manner as the same is now or hereafter may be laid before a justice of the peace; and thereupon the said judge shall have power to proceed in like manner as one or more justices are now or hereafter may be empowered to proceed in a like case, and may commit the accused person for trial before the court of circuit, or otherwise; and if the said judge shall be of opinion that the accused person should be tried by him, he shall take the evidence on both sides, in presence of the parties, after affording both sides time, when necessary, for preparation, and he shall then adjudge the case; and in all cases the judge of the district court shall have the same power, in the issue of warrants and summons, and in the keeping of the accused person in custody, or releasing him on bail, or on his own recognizance, that one or more justices has or have, or hereafter may have in the like cases.

Clerk may issue subpoenas.

Eleventh—The clerk of the court may issue subpoenas, to be signed by the judge, and to be served by the bailiff to any persons likely to give material evidence either for the prosecution or the defence, upon any trial before a district court.

Commencement of indictment.

Twelfth—All indictments at the district courts shall commence as follows; (that is to say), "It is hereby charged, on behalf of our sovereign lady the queen, that," &c.

When party committed or bound over to circuit court by district judge, indictment need not

Thirteenth—Whenever the judge of a district court, whether in his capacity of justice of the peace, or as such judge as aforesaid, shall commit or bind over any person to take his trial before the circuit court, in the manner hereinbefore provided, it shall not be necessary that a bill of indictment should be

The District Courts Criminal Jurisdiction Law.

be preferred to, or found by the grand jury against such person; but the defendant may be tried, convicted, and punished upon the committal or binding over of the said judge, as fully and effectually, to all intents and purposes, as if the grand jury had found a true bill against him, in respect of the offence for which he was so bound over or committed.

be preferred to grand jury.

Fourteenth—The indictment against a person committed or bound over, as in the last preceding section mentioned, shall commence as follows; (that is to say), "Her majesty's attorney-general presents that," &c.

Commencement of such indictment.

Fifteenth—When any person shall have been convicted of any felony or misdemeanour before any judge of a district court, the judge may, in his discretion, reserve any question of law for the consideration of the supreme court; and thereupon shall have authority to respite execution of the judgment upon such conviction, or to postpone the judgment until such question shall have been considered and decided, as he may think fit; and, in either case, the judge of the district court in his discretion, shall commit the person convicted to prison, or shall take a recognizance, with one or two sufficient sureties, and in such sum as he shall think fit, conditioned that the person convicted shall appear at such time or times as the judge shall direct, and receive judgment, or render himself in execution, as the case may be.

District judge may reserve questions of law for supreme court.

Sixteenth—The judge of the district court shall thereupon state, in a case signed by him, the question or questions of law which shall have been so reserved, with the special circumstances upon which the same shall have arisen, and such case shall be transmitted to the supreme court, and the said supreme court shall thereupon have full power and authority to hear, and finally determine the said question or questions, and thereupon to reverse, affirm, or amend any judgment which shall have been given on the indictment on the trial whereof such question or questions have arisen; or to avoid such judgment, and to order an entry to be made in the record, that, in the judgment of the said supreme court, the party convicted ought not to have been convicted, or to arrest the judgment, or to order judgment to be given thereon at some subsequent court to be holden for the district, if no other judgment shall have been before that time given, as

Case to be submitted, and supreme court to decide thereon.

The District Courts Criminal Jurisdiction Law.

they shall be advised; or to make such other order as justice may require.

Supreme court may send back case for amendment.

Seventeenth—The supreme court, where a case has been reserved for their opinion, shall have power, if they think fit, to cause the case, or certificate, to be sent back for amendment, and thereupon the same shall be amended accordingly; and judgment shall be delivered after it shall have been amended.

Appeals to be on matters of law only.

Eighteenth—An appeal from any judgment of a judge of a district court shall lie to the supreme court; but such appeal shall be for matters of law only, and not for matters of fact; and every such appeal must be lodged with the clerk of the court, within seven days from the date of such judgment, and shall bear a stamp duty of ten shillings.

19 Vic. cap. 10 sec. 43 not applicable to trials under this law.

Nineteenth—The forty-third section of the "Judicial Amendment Act, 1855," shall not apply to any trial under this law.

Forms of proceedings,

Twentieth—The form of proceedings under this law may be as in schedule A, to this law annexed.

Court fees.

Twenty-first—The court fees payable upon prosecutions under this law, undertaken by private persons, shall be in conformity with schedule B, to this law annexed.

SCHEDULE A.

FORMS OF PROCEDURE.

The forms in the schedule to the act thirteenth Victoria, chapter twenty-four, *An act to facilitate the duties of justices of the peace out of sessions, within this island, with respect to persons charged with indictable offences*, or to the same or the like effect, may be used in the proceedings under this law.

CAPTION

The District Courts Criminal Jurisdiction Law.

day of _____ in the year last aforesaid (state articles stolen), the property of J. N. unlawfully and feloniously did steal, take, and carry away, against the form of the law in such case made and provided, and against the peace of our lady the queen, her crown and dignity.

[FOR ASSAULT.]

That J. S. on the _____ day of _____ in the year of our Lord _____ in and upon one J. N. did then beat, wound, and illtreat (here state the offence, whether at common law, or by statute), and other wrongs to the said J. N. then and there did, to the great damage of the said J. N. (against the form of the law in such case made and provided, and (against the peace of our lady the queen, her crown and dignity.

[AGAINST TENANT FOR DEMOLISHING DWELLING HOUSE, &c.]

That on the _____ day of _____ in the year of our Lord _____ J. S. was possessed of a certain dwelling house, situate in the parish of _____ then held by him for a term of years then unexpired, and that the said J. S. being so possessed as aforesaid, on the day and year aforesaid, did unlawfully and maliciously pull down and demolish the said dwelling house (pull down or demolish, or begin to pull down and demolish the same, or any part thereof, or pull down, or sever from the freehold any fixture, being fixed in or to such dwelling house or building), against the form of the statute in such case made and provided, and against the peace of our lady the queen, her crown and dignity.

[Forms may be used in other cases similar to those used in the circuit courts.]

PLEA.

The defendant says he is [here insert the words "not guilty" or guilty"] of the charge.

DEPOSITION

The District Courts Criminal Jurisdiction Law.

DEPOSITION OF WITNESSES.

(These will be taken down as his notes, by the judge and the same, or a copy thereof, accompany the case on appeal, but need not be set out on the record.)

REMAND WARRANT.

To the bailiff of (*here state title of court*), and to the keeper (or superintendent) of the prison at

Whereas J. S. was this day charged before the undersigned, the judge of the district court of _____ for that (as in the warrant to apprehend), and as it appears to me to be necessary to remand the said J. S. These are therefore to command you, the said bailiff, in her majesty's name, forthwith to convey the said J. S. to the said prison at _____ and there to deliver him to the keeper (or superintendent) thereof, together with this precept: And I hereby command you, the said keeper (or superintendent), to receive the said J. S. into your custody in the said prison, and there safely to keep him until the _____ day of _____ when I hereby command you to have him at the district court at _____ at _____ o'clock in the _____ noon of the same day, before me, to answer further to the said charge, and to be further dealt with according to law unless you shall be otherwise ordered in the mean time.

Given under my hand, this _____ day of _____
18 _____ at the parish of _____ E.F.

RECOGNIZANCES OF BAIL, INSTEAD OF REMAND.

Be it remembered that on the _____ day of _____ 18 _____ J. S. of _____ labourer, L. M. of _____ gentleman, and N. O. of _____ planter, personally came before me, judge of the district court of _____ and severally acknowledged themselves to owe to our said lady the queen the several sums following; that is to say, the said J. S. the sum of _____ and the said L. M. and N. O. the sum of _____ each

The District Courts Criminal Jurisdiction Law.

each, of good and lawful money of this island, to be made and levied of their several goods and chattels, lands and tenements respectively, to the use of our said lady the queen, her heirs and successors, if the said J. S. fail on the condition endorsed.

Taken and acknowledged the day and year first above mentioned, at _____ before me.

E.F.

CONDITION.

The condition of the within written recognizances is such that whereas the within bounden J. S. was this day (or on the _____ day of _____ last past), charged before me, for that (as in the warrant): And whereas the examination of the witnesses for the prosecution on this behalf is adjourned until the _____ day of _____: If therefore the said J. S. shall appear before me, on the said _____ day of _____ at _____ o'clock in the _____ noon, to answer further to the said charge, and to be further dealt with according to law, then the said recognizances to be void, or else to stand in full force and virtue.

COMMITMENT.

To the bailiff of [*here state title of court*], and to the keeper (or superintendent) of the [*insert the name of the prison.*]

Whereas J.S. late of _____ labourer, was this day duly convicted before the undersigned, the judge of the district court of _____ for that (stating the offence as in the conviction), and it was thereby adjudged that the said J.S. for his said offence should be imprisoned in the (insert name of the prison), and there to be kept (to hard labour) for the space of _____

These are therefore to command you, the said bailiff, to take the said J. S. and him safely convey to the (insert name of the prison), and there to deliver him to the keeper (or superintendent) thereof, with this precept: And I do hereby command you, the keeper (or superintendent), of the said (insert the name of the prison), to receive the said J.S. into your custody, in the said (insert name of the prison), there to imprison him, and keep him (to hard labour), for the space of _____ and for your so doing this shall be your sufficient warrant.

Given under my hand, this _____ day of _____ 18 _____ at _____ in the district aforesaid.

E.F.

CONVICTION.

The District Courts Criminal Jurisdiction Law.

CONVICTION.

[Name of the district.]

To wit. { Be it remembered that on the
 day of _____ in the year of our Lord
 at _____ J.S. being charged before me,
 the undersigned _____ judge of the district court of _____
 is convicted before me, for that he, the said J.S. (stating the offence, and the time and place when and where committed), and I adjudge the said J.S. for his said offence to be imprisoned in the (insert the name of the prison), at _____ and there kept to (hard labor) for the space of _____

Given under my hand, the day and year first above mentioned at _____ in the district aforesaid. E.F.

CERTIFICATE OF DISMISSAL.

[Name of the district.]

To-wit. { I, _____ judge of the district court of _____
 do hereby certify, that on the _____ day
 of _____ in the year of our Lord _____ at _____ in the
 said district J.S. having been charged before me, for that he, the said J.S. (stating the offence charged, and the time and place when and where alleged to be committed), I have adjudicated thereon, and dismissed the said charge.

Given under my hand, this _____ day of _____ at _____ in the district aforesaid.

E.F.

CONVICTION UPON A PLEA OF GUILTY.

[Name of the district]

To wit. { Be it remembered that on the
 day of _____ in the year of our Lord
 at _____ in the district of _____ J.S. having
 been charged before me, the undersigned E.F. judge of the district court of _____ for that he, the said J.S. &c. (stating the offence, and the time and place when and where committed), and having pleaded guilty to such charge, is there upon convicted before me of the said offence, and I adjudge the said J.S. for his said offence, to be imprisoned in the (insert the name of the prison), at _____ and there kept (to hard labour) for the space of _____

Given under my hand, the day and year first mentioned at _____ in the district aforesaid. E.F.

SCHEDULE

The District Courts Criminal Jurisdiction Law.

SCHEDULE B.

COURT FEES.

In cases arising out of charges lodged on the part of the public by the attorney-general, or by any person acting under his instructions, or by any district court judge, or by any two justices of the peace, or by any person acting under the instructions of any municipal board, or by any public officer whose duty it is, as such officer, to lodge such charge, or by any officer, sub-officer, or constable of the Jamaica constabulary force, in any matter in which it is his duty as such to lodge such charge, no court fees shall be required.

In all other cases the following court fees shall be paid :

For every information, with summons or warrant thereon	£0	3	0
For each copy of summons or warrant	0	0	6
For every indictment	0	5	0
For every trial, upon information or indictment	0	3	0
For every recognizance	0	3	0
For taking every deposition, not being an information, per sheet of one hundred and sixty words	0	1	6
For making copies and extracts, per sheet of one one hundred and sixty words	0	1	0



JAMAICA—No. 40 of 1867. *Repealed. 18 of 1882*

A Law to Limit and Define the Classes of Prisoners Sentenced to the General Penitentiary, and to provide a Prison for Convict Lepers and Invalid Prisoners from the General Penitentiary. [15th October, 1867.]

WHEREAS the general penitentiary is insufficient to accommodate the number of prisoners now sentenced to it, and it is expedient to reduce the number of prisoners therein: And whereas it is expedient to provide separate accommodation for convicted prisoners afflicted with leprosy, or yaws, or diseases akin thereto, and for prisoners unfit by age, disease, or physical infirmity for hard labour, or penal servitude: And whereas the buildings and premises of the late Surry county gaol can be made available for these latter purposes: Be it enacted by the governor of Jamaica, by and with the advice and consent of the legislative council thereof, as follows:

First—The district prison of Saint Catherine shall be the district prison and house of correction for the parish of Saint Catherine, and shall also be the prison for the reception of all prisoners whom the justices of Kingston and Saint Andrew are, by "The Prisons' Consolidation Act, 1856" twentieth Victoria, chapter eleven, authorized and empowered to commit to the general penitentiary; and the fiftieth section, and such portions of the fifty-first section of the said act, as authorize such justices to commit to the general penitentiary such offenders liable to be sentenced to the house of correction, are hereby repealed.

Second—No male prisoner sentenced to imprisonment, whose term of imprisonment shall be less than twelve months, shall be committed to the general penitentiary; but it shall be lawful for the judge of the circuit court for the parish of Kingston and Saint Andrew to commit such prisoners to the district prison of Saint Catherine, and for the judges of the several other courts of this island, and for the justices in petty sessions, to commit such prisoners to the nearest district prison. Provided, That nothing herein

To Provide a Prison for Convicted Lepers, &c.

herein contained shall affect the power conferred on the governor by the *Prisons' Consolidation Act* (twentieth Victoria, chapter eleven), and any other law, of removing any prisoner from one prison to another.

Governor may set apart certain portions of former Surry county gaol.

Third—It shall be lawful for the governor, if he shall think fit, to set apart distinct and separate portions of the buildings and premises, formerly the Surry county gaol, for the following purposes ; that is to say,

For invalid prisoners.

1. One portion of the said buildings and premises for the reception and custody of prisoners from the general penitentiary, who may be declared by the surgeon thereof to be unfit for hard labour, by reason of age, disease, or physical infirmity ; and it shall be lawful for the governor, by general or special order, to transfer such prisoners from the general penitentiary to such portion of the said buildings and premises as aforesaid.

Lepers.

2. Another separate portion of the said buildings and premises, to be called "The Leper Prison," as a prison and house of correction for the reception and custody of prisoners afflicted with leprosy, or yaws, or diseases akin thereto, who may be, or may have been, sentenced to the general penitentiary, to the reformatory, or to any prison or house of correction in either of the parishes of Kingston or Saint Andrew, for any offence whatsoever.

Prisoners afflicted with leprosy, &c. convicted in Kingston and St. Andrew to be sent to leper prison.

Fourth—It shall be lawful for any judge, or justice, or justices of the peace, in pronouncing any sentence of imprisonment upon any male prisoner, who shall be tried and convicted within the parishes of Kingston and Saint Andrew, to commit to the said leper prison any prisoner afflicted with leprosy, yaws, or any disease akin thereto, on certificate from a duly qualified physician or surgeon that such prisoner is so afflicted.

Governor may transfer leprosy prisoners from other prisons to leper prison.

Fifth—The governor may, from time to time, as there shall be accommodation for such prisoners, direct that any prisoner afflicted with leprosy, yaws, or any disease akin thereto, in any prison of this island, shall be removed to, and kept in, the said leper prison of Kingston.

Buildings set apart under this law prisons.

Sixth—Such respective portions of the said buildings and premises of the former Surry county gaol shall become and be prisons,

To Provide a Prison for Convicted Lepers, &c.

prisons, and may be respectively altered, fitted, or arranged, under the direction of the governor, as shall be necessary, accordingly; and they shall respectively be regulated and managed, and all the prisoners therein, or persons committed, and the commitments of prisoners or persons thereon, and the officers, servants, and attendants of the same, shall be governed by and according to the provisions of "*The Prisons' Consolidation Act, 1856*," (twentieth Victoria, chapter eleven), and any other acts or laws now or at any time hereafter in force relating to prisons.

Seventh—It shall be lawful for the governor from time to time to appoint such officers, servants, and attendants to the prisons appointed by this law, as he in his discretion shall think necessary and proper; and such officers, servants, and attendants, or any of them, at pleasure to remove, and to appoint others in the place of any so removed, or who shall die, resign, or become incapacitated, and to fix and determine, from time to time, the salaries or remuneration to such officers, servants, and attendants.

Governor may
appoint there-
to officers, &c.





JAMAICA—No. 41 OF 1867.

A Law for Regulating Hawking and Peddling. [15th October, 1867.]

WHEREAS it is expedient to repeal the act fourth Victoria, chapter eleven, entitled *An act to repeal and amend the acts of this island, regulating hawking and peddling*, and the act sixth Victoria, chapter thirty, entitled *An act to amend an act, entitled "An act to repeal and amend the acts of this island, regulating hawking and peddling:"* Be it therefore enacted by the governor of Jamaica, with the advice and consent of the legislative council thereof, as follows:

Preamble.

First—The said recited acts are hereby repealed; but such repeal shall not affect any license granted thereunder, the term of which shall not have expired; and, notwithstanding such repeal, all penalties and forfeitures under the said recited acts, or either of them, incurred previously to such repeal, may be recovered and enforced under the provisions of such acts, or either of them.

Repeal of 4
Vic. c. 11, and
6 Vic. c. 30.

Second—It shall not be lawful for any hawker, pedlar, or other person, to go from place to place, or from house to house, to sell any goods, wares, merchandize, or other articles of traffic (except such as are hereinafter excepted), unless such hawker, pedlar, or other person shall have a license, as required by this law.

No hawker or
pedlar to sell
goods, &c.
without li-
cense.

Third—Every hawker, pedlar, or other person, before he shall carry about for sale, or expose for sale any goods, wares, merchandize, or other articles of traffic (except such as are hereinafter excepted), shall take out a license for such purpose, in the form, or to the effect prescribed in schedule A, to this law annexed, which license shall be granted by the municipal board of the parish in which he resides; and he shall pay for such license to the collector of dues of the parish, or district of the parish, the sum of forty shillings; and such license shall only continue in force to the thirty-first day of December of the year in which granted: Provided, That no license shall be granted to any person unless he shall produce to the said municipal board, at the time of making his application for a license, a certificate of good character,

License to be
as in schedule
A, on payment
of 40s and to
31st December.

Proviso.

For Regulating Hawking and Peddling.

Proviso. satisfactory to the said board: And provided, That such license, so granted, shall extend only over the parish for which the same was granted, and no further: And provided, That every person who shall, at the time of the coming into operation of this law, hold a license, duly granted under the said repealed acts, and still subsisting, shall, until the term of such license shall have run out and expired, be deemed to be duly licensed under this law; and such person shall be subject to the duties, penalties and forfeitures by this law imposed upon hawkers and pedlars.

Transferable license may be granted as in schedule B.

Fourth—Any person having goods, wares, and merchandize for sale may apply to the municipal board of the parish in which he resides, and the said municipal board, if satisfied of the good character of the party applying, may grant to such person a transferable license, in the form, or to the effect prescribed in schedule B to this law, for which license such person shall pay to the collector of dues of the parish, or district of the parish, the sum of fifty shillings; and every such last-mentioned license shall continue in force to the thirty-first day of December of the year in which granted: Provided, That such license shall only authorize one person to sell for his employer, and shall extend only over the parish for which the same was granted.

On expiration of license under former acts new license to be taken out for residue of year.

Fifth—Every person holding a license, granted under the former acts, is hereby required, upon the expiration of such license, before he trades as a hawker and pedlar, to take out a license under this law for the residue of the period to the thirty-first day of December, one thousand eight hundred and sixty-eight; and every person who, after the first day of January, one thousand eight hundred and sixty-eight, shall be desirous to trade as a hawker or pedlar under this law, may take out a license, according to the requirements of this law, either personal, or transferable as aforesaid, and shall pay a proportionate part of the duty imposed for such license, for every quarter of a year (each fractional part of a quarter being reckoned as a quarter), which shall elapse to the thirty-first day of December of the year in which such license shall be granted.

Collector of dues to keep register of licenses.

Sixth—The collector of dues shall keep a register, in which all licenses granted, and the names of the persons obtaining them (including all licenses in force under the repealed acts), shall be inserted; and the said list shall be exhibited in the office of the said collector of dues.

Seventh

For Regulating Hawking and Peddling.

Seventh—The collector of dues shall, once in every quarter of a year, forward a copy of the register as aforesaid, signed and certified as a correct copy, to the inspector of police of his parish, which said copy shall be kept in a conspicuous part of the police station-house, for the use and guidance of the constabulary or police force of the parish.

Copy of the register to be sent quarterly to inspector of police.

Eighth—Every hawker, pedlar, or other person who shall go from place to place, or from house to house, for the purpose of selling, or who shall expose for sale any goods, wares, merchandise or other articles of traffic (except such as are hereinafter excepted), not having a license for the parish in which he shall so trade as aforesaid, shall, upon conviction before any two justices of the parish wherein the offence shall occur, forfeit and pay a sum not exceeding three pounds.

Penalty on trading without license.

Ninth—Nothing contained in this law shall extend to prohibit any person or persons from selling any bread, fresh fish, milk, fruit, vegetables, ground provisions, vegetable roots, or other vegetables commonly known by the name of breadkind, or to limit the real worker or workers, maker or makers of any goods, wares, or manufactures of this island, including any pickled, salted, preserved or smoked victual, actually and *bona fide* manufactured in this island, or his, or their children, or known agents or servants usually residing with such real workers or makers only, from carrying about or exposing to sale, and selling by retail, or otherwise, any of the said goods, wares, or manufactures of his, her, or their own making.

Articles which may be sold without license.

Tenth—It shall be lawful for any constable or peace-officer to seize and detain any hawker, pedlar, or other person found travelling from place to place, or house to house, and trading without a license, contrary to the provisions of this law; or who being so found, shall refuse or neglect, on demand, to produce his license; and such constable or peace-officer shall take such person, so seized, before a justice of the peace of the parish wherein the offence shall have been committed; and such justice shall, on the confession of the party, or upon due proof on oath made of the offence, convict such offender in a penalty not exceeding three pounds; and if the penalty imposed be not immediately paid, the justice shall, by warrant under his hand, commit the offender to any prison, with or without hard labour,
for

Constable may seize hawker or pedlar selling without license, or refusing to produce license.

For Regulating Hawking and Peddling.

for the space of thirty days (to be reckoned from the day of commitment), unless the penalty shall be sooner paid.

Goods offered
or exposed for
sale liable to
meet penalty

Eleventh—Under a warrant of distress for the recovery of any penalty against any person convicted under this law, the goods, wares, and merchandize, or other articles of traffic, offered or exposed for sale by such offender, may be distrained on, and sold for, or towards payment of such penalty.

Penalty on
producing
forged or coun-
terfeit license.

Twelfth—If any person or persons shall produce or show any forged or counterfeit license for the purpose of evading this law every such person, on conviction before any two justices of the peace, shall, for every such offence, forfeit a sum not exceeding five pounds; and in default of immediate payment of such penalty, be and stand committed to any prison of such parish, for any period not exceeding ninety days, with or without hard labour, as to such justices shall seem meet.

Penalty on il-
legal dealing
with license.

Thirteenth—In case any person shall lend or hire any license which shall have been granted as aforesaid, or shall permit any transferable license to be used otherwise than by this law permitted, or shall trade with, or under colour of any license which shall not have been granted to him, or, in the case of a transferable license, which shall not have his name endorsed thereon, every person so offending shall, for every such offence, forfeit and pay a sum not exceeding three pounds.

Penalty on re-
fusal to restore
to owner trans-
ferable license.

Fourteenth—Any person who, being entrusted with a license transferable as hereinbefore mentioned, shall refuse or neglect on demand to restore it to the party to whom it was granted, shall, on being convicted of such default before any two justices forfeit a sum not exceeding forty shillings; and the said justices may, in addition to such penalty, require the immediate delivery up of the said license, or on refusal or neglect, may commit such party to any prison, with or without hard labour, for thirty days, or until he shall deliver up the same.

How penalties
recovered.

Fifteenth—Except where otherwise provided, all penalties and forfeitures under this law shall be recovered before any two justices of the peace of the parish where the offence was committed; and, in default of payment of the penalty, the party shall be liable to imprisonment, with or without hard labour, not exceeding thirty days.

Sixteenth

For Regulating Hawking and Peddling.

Sixteenth—This law shall commence and come into operation on the first day of January, one thousand eight hundred and sixty-eight. Commence-
ment of law.

SCHEDULE A.

FORM OF LICENSE.

This is to certify, that A. B. of the parish of _____ hath been this day duly licensed as a fit and proper person, to hawk and peddle in the parish of _____ any goods, wares, merchandize, or other articles of traffic, from the day of the date hereof, until the thirty-first day of December, one thousand eight hundred and _____. This license is not transferable to any other person.

Given under my hand this _____ day of _____

[To be signed by the collector of dues.]

SCHEDULE B.

FORM OF TRANSFERABLE LICENSE.

This is to certify, that A. B. of the parish of _____ hath been this day duly licensed as a fit and proper person to hawk and peddle in the parish of _____ by such person (being his servant), to whom he shall entrust this license, any goods, wares, merchandize, or other articles of traffic, from the day of the date hereof, to the thirty-first day of December, one thousand eight hundred and _____.

Dated the _____ day of _____ 18 _____

[To be signed by the collector of dues.]

NOTE—The name of the servant employed must be endorsed on this license, with the date and signature of the master, thus :

“C. B. my servant, is this day entrusted with the within license.

Dated the _____ day of _____ 18 _____

A. B.”

And so *toties quoties* on any change of the servant employed.

SECURITY INFORMATION

CONFIDENTIAL

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15770

JAMAICA—No. 42 OF 1867.

A Law to Amend the Law No. 11 of 1867, "A Law for Laying a Duty on Imports, Exports, and the Tonnage of Vessels," and to Repeal the Ninth Section thereof.

[15th October, 1867]

WHEREAS it is expedient to repeal the ninth section of the Law No. 11 of 1867, and to amend the said law, as hereinafter mentioned: Be it enacted by the governor of Jamaica, by and with the advice of the legislative council thereof, as follows: Preamble,

First—The ninth section of the Law No. 11 of 1867, "*A law for laying a duty on imports, exports, and the tonnage of vessels,*" is hereby repealed. No. 11 of 1867,
sec. 9 repealed.

Second—At the time of making entry of any vessel arriving in this island with cargo, and before breaking bulk thereof, the master of such vessel shall exhibit to the collector of the customs at Kingston, or to the sub-collector at any other port of this island, the certificate of registry of such vessel, and, at the same time, pay to the said collector or sub-collector, the tonnage duties by the above mentioned law imposed upon the said vessel; and if such master shall break bulk before the payment of the said duties, or shall make a fraudulent entry, or exhibit a false certificate of registry, with intent to evade payment of the said duties, or any part thereof, he shall for every such offence, incur a penalty not exceeding sixty pounds, nor less than twenty pounds, to be recovered in a summary manner before two justices of the peace, where the offence shall be committed; and in default of payment, the said justices shall commit the offender to gaol for any period not exceeding three months, unless he shall sooner pay the penalty: provided, that when such tonnage duties on entry can only be ascertained by measurement, the duties shall, before bulk be broken, be secured to be paid by bond to our lady the queen, from the said master, with one or more surety or sureties, to be approved of by the said collector or sub-collector, in a penalty of double the amount of the entire tonnage duties on such vessel, according to the tonnage shewn by the certificate of registry. Payment of
tonnage duties
on entry to be
made before
bulk broken.

Proviso,

(355)

Third

To Amend Law No. 11 of 1867.

Payment of
outward ton-
nage duties.

Third—The master of every vessel which is entitled to enter free of tonnage duties, or on payment of part only of such duties, shall, on the clearance of his said vessel, under a like penalty, and recoverable in like manner, as the penalty under the second section of this law, pay, or secure to be paid in like manner, the tonnage duties which shall be payable in respect of the outward cargo of such vessel.



JAMAICA—No 43 OF 1867.

A Law to Repeal the Act Twenty-Ninth Victoria, Chapter Fifteen, entitled "An Act to Encourage the Introduction into this Island of a Company styled the West India Manufacturing Company, and for other purposes."
[15th October, 1867.]

BE it enacted by the governor of Jamaica, with the advice and consent of the legislative council thereof, as follows:

The act twenty-ninth Victoria, chapter fifteen, *An act to encourage the introduction into this island of a company, styled the West India manufacturing company, and for other purposes*, is hereby repealed.



1870-1871

The first of the year was a very dry one, and the crops were much injured. The weather was very hot, and the ground was very hard. The crops were much injured, and the weather was very hot.

The second of the year was a very wet one, and the crops were much injured. The weather was very cold, and the ground was very soft. The crops were much injured, and the weather was very cold.

1870

1871



JAMAICA—No. 44 of 1867.

A Law to Repeal certain parts of the Public Audit Act, 1857, and of the Receiver-General's Act, and of certain Acts passed in Aid of such Acts.

[16th December, 1867.]

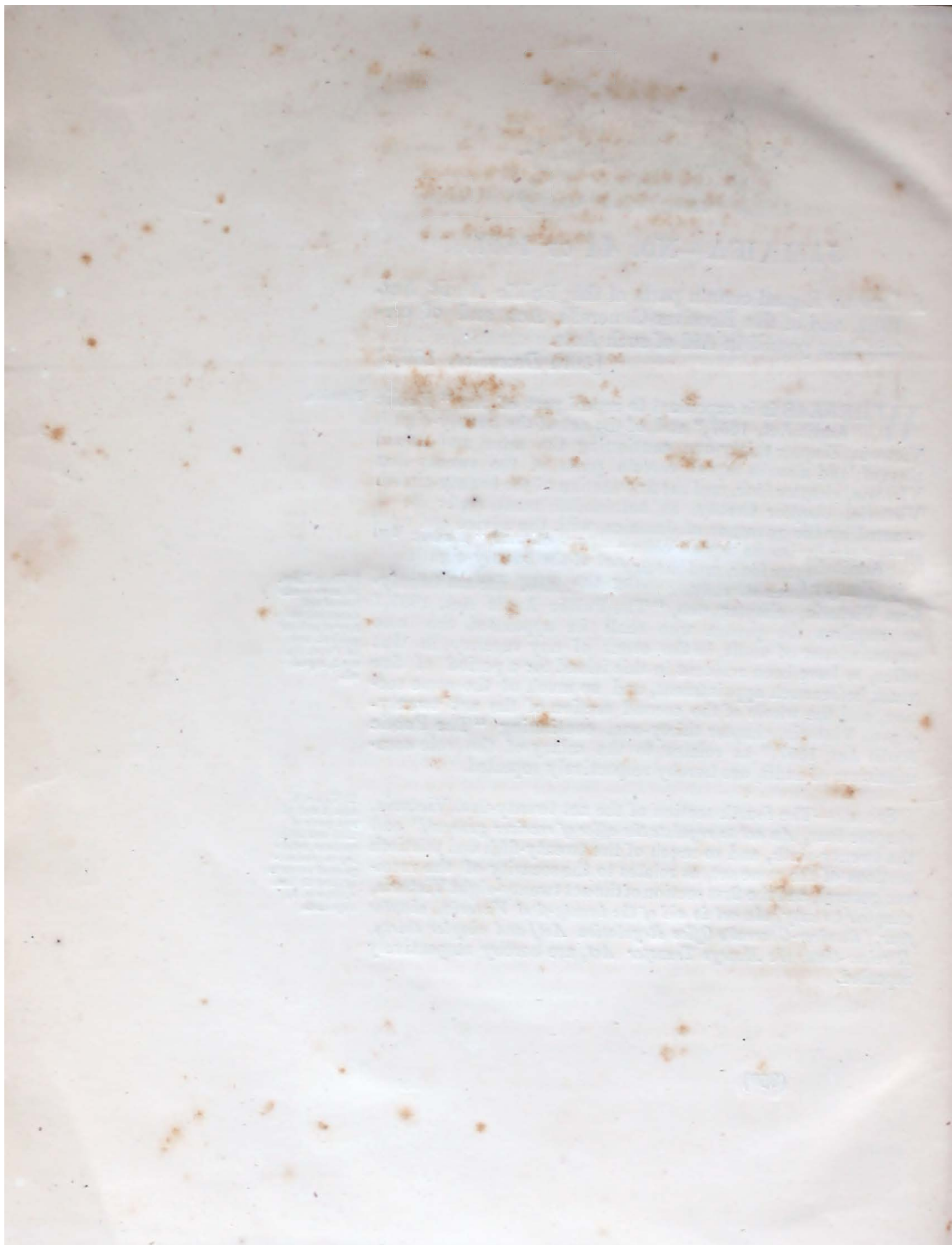
WHEREAS it is expedient to repeal part of the "Public Audit Act, 1857," and of the act of the twenty-eighth Victoria, chapter thirty-one, continuing the same, and in aid thereof; and also to repeal certain parts of the twenty-first Victoria, chapter four, and the first section of the twenty-eighth Victoria, chapter twenty, as hereinafter mentioned: Be it enacted by the governor of Jamaica, with the advice and consent of the legislative council thereof, as follows:

First—So much of the sixteenth section of the act twenty-first Victoria, chapter one, "The Public Audit Act, 1857," as requires the person who shall be appointed the sole commissioner of audit, in the event of any vacancy in that office, to have been resident in this island for a period of five years before such appointment, and so much of the same section, and the whole of the second section of the act twenty-eighth Victoria, chapter thirty-one, continuing "The Public Audit Act, 1857," as relates to the salary of the sole commissioner of audit, are hereby respectively repealed.

Second—The fourth section of the act twenty-first Victoria, chapter four, *An act to regulate the office of receiver general*," and the twenty-sixth, and so much of the twenty-fifth and thirtieth sections of the same act, as relates to the security of the receiver general, and the first section of the act twenty-eight Victoria, chapter twenty, *An act in aid of the twenty-first Victoria, chapter four, (Receiver-General's Office Regulation Act) and chapter thirty, Receiver-General's Moneys Transfer Act*, are hereby respectively repealed.

21 Vic. c. 1, sec. 16, as to condition of residence and salary of auditor general, and 28 Vic. c. 31, sec. 2, repealed.

21 Vic. c. 4, secs. 4 and 26, and parts of 25th and 30th sections, relating to receiver-general's security, and 28 Vic. c. 20, sec. 1, repealed.



Partial Repeal 33 of 18



JAMAICA—No. 45 OF 1867.

A Law to Continue in Force, for a Limited Period, certain Expiring Laws.

[16th December, 1867]

BE it enacted by the governor of Jamaica, with the advice and consent of the legislative council thereof, as follows:

The several undermentioned laws, which will expire on the thirty-first day of December, one thousand eight hundred and sixty-seven, are, and each of them is hereby continued in force to the thirty-first day of December, one thousand eight hundred and sixty-eight.

Undermen-
tioned laws
continued in
force to 31st
December,
1868.

1. The act of the twenty-sixth Victoria, session one, chapter seven, *An act to provide for the management of the post office in this island.*

in part - 25-9-71

2. The act of the twenty-seventh Victoria, session two, chapter one, *An act to reduce the security to be given by the secretary of this island, and for other purposes.*

3. The act of the twenty-seventh Victoria, session two, chapter two, *An act to continue in force, for a limited period, the acts of the twenty-sixth Victoria, chapter thirteen, and twenty-fifth Victoria, chapter forty-two (Insolvent Debtor's Law), and for other purposes, and all acts by the said act continued or revived.*

4. The act of the twenty-eighth Victoria, chapter nine, "The Stamp Duty Act, 1865," and the second section of the Law No. 9 of 1867, *A Law to amend and continue in force, for a limited period, the duties of stamps.*

5. The Law No. 25 of 1867, *A law to revive, amend, and continue in force for a limited period, the act fixing salaries for the clerks of the peace and magistrates' clerks.*

5. The act of the eleventh Victoria, chapter four, *An act*
(361)

To Continue in Force certain Expiring Laws.

to enable the governor, or the person exercising for the time being the functions of governor, to issue her majesty's royal proclamation, prohibiting the exportation of arms or ammunition from this island.