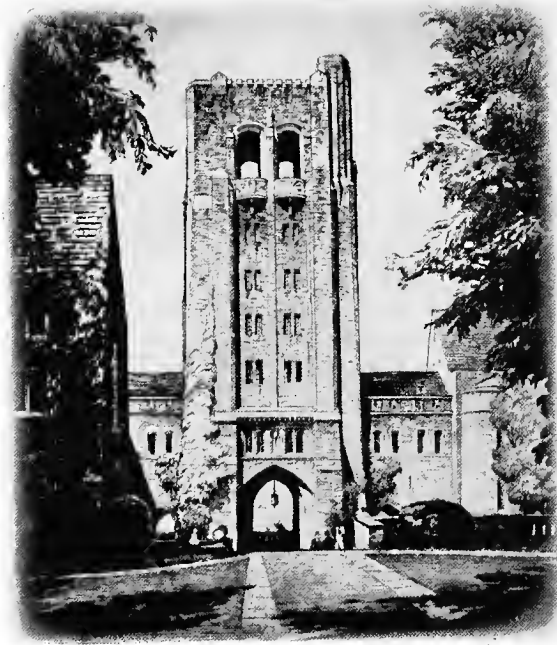


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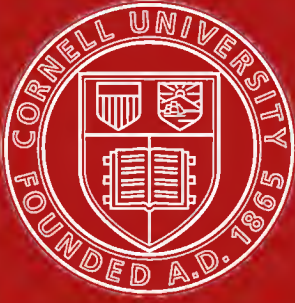
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THE
L A W S
OF THE
ISLAND OF JAMAICA:
REVISED EDITION,

BY THE
HON. C. RIBTON CURRAN, SENIOR PUISNE JUDGE OF THE
SUPREME COURT OF JAMAICA.

VOL. IX.

FROM LAW 24 OF 1879 TO LAW 22 OF 1882.

Published by Authority.



JAMAICA:
DeCORDOVA & Co., 148 HARBOUR STREET.

1889.

L 65534

THE STATUTES—REVISED EDITION.

THE JUDICATURE LAW 1879.

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3. Application of Statutes.
4. Arrangement of Law.

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The Judicature Law, 1879.

[24th May, 1879.]

WHEREAS it is expedient to constitute a Supreme Court Preamble.
 of Judicature, and to vest in such Court all the powers and jurisdiction (except the jurisdiction of the Court of Vice-Admiralty) hitherto exercised by the Superior Courts of this Island, and such judicial powers and jurisdictions as have hitherto been exercised by the Governor of this Island as Ordinary or as Chancellor :

Be it enacted by the Governor and Legislative Council of the Island of Jamaica, as follows :

PRELIMINARY.

1—This Law shall commence and come into operation in Commence-
ment of this
Law.
 manner following, that is to say ;

So much of this Law as provides for the appointment and salaries of Judges and officers, and for the making and approving of Rules of Court, shall come into operation on the passing of this Law ;

The rest of this Law shall come into operation on a day to be notified by the Governor by proclamation, hereinafter called the commencement of this Law.

Definitions.

2—In this Law, unless the context otherwise requires,

The expression

“ Rules of Court” includes Forms ;

“ Cause” includes any action, suit or other original proceeding, between a plaintiff and a defendant, and any criminal proceeding by the Crown ;

“ Suit” includes action ;

“ Plaintiff” includes every person asking any relief (otherwise than by way of counter claim as a defendant) against any other person, by any form of proceeding, whether the same be taken by cause, action, suit, petition, motion, summons or otherwise ;

“ Defendant” includes every person served with any writ of summons or process, or served with notice of or entitled to attend any proceedings ;

“ Party” includes every person served with notice of or attending any proceeding, although not named on the record ;

“ Matter” includes every proceeding in the Court not a cause ;

“ Judgment” includes decree ;

“ Officers” includes Clerks.

Application of existing Laws.

3—All Acts and Laws relating to the Courts and Judges and officers whose jurisdictions and functions are hereby transferred to the Supreme Court, or to any of the Judges or

officers thereof, or wherein any of the Courts or Judges or officers are referred to, shall be construed, so far as relates to anything done after the commencement of this Law, as if the Supreme Court established by this Law, and the Judges and officers thereof, as the case may be, had been named therein instead of such Courts or Judges or Officers.

4—This Law is divided into two parts, that is say,—

Arrangement of
this Law.

Part 1. Relating to the establishment, jurisdiction and procedure, of a Supreme Court of Judicature ;

Part 2. Containing saving provisions in relation to Judges, Officers, jurisdictions and procedure, affected by the passing of this Law, and other provisions of temporary operation ;

and the provisions of Part 1 shall be read subject to the provisions of Part 2, in so far as the latter are applicable.

PART 1.

CONSTITUTION, JUDGES, OFFICERS AND OFFICES OF THE SUPREME COURT OF JUDICATURE.

5—On the commencement of this Law the several Courts of this Island hereinafter mentioned, that is to say,—

Consolidation of
the Superior
Courts.

The Supreme Court of Judicature,

The High Court of Chancery,

The Incumbered Estates' Court,

The Court of Ordinary,

The Court for Divorce and Matrimonial Causes,

The Chief Court of Bankruptcy, and

The Circuit Courts,

shall be consolidated together, and shall constitute one Supreme Court of Judicature in Jamaica, under the name of "The Supreme Court of Judicature of Jamaica," hereinafter called "The Supreme Court."

Constitution of
the Supreme
Court.

6—The Supreme Court shall be constituted of a Chief Justice and two Puisne Judges.

The Chief Justice shall be the President and Chief Judge of the Court, and shall be styled “The Chief Justice of Jamaica.”

The Puisne Judges shall rank according to the dates of their appointment, and shall be styled Puisne Judges of the Supreme Court of Judicature of Jamaica.

Judges of the
Court; their
qualification,
appointment,
status, remuneration and
allowances.

7—Judges of the Supreme Court

(a) Shall be appointed by Letters Patent under the Public Seal of the Island, issued by the Governor in pursuance of a Warrant under her Majesty’s Signet and Sign Manual, or of instructions received through one of Her Majesty’s principal Secretaries of State, and shall hold office during Her Majesty’s pleasure, and shall not be removed from office except in accordance with Her Majesty’s pleasure signified under Her Sign Manual :

Provided that the Governor may, with the advice of the Privy Council, for good cause suspend any such Judge from executing his office until Her Majesty’s pleasure is known ;

- (b) Shall be members of the bar of England, Ireland or Scotland, of at least five years standing ;
- (c) Shall have in all respects, save as in this Law otherwise provided, equal power, authority and jurisdiction ;
- (d) Shall with respect to the right to leave of absence be on the same footing in all respects as other public officers in Jamaica ;

(e) Shall be paid salaries at the following rates, viz :

To the Chief Justice, not exceeding £2,500 per annum ;

To each of the Puisne Judges, not exceeding £1,500 per annum ;

(f) Shall be paid travelling allowances, in respect of Circuits or Special Commissions upon which they have actually travelled, according to such scale as the Governor in Privy Council may from time to time order.

8—The Supreme Court shall be deemed to be duly constituted during and notwithstanding any vacancy in the office of any Judge thereof.

Effect of vacancy in the office of Judge, or absence of any Judge.

Whenever the office of any Judge of the Supreme Court becomes vacant, by death or otherwise, the Governor shall appoint a fit person to fill such office until Her Majesty's pleasure be known.

In case any Judge of the Supreme Court is ill or absent, the Governor may in his discretion appoint a fit person to fill his place until he resumes his duties, but in such case until any appointment is so made the business of the Court, except such matters as are required to be heard before three Judges, shall devolve upon and be transacted by the remaining two Judges, and where such remaining two Judges are the two Puisne Judges the senior of them shall exercise the powers specially vested in the Chief Justice.

9—There shall be attached to the Supreme Court the following officers, that is to say,

Officers of the Court.

A Registrar,

A sufficient number of Circuit Court Clerks,

A Bailiff and a Crier, and

Such other officers as may be prescribed by Rules of Court.

Their appointment,

The Governor may appoint and remove any of such officers at pleasure, and may appoint persons to act in the absence of any such officers for sickness or other cause, or pending a vacancy in any such office.

and security when required.

Any of such officers shall, if required, give security for such sum and in such manner as the Governor may from time to time direct for the due performance of their duties, and the due accounting for and payment of monies received by them in the course thereof.

The Registrar, his qualifications, remuneration and duties.

10—The Registrar shall be a barrister of at least three years standing at the bar of this Island, or a solicitor of at least six years practice in this Island, and shall not practice in any Court in this Island, nor act as a conveyancer, pleader or legal adviser, and shall be paid a salary of six hundred pounds per annum, and shall perform the following duties, that is to say,

Shall keep account of all fees received in proceedings in the Supreme Court;

Shall furnish to the Treasurer of this Island accounts of all stamps passing through the offices of the Supreme Court, and submit all such accounts for audit as public accounts;

Shall examine, copy, enter, arrange, index and keep, proceedings and records of proceedings in the Supreme Court, and shall permit the public to search and take copies of the same in the office of the Supreme Court at reasonable hours;

Shall attend the sittings of the Courts and Judges, take minutes, write out and enter up judgments and orders;

Shall report as to the sufficiency or otherwise of the stamps upon documents tendered in evidence in the Supreme Court, and receive and account for deficiencies therein, and penalties in respect thereof;

Shall enter satisfaction and assignments of judgments, and prepare and deliver appeal papers and papers of a like kind, and tax the costs of proceedings in the Supreme Court ;

Shall issue process of the Supreme Court, and keep account thereof, and of levies made and monies received thereunder, and of returns thereto ;

Shall keep jury lists, and strike and make up panels of jurors ;

Shall make such investigations and take such accounts in relation to proceedings in the Supreme Court as the Court may direct, and shall have power for the above purposes to issue advertisements, summon parties and witnesses, and take examinations vivâ voce or upon interrogatories, and the Court shall have power to enforce his orders as if they were those of a Judge ;

Shall have power to administer oaths, and take affidavits and declarations, in all proceedings in the Supreme Court ;

Shall transact all such ministerial business of the Supreme Court, and perform such other duties of a like kind, as are assigned to him by Rules of Court.

11—Circuit Court Clerks shall perform the following duties, that is to say,

Duties of Circuit Court Clerks.

Shall attend the sittings of Circuit Courts to which they are respectively assigned ;

Shall at such sittings call jurors, arraign prisoners, receive and record verdicts, and administer oaths to witnesses and jurors ;

Shall keep minutes and records of proceedings and judgments of such Courts, and transmit the same to the Registrar,

Shall generally perform such functions of the Registrar and such ministerial business of the Circuit Courts, as may be assigned to them by Rules of Court or by direction of a Judge.

The Bailiff's duties.

12—The Bailiff shall execute the process of the Supreme Court, by himself or deputy, and shall perform such duties in relation thereto as may be prescribed by Rules of Court.

Salaries of officers.

13—There shall be paid to officers appointed under this Law such salaries as are directed by this Law, and where no salaries are directed by this Law then such salaries as are determined by the Governor in Privy Council.

Employment of experts by the Court.

14—The Court may, when it thinks fit, obtain the assistance of accountants, actuaries and scientific persons, to enable it to determine any matter at issue in any cause or proceeding, and may allow reasonable fees and expenses to such persons, to be taxed as costs in the proceeding.

Who may administer oaths, &c.

15—Every Magistrate may administer oaths, and take declarations and affirmations, and receive affidavits, concerning matters or proceedings in the Supreme Court, and for such purpose shall be deemed to be an officer of the Court.

Affidavits concerning matters or proceedings in the Supreme Court may be sworn before any person authorized to administer oaths in that part of the British Dominions in which they are taken, or in any Foreign State before any of the Diplomatic or Consular Agents mentioned in section 3 of the Act 27 Victoria, Chapter 17; and the Court shall take judicial notice of the seal or signature of such persons or officers when attached to documents to be used in the Court.

Summary jurisdiction of the Court over its officers.

16—No officer of the Supreme Court shall directly or indirectly ask or receive any fee or gratuity in respect of any of the duties of his office.

If any officer of the Supreme Court acting under colour of the process of the Court is charged with misconduct, or with any wrongful act or neglect in the discharge of the duties of his office, the Court or a Judge may inquire into the matter in a summary way on such evidence as may appear reasonable to it, and for that purpose may 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 may make such order for the payment of all damages and costs that may have been caused by any such act or neglect as it thinks just, and impose such fine upon the officer as it deems adequate; and in default of payment of any money so ordered to be paid payment of the same may be enforced as a judgment recovered in the Court.

This Provision shall not take away any right of action for damages against any officer, but no action shall be commenced or continued for any act or omission of such officer after the Court has ordered compensation to be paid in respect of it under this section.

The death, absence or retirement of any officer charged with any duties under this Law shall not affect the performance of such duties, but such duties may be proceeded with in all respects by the person acting in the place of such officer as if no such death, absence or retirement had occurred.*

As to effect of death or absence of officer.

17—On the commencement of this Law all books, documents, papers and chattels, at the commencement of this Law belonging to any of the Courts whose jurisdiction is hereby transferred to the Supreme Court, shall belong to the Supreme Court.

Transfer of books and property of existing Courts to the Supreme Court.

18—The Chief Justice shall cause a seal to be provided for the Supreme Court.

The Seal.

19—The offices of the Supreme Court shall be in Kingston.

Offices of the Court.

By sec. 2 of Law 31 of 1885, attorneys not to be deemed officers of the Court within this section.

JURISDICTION OF SUPREME COURT OF JUDICATURE.

Jurisdiction of
the Court.

20—The Supreme Court shall be a Superior Court of Record, and shall have and exercise in this Colony all the jurisdiction, power and authority, which at the time of the commencement of his Law was vested in any of the following Courts and Judges in this Island, that is to say :—

The Supreme Court of Judicature,

The High Court of Chancery,

The Incumbered Estates' Court,

The Court of Ordinary,

The Court for Divorce and Matrimonial Causes,

The Chief Court of Bankruptcy, and

The Circuit Courts, or

Any of the Judges of the above Courts, or

The Governor as Chancellor or Ordinary acting in any judicial capacity, and

All ministerial powers, duties and authorities, incident to any part of such jurisdiction, power and authority.

How jurisdic-
tion to be exer-
cised

21—Such jurisdiction shall be exercised, so far as regards procedure and practice, in manner provided by this Law, and the Civil Procedure Code, and the Laws regulating Criminal Procedure, and by such Rules and Orders of Court as may be made under this Law ; and where no special provision is contained in this Law, or in such Code or Laws, or in such Rules or Orders of Court, with reference thereto, it shall be exercised as nearly as may be in the same manner as it might have been exercised by the respective Courts from which it is transferred, or by any of such Courts or Judges, or by the Governor as Chancellor or Ordinary.

SITTINGS AND DISTRIBUTION OF BUSINESS.

22—The Supreme Court shall ordinarily hold its sittings in Kingston, but, subject to the provisions of this Law and to Rules of Court, the Court and the Judges thereof may sit and act at any time, and at any place, for the transaction of any part of the business of the Court or of such Judges.

Where Court to be held, ordinarily and specially.

23—The Governor in Privy Council may from time to time make, and when made revoke, add to or alter orders,

Orders for regulating vacations and the holding of Circuit Courts.

- (a) Appointing the times and places for the holding of Circuit Courts,
- (b) Arranging the circuits, and the number thereof, and directing what parishes and towns shall be upon each circuit,
- (c) Regulating the vacations to be observed by the Supreme Court, and in the offices thereof.

Such Orders shall be so framed as to provide that there shall be held a Circuit Court,

- (a) For the trial of persons committed for trial before a Circuit Court within four months of such committal, and
- (b) For the determining of appeals from Courts of Summary Jurisdiction within four months of notice of appeal being given.

Such Orders shall be published in the "Gazette," and shall come into operation at the date mentioned in the publication.

Such Orders shall, so long as they continue in force, be of the same effect as if they were contained in this Law, and Rules of Court may be made for carrying them into effect as if they were part of this Law.

The Governor in Privy Council may under the provisions of this section order that the whole Island shall constitute one Circuit.

Vacation business.

24—Provision shall be made by Rules of Court for the hearing during vacation of urgent applications.

Sittings of the Supreme Court.

25—Sittings of the Supreme Court shall, so far as is reasonably practicable, and subject to vacations, be held continuously throughout the year.

Venue of civil suits and proceedings.

26—The place of trial of civil suits cognizable by the Supreme Court in the exercise of its Common Law or Equity Jurisdiction shall be regulated as follows:

(a) Where the cause of action arises wholly or in part within the Kingston Circuit, the trial shall ordinarily take place at the sittings of the Kingston Circuit Court.

(b) Where the cause of action arises within any other circuit, the trial shall take place at the sittings of the Kingston Circuit Court, or at the Circuit Court of the circuit in which the cause of action arose, at the option of the plaintiff.

But in any case, upon reasonable cause being shewn, the Court or a Judge may order any suit to be tried at the Kingston Circuit Court, or at any other convenient Circuit Court.

All other proceedings before the Supreme Court exercising civil jurisdiction shall, so far as is reasonably practicable, be held in Kingston.

Constitution of the full Court.

27—The full Court of the Supreme Court shall be constituted of all three of the Judges of the Court except when (through pressure of business or any other cause) it may not conveniently be found practicable, in which case the full Court may be composed of any two Judges of the Court.

Where the full Court is composed of two Judges and the two Judges differ as to the judgment that should be given, the cause or matter in question shall be re-heard as soon as conveniently may be by a full Court of three Judges.

28—A single Judge of the Supreme Court may exercise, in Court or in Chambers, any part of the jurisdiction of the Court which before the passing of this Law might have been exercised in the like manner, or which may be directed or authorized to be so exercised by Rules of Court to be made under this Law.

Powers of a single Judge.

In such cases a Judge sitting in Court shall be deemed to constitute a Court.

29—A Judge of the Supreme Court holding a Circuit Court shall constitute a Court of the Supreme Court.

A Judge on Circuit constitutes a Court.

30—A Judge of the Supreme Court sitting in the exercise of the Civil Jurisdiction of the Court elsewhere than in a full Court may reserve any case, or any point in a case, for the consideration of the full Court, or may direct any case or point in a case to be argued before the full Court, and the full Court shall have power to hear and determine any such case or point:

Reservation of a case or point of Law for argument before the full Court.

Provided that nothing herein shall take away the right of any party to any suit to have the issues for trial by jury submitted and left by the Judge to the jury before whom the same comes for trial, with a proper and complete direction to the jury upon the Law and as to the evidence applicable to such issues.

Proviso.

31—Motions for new trials of causes or matters upon which a verdict has been found by a jury, or by a Judge without a jury, and motions in arrest of judgment, or to enter judgment non obstante veredicto, or to enter a verdict for plaintiff or defendant, or to enter a nonsuit, or to reduce damages, and special cases and special verdicts, shall be heard before the full Court.

Matters to be heard before the full Court.

Appeals in civil matters from a single Judge or a District Court.

32—An appeal shall lie to the full Court from all judgments or decisions of a single Judge of the Supreme Court sitting as a Court of first instance in civil proceedings, and from all interlocutory orders made in the course of any civil suit or proceeding, subject to the following exception, that is to say,—that no order made by the consent of all parties, and no order as to costs only where costs are left to the discretion of the Judge or Judges awarding them, shall be subject to appeal, except by leave of the Judge or Judges who made the order.

Appeals in civil matters from District Courts shall be heard by the full Court, whose decision shall be final.

Appeals in criminal matters.

Appeals in criminal matters to the full Court or to the Court sitting as a Circuit Court shall be subject to the provisions of the Laws regulating Criminal Procedure.

References by the Court to the Registrar.

33—Subject to the provisions of this Law and of the Civil Procedure Code and of Rules of Court, any Judge of the Supreme Court may order what matters in proceedings in the Court shall be investigated by the Registrar, and may direct the Registrar to take accounts and make inquiries, and may give such assistance and direction to the Registrar therein as as he thinks fit :

Provided that any person aggrieved by any act or decision of the Registrar may appeal thereupon to the Court. All acts and proceedings of the Registrar under the provisions of this section shall be subject to ratification by the Court, and when so ratified shall be binding on all parties in the same way as an order of the Court.

Evidence.

34—Nothing in this Law or in rules made under this Law, save as far as relates to the power of the Court for special reasons to allow depositions or affidavits to be read, shall affect the mode of giving evidence by the oral examination of witnesses in trials by jury, or the rules of evidence.

35—In the absence of express provision to the contrary Costs. the costs of and incident to every proceeding in the Supreme Court shall be in the discretion of the Court, but nothing herein contained shall deprive a trustee, mortgagee or other person, of any right to costs out of a particular estate or fund to which he would be entitled according to the rules acted upon in Courts of Equity before the commencement of this Law :

Provided that where any action or issue is tried by a jury costs shall follow the event unless, upon application made, the Judge at the trial or the Court, for special cause shewn and mentioned in the order, otherwise directs.

Any order of a Judge as to such last mentioned costs may be appealed from, and may be discharged or varied by the full Court.

No costs shall be recoverable until they have been taxed by the Registrar or his deputy.

RULES OF COURT.

36—The Chief Justice, with the concurrence of the Puisne Judges or either of them, may from time to time make, and when made revoke, add to or alter, General Rules and Orders, herein called Rules of Court, for all or any of the purposes hereinafter mentioned.* Rules of Court
how and by
whom made and
sanctioned.

Such Rules shall be subject to the approval of the Governor in Privy Council, who may allow, disallow, alter or add to, such Rules or any of them.

Such Rules when approved shall be published in the "Gazette," and shall come into operation at the date mentioned in the publication. How published.

The purposes for which Rules of Court may be made are as follows :

* Amended by sec. 1 of Law 31 of 1885, by giving the Judges power to make rules for fixing fees of Court.

For regulating the sittings of the Court and of the Judges,

For the distribution of the business of the Court amongst the Judges,

For regulating the practice and procedure in the Court, and the execution of the process of the Court, and the practice and procedure to be observed by officers of the Court, and in relation to business within the jurisdiction of the Court,

For regulating matters relating to the costs, and the taxation thereof, of proceedings in the Court, including the costs of solicitors, the expenses of witnesses, and the fees of bailiffs.

For regulating matters relating to the conduct of civil and criminal business in the Court,

For regulating, prescribing and doing any thing which may be regulated, prescribed or done by Rules of Court,

in so far as provision is not expressly made by this Law, or by the Civil Procedure Code, or by the Laws regulating Criminal Procedure.

The provisions of the Civil Procedure Code shall by such Rules be extended and adopted, in so far as they may be conveniently applicable, to regulate the practice and procedure of the Court in its several civil jurisdictions.

Such Rules, in so far as they relate to procedure and practice in criminal causes and matters, and to the regulating of the exercise of the Criminal Jurisdiction of the Court shall, in so far as they apply, be binding on all Courts and Justices exercising Criminal Jurisdiction in this Island.

Modification by Rules of existing provisions as to practice or procedure.

37—Where any provisions in respect of the practice or procedure of any Courts the jurisdiction of which is by this Law transferred to the Supreme Court are contained in any

Law of this Island, Rules of Court shall be made for modifying the application of such provisions to such extent as may be deemed necessary for adapting the same to the Supreme Court.

Any provisions relating to the payment, transfer or deposit into, or in or out of, any Court of any money or property, or to the dealing therewith, shall, for the purposes of this section, be deemed to be provisions relating to procedure and practice.

PROVISIONS REGULATING THE ADMINISTRATION
OF LAW AND EQUITY BY THE SUPREME COURT.

38—With respect to the concurrent administration of Law and Equity in civil causes and matters in the Supreme Court the following provisions shall apply :—

Provision as to
the concurrent
administration
of Law and
Equity.

- (1.) If a plaintiff or petitioner claims to be entitled to any equitable estate or right, or to relief upon any equitable ground against a deed, instrument or contract, or against a right, title or claim asserted by a defendant or respondent in such cause or matter, or to relief founded upon a legal right which before the passing of this Law could only have been given by a Court of Equity, the Court and every Judge thereof shall give him such and the same relief as ought to have been given by the Court of Chancery before the passing of this Law.
- (2.) If a defendant claims to be entitled to any equitable estate or right, or to relief upon any equitable ground against any deed instrument or contract, or against any right title or claim asserted by a plaintiff or petitioner in such cause or matter, or alleges any ground of equitable defence to any claim of a plaintiff or petitioner, the Court and every Judge thereof shall give to every equitable estate, right or ground of relief so claimed, and

to every equitable defence so alleged, the same effect, by way of defence against the claim of the plaintiff or petitioner, as ought to have been given by the Court of Chancery before the passing of this Law.

- (3.) The Court and every Judge thereof shall also have power to grant to a defendant in respect of any equitable estate or right, or other matter of equity, and also in respect of any legal estate right or title claimed or asserted by him, all such relief against any plaintiff or petitioner as he properly claims by his pleading, and as the Court or any Judge thereof might have granted in any suit instituted for that purpose by the same defendant against the same plaintiff or petitioner, and also all such relief relating to or connected with the original subject of the cause or matter and in like manner claimed against any other person, whether already a party to the same cause or matter or not, who has been duly served with notice in writing of such claim pursuant to any Rule of Court or any order of the Court, or might properly have been granted against such person if he had been made a defendant to a cause duly instituted by the same defendant for the like purpose; and every person served with any such notice shall thenceforth be deemed a party to such cause or matter with the same rights in respect to his defence against such claim as if he had been duly sued in the ordinary way by such defendant.
- (4.) The Court and every Judge thereof shall take notice of all equitable estates, titles and rights, and all equitable duties and liabilities, appearing incidentally in the course of any proceeding, in the same

way as the Court of Chancery would have done in any proceeding instituted therein before the passing of this Law.

- (5.) No proceeding at any time when pending in the Supreme Court shall be restrained by prohibition or injunction, but every matter of equity on which an injunction against the prosecution of such proceeding might have been obtained if this Law had not passed, either unconditionally or on any terms or conditions, may be relied on by way of defence thereto ; But nothing in this Law contained shall disable the Court from directing a stay of proceedings in any cause or matter pending before it if it think fit, and any person, whether a party or not to any such cause or matter, who would have been entitled, if this Law had not passed, to apply to any Court to restrain the prosecution thereof, or who may be entitled to enforce, by attachment or otherwise, any judgment, decree, rule or order, contrary to which all or any part of the proceedings in such cause or matter may have been taken, shall be at liberty to apply to the said Court, by motion in a summary way, for a stay of proceedings, either generally or so far as may be necessary for the purposes of justice, and the Court shall thereupon make such order as is just.
- (6.) Subject to the aforesaid provisions for giving effect to equitable rights and matters of equity, and to the other express provisions of this Law, the said Court and every Judge thereof shall give effect to all legal claims and demands, and all estates, titles, rights, duties, obligations and liabilities, existing by the common Law or by any custom, or created by any Statute or Law, in the same manner as the same would have been given effect

to if this Law had not passed by any of the Courts whose jurisdiction is hereby transferred to the Supreme Court.

- (7.) The Supreme Court in the exercise of the jurisdiction vested in it by this Law in every cause or matter pending before it shall grant, either absolutely or on such reasonable terms and conditions as to it seem just, all such remedies as any of the parties thereto appear to be entitled to in respect of any legal or equitable claim properly brought forward by them respectively in such cause or matter; so that, as far as possible, all matters so in controversy between the said parties respectively may be completely and finally determined, and multiplicity of proceedings avoided.

Provisions as to the administration of Law in special cases.

39—With respect to the Law to be administered by the Supreme Court, the following provisions shall apply, that is to say,

- (1.) In the administration by the Court of the assets of any person dying after the commencement of this Law, and whose estate may prove to be insufficient for the payment in full of his debts and liabilities, (and in the winding up of any company whose assets may prove to be insufficient for the payment of its debts and liabilities and the costs of winding up,) the same rules shall prevail and be observed as to the respective rights of secured and unsecured creditors, and as to debts and liabilities provable, and as to the valuation of annuities and future and contingent liabilities respectively, as may be in force for the time being under the Law of Bankruptcy with respect to the estates of persons adjudged bankrupt; and all persons who in any such case would be entitled to prove for and

receive dividends out of the estate of any such deceased person, (or out of the assets of any such company,) may come in under the decree or order for the administration of such estate (or under the winding up of such company,) and make such claims against the same as they may respectively be entitled to by virtue of this Law.

- (2.) No claim of a cestuique trust against his trustee for any property held on an express trust, or in respect of any breach of any such trust, shall be held to be barred by any Statute of Limitations.
- (3.) An estate for life without impeachment of waste shall not confer, or be deemed to have conferred, upon the tenant for life, any legal right to commit waste of the description known as equitable waste, unless an intention to confer such right expressly appears by the instrument creating such estate.
- (4.) There shall not after the commencement of this Law be any merger, by operation of Law only, of any estate the beneficial interest in which would not be deemed to be merged or extinguished in Equity.
- (5.) A mortgagor entitled for the time being to the possession or receipt of the rents and profits of any land as to which no notice of his intention to take possession, or to enter into the receipt of the rents and profits thereof, has been given by the mortgagee may sue for such possession, or for the recovery of such rents or profits, or to prevent or recover damages in respect of any trespass or other wrong relative thereto, in his own name only, unless the cause of action arises upon a lease or other contract made by him jointly with any other person.

- (6.) Any absolute assignment by writing under the hand of the assignor (not purporting to be by way of charge only) of any debt or other legal thing in action, of which express notice in writing has been given to the debtor, trustee, or other person from whom the assignor would have been entitled to receive or claim such debt or thing in action, shall be and be deemed to have been effectual in Law (subject to all equities which would have been entitled to priority over the right of the assignee if this Law had not passed) to pass and transfer the legal right to such debt or thing in action from the date of such notice, and all legal and other remedies for the same, and the power to give a good discharge for the same without the concurrence of the assignor :

Provided always that if the debtor, trustee, or other person liable in respect of such debt or thing in action, has had notice that such assignment is disputed by the assignor or any one claiming under him, or of any other opposing or conflicting claims to such debt or thing in action, he shall be entitled, if he thinks fit, to call upon the several persons making claim thereto to interplead concerning the same, or he may, if he thinks fit, pay the same into the Supreme Court under and in conformity with the provisions of the Acts for the relief of trustees.

- (7.) Stipulations in contracts, as to time or otherwise, which would not before the commencement of this Law have been deemed to be or to have become of the essence of such contracts in a Court of Equity, shall receive in all Courts the same construction and effect as they would have heretofore received in Equity.

- (8.) A mandamus or an injunction may be granted, or a receiver appointed, by an interlocutory order of the Court, in all cases in which it appears to the Court to be just or convenient that such order should be made; and any such order may be made either unconditionally or upon such terms and conditions as the Court thinks just, and if an injunction is asked either before or at or after the hearing of any cause or matter, to prevent any threatened or apprehended waste or trespass, such injunction may be granted if the Court thinks fit, whether the person against whom such injunction is sought is or is not in possession under any claim of title or otherwise, or (if out of possession) does or does not claim a right to do the act sought to be restrained under any colour of title, and whether the estates claimed by both or by either of the parties are legal or equitable.
- (9.) In questions relating to the custody and education of infants the rules of Equity shall prevail.
- (10.) Generally in all matters not hereinbefore particularly mentioned, in which there is any conflict or variance between the rules of Equity and the rules of Common Law with reference to the same matter, the rules of Equity shall prevail.

SPECIAL DISTRICT COURT JURISDICTION OF CERTAIN JUDGES OF THE SUPREME COURT.

40—*

41—*

42—*

43—*

44—*

*Repealed by section 2 of Law 43 of 1887.

COUNCIL OF JUDGES.

Council of
Judges to be
held annually.
Its functions.

45—A Council of the Judges of the Supreme Court shall assemble once at least in every year, on a day or days to be fixed by the Chief Justice, for the purpose of considering the operation of this Law, and of the Civil Procedure Code, and of the Laws regulating Criminal Procedure, and of the rules of Court for the time being in force, and also the working of the several offices, and the arrangements relative to the duties of the officers of the said Courts respectively, and of inquiring and examining into any defects which may appear to exist in the system of procedure or the administration of the Law in the Supreme Court, or in any Court from which appeal lies to it.

MISCELLANEOUS.

Payment of
salaries and ex-
penses.

46—All salaries of Judges and officers appointed by or under this Law, and all other expenses of carrying out this Law not otherwise provided for, shall be paid out of General Revenue.

Fees payable in
stamps.

47—All fees receivable in the Supreme Court under this Law, or under any Rules made pursuant to this Law, shall be payable in stamps, subject to the provisions of the Stamp Laws, as fully as if they were specified in the Schedule to Law 33 of 1868.

PART II.

SAVING AND TEMPORARY PROVISIONS.

Provisions as to
the present
Chief Justice
and Puisne
Judge.

48—The Chief Justice and the Puisne Judge of the Supreme Court of Judicature at the time of the commencement of this Law shall be respectively, without further or other appointment, the first Chief Justice of Jamaica and Senior Puisne Judge of the Supreme Court as established by this Law.

The Chief Justice and the Puisne Judge of the Supreme Court of Judicature at the time of the commencement of this Law shall not be prejudicially affected as to tenure of office, rank, travelling allowance, pension or any other rights, privileges or immunities; and, subject to the change effected in their jurisdiction by or in pursuance of this Law, each of them shall be capable of performing and liable to perform all duties which he would have been capable or liable to perform in pursuance of any Law or custom if this Law had not passed.

The Puisne Judge of the Supreme Court of Judicature at the time of the commencement of this Law shall not be required to perform the duties of a Judge of the City of Kingston Court under section 40 of this Law, but shall be eligible for such duties if he chooses to perform them.

For the purpose of determining the length of service entitling either of such Judges to a pension on his retirement, service as a Judge of the Supreme Court established by this Law shall be deemed to be a continuation of service in the Supreme Court of Judicature as constituted before the passing of this Law.

49—In all matters which have been fully heard and in which judgment has not been given, or having been given has not been perfected, at the time of the commencement of this Law, such judgment may be given or perfected after the commencement of this Law in the name of the same Court and in the same manner as if this Law had not passed, and shall take effect as if it had been duly perfected before the commencement of this Law; and every judgment of any Court whose jurisdiction is hereby transferred to the Supreme Court which has been duly perfected at any time before the commencement of this Law may be executed and enforced, and if necessary amended or discharged, by the Supreme Court in the same manner as if it had been a judgment of the said Court, and all matters whether civil or criminal which are pending in any of the Courts whose jurisdiction is so

As to pending
business.

transferred at the commencement of this Law, shall be continued and concluded in and before the Supreme Court, which shall have the same jurisdiction in relation thereto as if the same had been commenced in the said Court, and continued therein down to the point at which the transfer takes place; and, so far as relates to the form and manner of procedure, such causes, matters and proceedings, or any of them, may be continued and concluded, either in the same manner in which they would have been continued or concluded in the respective Courts from which they shall have been transferred as aforesaid, or according to the ordinary course of the Supreme Court, (so far as the same may be applicable thereto,) as the Supreme Court may think fit to direct.

Existing circuit arrangements temporarily continued.

50—Until provision is otherwise made under section 23, the Circuit Courts shall continue to be held in manner, and at the times and places, required by Law at the time of the commencement of this Law.

As to existing officers of the Courts; and provision as to officers, and the performance of their duties.

51—The Registrar and Clerk of the Courts and Crown, and the several Circuit Court Clerks, and the Crier of the Supreme Court, at the time of the commencement of this Law, shall be respectively the first Registrar of the Supreme Court, and the first Circuit Court Clerks, and the first Crier of the Supreme Court, under this Law, without further or other appointments.

Until a Bailiff of the Supreme Court is appointed, the duties of Bailiff in relation to the process of the Court shall be discharged by the officers by whom and in the manner in which the like duties were discharged before the commencement of this Law.

On the commencement of this Law the Deputy Keeper of the Records shall cease to be Clerk of the Court of Ordinary, and all Statutes in which mention is made of the Clerk of the Court of Ordinary, or of the Island Secretary in relation to duties to be performed by him as an officer of the Court of

Ordinary, shall be read, so far as relates to anything to be done after the commencement of this Law, as if the Registrar of the Supreme Court had been named therein instead of the Island Secretary, or the Clerk of the Court of Ordinary, as the case may be.

Except as in this section otherwise provided, and subject to the provisions of this Law, officers at the time of the commencement of this Law attached to any Court whose jurisdiction is hereby transferred, and persons at the time of the commencement of this Law engaged in any ministerial duties connected with any Court whose jurisdiction is hereby transferred, shall on the commencement of this Law be attached to the Supreme Court of Judicature, subject to the provisions of this Law, on the same terms, and with the same salaries and title to pension, as if this Law had not passed.

The business to be performed in the Court shall be distributed among the officers so attached to the Court by this section in such manner as may be directed by this Law and Rules of Court, and until such Rules are in force by this Law and in such manner as may be directed by the Chief Justice.

52—Nothing in this Law shall prejudice any right existing at the commencement of this Law to prosecute any appeal pending, or any appeal in any cause or matter pending, at the time of the commencement of this Law.

Appeals in matters pending.

53—The division of the legal year into terms shall be abolished so far as relates to the administration of justice, or to the sittings of the Courts, but in all other cases in which under the Law existing at the time of the commencement of this Law the terms of the legal year are used as a measure for determining the time at or within which any act is required to be done, they may continue to be referred to for the same purpose, until some other system of computation has been provided by Rules of Court.

Abolition of terms as a measure of time.

Existing fees and Rules of Court temporarily continued.

54—Until other provisions are made by Rules of Court, fees chargeable at the time of the commencement of this Law in relation to business in the Courts whose jurisdiction is by this Law transferred shall continue to be chargeable in relation to business of a like kind in the Supreme Court.

Subject to the provisions of this Law, all Rules and Orders of Court which at the commencement of this Law were in force in any of the Courts whose jurisdiction is hereby transferred, and which are not inconsistent with and are not superseded by the provisions of this Law, or of the Civil Procedure Code, or of the Laws regulating Criminal Procedure, or of any Rules of Court to be made under this Law, may continue to be used in the like cases and for the like purposes as those to which they were applicable in such Courts.

Provisions for making rules of Court before the commencement of this Law.

55—So soon as conveniently may be after the passing of this Law, the Chief Justice with the assistance of the Puisne Judge for the time being of the Supreme Court of Judicature and of any Puisne Judge of the Supreme Court to be established by this Law who may be appointed before the commencement of this Law, or of either of them, shall frame Rules for the purposes mentioned in section 36 of this Law, and such Rules when so framed shall be subject to the approval of the Governor in Privy Council, who may allow, disallow, alter or add to, such Rules or any of them; and such rules when so approved shall be deemed to be Rules of Court made and approved under the provisions of section 36 of this Law, and when published in the "Gazette" shall come into operation on the commencement of this Law.

Temporary provision till Rules made.

56—Until Rules of Court are made for the purposes mentioned in section 36, any of the matters which might be regulated by such Rules may be regulated by the special or general orders of the Chief Justice.

JAMAICA—LAW 25 OF 1879.

Judicature Laws—Repeal Law, 1879.

[24th May, 1879.]

WHEREAS it is expedient to repeal certain Acts and parts of Acts, and Laws and parts of Laws, making provision for matters for which better provision has been made by certain Laws called The Judicature Law, 1879, and the Civil Procedure Code, passed during the present Session :

Preamble.

Be it enacted by the Governor and Legislative Council of the Island of Jamaica, as follows :

1—This Law shall commence and come into operation on a day to be named by the Governor by Proclamation :

Commencement of this Law.

Provided that such day shall not be an earlier day than the day named for the commencement of the Judicature Law, 1879.

2—The Acts and Laws specified in the Schedule to this Law are hereby repealed from and after the commencement of this Law to the extent specified in the Schedule :

Repeal of Laws as per Schedule.

Provided that

- (1) This repeal shall not affect
 - (a) The past operation of any Enactment hereby repealed, nor
 - (b) Any right, privilege, obligation or liability, acquired, accrued or incurred, under any Enactment hereby repealed,
 - (c) The operation of any Enactment incorporating any Enactment hereby repealed in any Law regulating the Civil Procedure of District Courts.
- (2) This repeal shall not revive any right, office, matter or thing, not in force or existing at the time of the commencement of this Law.

Construction of
Enactments,
&c., referring to
Laws hereby
repealed.

3—Subject to the saving provision of section 2 as to Enactments relating to District Court Procedure, any Enactment or document referring to any Act or Law hereby repealed shall be construed to refer to the Judicature Law, 1879, and the Civil Procedure Code, or to the corresponding provisions therein.

SCHEDULE.

33 Charles 2, Chapter 23	...	Whole Act
10 Anne, Chapter 4	...	Whole Act
8 George 2, Chapter 5	...	Whole Act
24 George 2, Chapter 16	...	Whole Act
24 George 2, Chapter 19	...	Whole Act, except section 8
10 George 3, Chapter 1	...	Whole Act
11 George 3, Chapter 20	...	Whole Act
14 George 3, Chapter 28	...	Sections 15, 16
17 George 3, Chapter 16	...	Whole Act
21 George 3, Chapter 25	...	Whole Act
25 George 3, Chapter 10	...	Whole Act
32 George 3, Chapter 12	...	Whole Act
35 George 3, Chapter 24	...	Whole Act
38 George 3, Chapter 23	...	Whole Act
42 George 3, Chapter 26	...	Whole Act
43 George 3, Chapter 20	...	Whole Act
47 George 3, Chapter 13	...	Whole Act
51 George 3, Chapter 5	...	Whole Act
56 George 3, Chapter 23	...	Whole Act
57 George 3, Chapter 17	...	Whole Act
2 William 4, Chapter 10	...	Whole Act
5 William 4, Chapter 14	...	Whole Act
3 Victoria, Chapter 65	...	Whole Act
5 Victoria, Chapter 50	...	Whole Act
6 Victoria, Chapter 56	...	Whole Act
7 Victoria, Chapter 32	...	Whole Act
7 Victoria, Chapter 42	...	Whole Act

7 Victoria, Chapter 43	...	Whole Act
8 Victoria, Chapter 28	...	Whole Act, except Secs. 1, 15, 16, 17, 18 and 19
8 Victoria, Chapter 42	...	Whole Act
8 Victoria, Chapter 48	...	Whole Act, except sections 11 and 12
11 Victoria, Chapter 34	...	Whole Act
14 Victoria, Chapter 52	...	Whole Act
15 Victoria, Chapter 16	...	Whole Act
19 Victoria, Chapter 10	...	Whole Act, except section 19
19 Victoria, Chapter 31	...	Whole Act
20 Victoria, Chapter 19	...	[Section 1] *
23 Victoria, Chapter 15	...	Whole Act
27 Victoria, Session 1, Chapter 27	...	Whole Act
27 Victoria, Session 2, Chapter 3		Whole Act
28 Victoria, Chapter 14	...	Whole Act
28 Victoria, Chapter 36	...	Whole Act, except section 14
Law 12 of 1867	...	Whole Law
Law 26 of 1867	...	Whole Law
Law 24 of 1868	...	Whole Law
[Law 28 of 1868] †	...	[Whole Law] †
Law 13 of 1869	...	Whole Law
Law 25 of 1869	...	Whole Law, except sections 43 to 51; both inclusive, sec- tions 53, 56, 57, 62 to 66, both inclusive, 68 and 70
Law 41 of 1869	...	Whole Law
Law 43 of 1869	...	Whole Law
Law 2 of 1870	...	Whole Law, except section 10

* Words in brackets substituted by sec. 1 of Law 4 of 1880.

† Words in brackets added by sec. 1 of Law 4 of 1880.

LAW 25, 1879.

Law 28 of 1870	...	Whole Law
Law 2 of 1871	...	Whole Law
Law 12 of 1871	...	Whole Law
Law 20 of 1871	...	Whole Law, except section 2
Law 22 of 1871	...	Whole Law
Law 1 of 1872	...	Whole Law
Law 18 of 1872	...	Whole Law
Law 35 of 1872	...	sections 18 to 25, both inclusive
Law 41 of 1872	...	Whole Law, except sections 216 to 223, both inclusive, secs. 260, 261, 262, 269, 274 and 290
Law 18 of 1873	...	Whole Law.

 JAMAICA—LAW 26 OF 1879.

The Marriage Law Offences Law, 1879.*

[24th May, 1879.]

Preamble.

WHEREAS certain sections of the Criminal Code relating to offences against the Marriage Laws were incorporated by reference in the Marriage Law, 1879, but some time may elapse before the coming into operation of such Code, and it is necessary meanwhile to make temporary provision in lieu of such sections :

Be it enacted by the Governor and Legislative Council of the Island of Jamaica, as follows :

* Extended with qualifications by sec. 1 of Law 12 of 1885 to the Cayman Islands.

1—Whoever forges any Superintendent Registrar's certificate, or Marriage Officer's certificate, Forgery of Marriage certificate.

with intent to defraud or injure any person, or
with intent to defeat, obstruct, or pervert the course of
justice, or the due execution of the Law, or
with intent to evade the requirements of the Law, or
with intent to commit or facilitate the commission of any
other indictable offence,

shall be liable to imprisonment for two years.

2—Whoever intentionally and unlawfully falsifies, destroys, Tampering with Marriage Registers.
injures, removes or conceals, any public Register of Marriages, with intent to defeat, or obstruct or pervert, the course of justice, or to defraud or injure any person, shall be liable to penal servitude for seven years.

3—Whoever pretends to be or acts as a Marriage Officer Personation of Marriage Officer.
not being lawfully authorized to act as such officer, is guilty of a misdemeanor, unless he show that he so pretended or acted under a mistake of Law or of fact.

4—Every Marriage Officer who, being bound or authorized False official certificates or attestations.
as such officer to attest or certify, by writing or otherwise, any document or matter, or that an event has or has not happened, attests or certifies such document or matter knowing the same to be false in any material particular, or attests or certifies that such an event has happened or has not happened (as the case may be) without knowing or having reason to believe that the same has happened or has not happened (as the case may be) according to his attestation or certificate, shall be liable to imprisonment for two years.

5—Every Marriage Officer who unlawfully and intentionally Tampering of Marriage Officers with certificates or notices.
destroys, injures, falsifies or conceals, any notice or certificate which is in his possession, custody or control, or to which he has access by virtue of his office, shall be liable to imprisonment for two years.

False ceremony of Marriage.

6—Whoever being unmarried goes through the ceremony of Marriage with a person whom he knows to be married to another person is guilty of a misdemeanor, whether the other party to the ceremony has or has not such guilty knowledge as to be guilty of bigamy.

Fraudulent ceremony of Marriage with a party believing it valid.

7—Whoever goes through the ceremony of Marriage, or any ceremony which he represents to be a ceremony of Marriage, knowing that the Marriage is void on any ground and that the other person believes it to be valid, shall be liable to penal servitude for ten years.

Frauds by one party to a Marriage on the other.

8—Whoever personates any other person in Marriage, or marries under a false name or description, with intent to deceive the other party to the Marriage, shall be liable to penal servitude for ten years.

Fraudulent performance of ceremony when Marriage unlawful.

9—Whoever performs, or as a Marriage Officer witnesses, the ceremony of Marriage, knowing that he is not duly qualified to do so, or that any of the matters required by Law for the validity of such Marriage has not happened or been performed or that the Marriage is void or unlawful on any ground, shall be liable to penal servitude for seven years.

False certificates, documents, &c., for Marriage purposes.

10—Whoever in any declaration, certificate, license, document or statement, required by Law to be made or issued for the purposes of a Marriage, declares, enters, certifies or states, any material matter which is false, shall, if he do so without having taken reasonable means to ascertain the truth or falsity of such matter, be liable to imprisonment for one year, or shall, if he do so knowing that such matter is false, be liable to penal servitude for five years.

Fraudulently endeavouring to prevent a Marriage.

11—Whoever endeavours to prevent a Marriage by pretence that his consent thereto is required by Law, or that any person whose consent is so required does not consent, or that there is any legal impediment to the performing of such Marriage, shall, if he do so knowing that such pretence is

false or without having reason to believe that it is true, be liable to imprisonment for two years.

12—Liability to imprisonment or penal servitude for any specified period under the provisions of this Law includes liability to imprisonment or penal servitude, as the case may be, for any shorter period not being less than three years in case of penal servitude, and with or without hard labour in case of imprisonment.

Minimum limit
of punishment.

JAMAICA—LAW 27 OF 1879.

Summary Orders Procedure Law, 1879.*

[24th May, 1879].

JAMAICA—LAW 28 OF 1879.

A Law in Aid of the Administrator General's Law, 34 of 1873.

[24th May, 1879.]

WHEREAS it is expedient to place the Office of Administrator General under the more immediate control of the Supreme Court of Judicature, and to make better provision for the payment of such Office:

Preamble.

Be it enacted by the Governor and Legislative Council of the Island of Jamaica, as follows:

1—This Law shall commence and come into operation on a day to be named by the Governor by Proclamation:

Commence-
ment of this
Law.

* Omitted; Criminal Procedure Code having been repealed.

Provided that such day shall not be an earlier day than the day named for the commencement of the Judicature Law, 1879.

Law 34, secs. 3,
5, 7, 8, 9, 10,
and 49 amended.

2—On and after the commencement of this Law, and without prejudice to the past operation of Law 34 of 1873, Law 34 of 1873 shall be read as follows, that is to say ;

As if in section 3, for the words “the Governor in Privy Council” there were substituted the words “Rules of Court made under the provisions of section 36 of the Judicature Law, 1879;” and

As if in section 5, for the words “the sum of six thousand pounds” there were substituted the words “such sum as the Governor may require;” and

As if in section 7, next after the words “shall be in such place” there were inserted the words “in Kingston;” and at the end of the section there were added the words “the Administrator General shall be deemed to be an officer of, and an accounting party to, the Supreme Court of Judicature;” and

As if in section 8, for the words “it shall at all times be lawful for the Governor in Privy Council to prescribe” there were substituted the words “Rules of Court may from time to time be made under the provisions of section 36 of the Judicature Law, 1879, prescribing;” and

As if in sections 9 and 10, for the word “Governor” there were substituted the words “Supreme Court of Judicature;” and

As if in section 49, next after the words the “Administrator General shall be” there were inserted the words “paid a salary of three hundred pounds per annum and;” and for the words “such commission” there were substituted the words “such remuneration;” and at the end of the section there were added the words “all fees received by or for the Administrator General shall be paid over by him to the Treasury.”

JAMAICA—LAW 29 OF 1879.

The Pilot Law Amendment Law, 1879.

[24th May, 1879.]

WHEREAS it is expedient to alter the fees prescribed by the Pilotage Law, 1873, and otherwise to amend that Law : Preamble.

Be it enacted by the Governor and Legislative Council of the Island of Jamaica, as follows :

1—This Law and Law 35, of 1873 as hereby amended shall be read together as one Law. Law 35 of 1873 incorporated.

2—Sections 23, 24, 32 and 39 of Law 35 of 1873, and the Schedule of Fees to that Law annexed, are hereby repealed ; but such repeal shall not affect the consequences of any act or omission that has already taken place, nor any right liability or right of procedure, civil or criminal, nor any proceedings civil or criminal, commenced or to be commenced in respect of any such act or omission. Repeal of parts of Law 35 of 1873.

3—Any Pilot duly licensed for any district or part of a district of this Island who applies for a license for some other district or part of a district of this Island shall be required to undergo such examination only as may satisfy the Board as to his knowledge of, and competency to pilot vessels into and out of, such port or ports as may be within the district or part of a district in respect of which such application is made. As to licensed Pilots seeking qualification for other ports ; Examination therefor.

The fees payable for or in respect of such additional examination and the additional license shall be those set forth in Schedule A to this Law. Fees payable thereon.

In all other respects every such examination, and the certificate thereunder, and every additional license, shall be subject to the provisions of the Pilotage Law 1873 in respect of examination, certificate and licenses.

Pilot boats how
to be distin-
guished.

4—The side of every pilot boat shall be painted black, and the upper streak next to the gunwale white, and every pilot boat shall while afloat carry at the mast-head, or on a sprit or staff, or in some equally conspicuous situation, a blue flag with a white centre, commonly called the Blue Peter, of large dimensions proportioned to the size of the boat, which flag shall always be kept in a clean condition, so as to be easily discerned at a sufficient distance; and the boat shall also have the name of the Pilot thereof; and the number of his license, painted in broad black letters and figures at least six inches in length on the main or principal sail, and shall in all other respects be in conformity with the rules made under Law 35 of 1873.

Distinguishing
marks of pilot
boats prohibited
for other boats.

5—No boat not belonging to a Pilot, or not being in use by or intended exclusively for the use of a Pilot, shall be painted as pilot boats are hereby required to be painted, or shall carry such distinguishing flag as herein prescribed for pilot boats.

What vessels
need not take
pilots.

6—Pleasure yachts, droghiers engaged in the coasting trade, and ships' boats employed in transporting produce or other goods from one port or place in this Island to another port or place in this Island, shall not be required to take a Pilot on board, either when inward or outward bound.

Pilotage fees ac-
cording to
draught of
water.

7—Every Pilot entitled and duly offering his services to pilot a vessel not exempt from taking a Pilot shall be entitled to pilotage fees, according to the actual draught of water of the vessel, at the rates specified in the Schedule B to this Law, whether his services are accepted or refused.

In case of dispute as to the actual draught of water of a vessel, the same shall be forthwith referred to the Harbour Master whose decision shall be final.

8—The Pilot entitled to the pilotage of an inward bound vessel shall be entitled to the pilotage of the same vessel when outward bound, provided that in the case of a steamer he notifies to the captain or consignee thereof on its arrival, or within one hour thereafter, that he claims the same, and that he offers his services on board at least one hour before the time fixed for starting outwards, and in the case of any other vessel that he offers his services on board within two hours after the signal for a Pilot is hoisted thereon.

When pilot bringing a vessel in is entitled to the outward pilotage.

9—No vessel (except steamers requiring quick despatch, and except those exempted from all duty of taking a Pilot,) shall proceed to sea from any port or harbour of this Island without previously hoisting a signal for a Pilot, and keeping the same hoisted for at least four hours in the day time or until the services of a Pilot are earlier obtained, and when such signal is hoisted on board a vessel the master shall be bound if the Pilot who piloted the vessel inward does not offer his services on board within two hours after the hoisting of such signal to take the first other Pilot who offers his services on board.

Outward bound vessels to take Pilots. Signal to be hoisted for Pilot. What Pilot to be taken.

10—Any Pilot entitled or engaged to take pilotage charge of an outward bound vessel may require his pilotage fees to be lodged with the Harbour Master, or where there is no Harbour Master with the Collector or Chief Officer of Customs of the Port, before the vessel leaves port.*

Deposit of outward pilotage fees.

11—The following persons shall be guilty of offences against this Law, and shall be liable to the maximum penalties herein specified in respect of such offences :

Offences and penalties.

Every Pilot contravening any of the provisions of section 4 of this Law,—penalty five pounds.

* By section 2 of Law 19 of 1881, where Pilot has required his fees to be lodged with Harbour Master, or Collector, or Chief Officers of Customs, vessel not to be cleared unless fees are paid to officer making the clearance or Master produces certificate of payment of the fees under the hand of the Harbour Master,

LAW 29, 1879.

Every person in charge of a boat in respect of which the provisions of section 5 of this Law are contravened,—penalty five pounds.

Enforcement of penalties.

12—All penalties imposed for offences against the Pilotage Laws 1873 and 1879, or against rules made under those Laws or either of them, shall be recoverable on summary conviction before two Justices under the provisions of the Laws regulating summary prosecutions.

SCHEDULE A.

For each examination of a Licensed Pilot seeking further qualification	...	...	£0 15 0
For each License granted thereon	...	...	2 10 0
For each renewal of License	...	...	0 5 0

SCHEDULE B.

	Inward.			Outward.		
	£	s.	d.	£	s.	d.
Between beyond the Prescribed Distance and Kingston, not exceeding seven feet ...	2	5	0	1	8	0
For each additional foot, and part of a foot ...	0	6	0	0	4	0
Between beyond the Prescribed Distance and Port Royal, not exceeding seven feet ...	1	7	0	0	17	6
For every additional foot, and part of a foot ...	0	3	6	0	2	6
Between within the Prescribed Distance and Kingston or Port Royal, one-half of the above Fees respectively. The Prescribed Distance is between Cow Bay Point to the East, and Wreck Reef to the South						
Between Kingston and Port Royal, not exceeding seven feet ...	0	18	0	0	10	6
For each additional foot, and part of a foot ...	0	2	6	0	1	6
Into or out of Old Harbour, Falmouth or Saint Ann's Bay, not exceeding seven feet ...	2	5	0	1	8	0
For each additional foot, or part of a foot ...	0	6	0	0	4	0
Into or out of any other port, not exceeding seven feet ...	1	10	6	1	5	0
For each additional foot, and part of a foot ...	0	4	0	0	3	0

THE KINGSTON SAILORS' HOME LAW, 1879.

ARRANGEMENT OF CLAUSES.

1. Commencement of Law.
2. Definitions.
3. Establishment and objects of Kingston Sailors' Home.
4. Governing body of Home. A body corporate.
5. Constitution of Board of Directors.
6. Annual Meeting of Subscribers.
7. Power of Board to deal with property.
8. Grant in aid.
9. Superintendent of Home.
10. Rules.
11. Power of Board to deal with destitute Sailors.
12. Desertion from Home.
13. Lease vested in Board.
14. First inmates of Home.
15. Temporary provision until Board fully constituted.
16. First meeting and nomination of members of Board.

JAMAICA—LAW 30 OF 1873.

The Kingston Sailors' Home Law, 1879.

[27th May, 1879.]

Preamble.

WHEREAS it is expedient to establish a Sailors' Home, and to make provision for the management thereof:

Be it enacted by the Governor and Legislative Council of the Island of Jamaica, as follows :

Commencement of this Law.

1—This Law shall commence and come into operation on the first day of October 1879.

Definitions.

2—In this Law, except where the context otherwise requires, The term

“ Home ” means the Kingston Sailors' Home in this Law mentioned,

“Sailor” means and includes any man who has served in any capacity at sea, and any person who is admitted to the Home as a sailor,

“Subscriber” means and includes any person who has contributed a donation of not less than twenty pounds to the Home, or who has duly paid an annual subscription of not less than one pound to the Home, at the time and in the manner prescribed by rules to be made by the Board,

“Subscriptions” includes donations, gifts and collections, by corporations or private individuals.

3—There shall be established an Institution, to be called the Kingston Sailors’ Home, for the purpose of providing temporary board and lodging, upon reasonable terms and under proper supervision, for sailors out of employment.

Establishment and objects of the Home.

4—The Home shall be under the control and management of a governing body, hereinafter referred to as “The Board.”

Governing body of the Home, a Body Corporate.

The Board shall be a Body Corporate by the name of “The Board of Directors of the Kingston Sailors’ Home,” and by that name shall have a common seal, and may sue and be sued, and may acquire, hold and dispose of lands and other property for the purposes of the Home.

5—The Board shall consist of the Custos, the Collector of Customs and the Harbour Master, respectively of Kingston for the time being, and of four members who shall be from time to time appointed by the Governor on the recommendation of the subscribers to the Home.

Constitution of the Board of Directors.

The Custos of Kingston shall be the Chairman of the Board,
Three members of the Board shall form a quorum.

The Board shall once in each year summon a meeting of the subscribers to the Home to be held at the Home.

The subscribers to the Home personally present at such meeting may nominate four persons for appointment to the Board, and any such nomination agreed upon by a majority of members present shall be transmitted by the Chairman of the Board to the Governor, and shall be the recommendation mentioned in this Section.

If no nomination is made at such meeting the members of the Board previously appointed by the Governor shall remain in office.

If any vacancy occurs upon the Board the Governor may appoint some fit person to fill the vacancy pending a recommendation of the subscribers to the Home.

No act or proceeding of the Board shall be questioned on account of any vacancy upon the Board.

Annual meeting of subscribers, and annual report.

6—The Board shall prepare and lay before the annual meeting of the subscribers to the Home a report of its proceedings for the preceding year, including a complete statement of its financial position and of its accounts [duly audited, and such report shall be transmitted to the Governor, and shall be published in the "Gazette."

Power of the Board to acquire and deal with property.

7—The Board may acquire property, and may regulate, deal with and dispose of any property under its control, in such manner as it may deem conducive to the purposes of the Home.

Annual grants in aid.

8—There shall be placed on the estimates of public expenditure in each year, to be laid before the Legislative Council, a proposal for a grant to be appropriated to the purposes of the Home, of a sum equal to double the total amount of subscriptions paid to the Home during the preceding year.

Superintendent and other officers of the Home.

9—The Board may from time to time appoint, or remove, a fit person to be the Superintendent of the Home, and may allow him reasonable remuneration out of the funds at its

disposal, and may delegate to such person so much of its authority for the management of the Home as it thinks fit, but the Superintendent shall not have power to make rules.

The Board may also in like manner appoint and remove and remunerate such officers and other persons as it may deem expedient for the purposes of the Home.

10—The Board may from time to time make rules for the conduct of its business, and for regulating the holding and manner of conducting the annual meeting of subscribers, and the conduct of business thereat, and the time and manner of paying subscriptions, and for the government and management of the Home, and of the officers and inmates thereof, and for regulating the terms of admission to the Home, and for establishing penalties for the violation of such rules, not to exceed five pounds, to be recoverable, in default of payment, on summary conviction before two Justices :

Power to make rules.

Provided that all rules enforceable by penalties under this section shall be subject to the approval of the Governor in Privy Council.

11—When an inmate of the Home is destitute, and likely to become a permanent burden to the Home, and is not entitled to be sent home under the regulations of the Board of Trade of England, or in case of a foreigner by his Consul, it shall be lawful for the Board in its discretion to send him to his native country at the expense of the Home.

Power to deal with destitute inmates of Home.

12—Every sailor who being indebted to the Home absents himself therefrom for upwards of twelve hours without the leave of the Superintendent, or for one hour after leave has expired, shall be deemed to be a deserter from the Home, and shall be liable to a penalty not exceeding two pounds.

Deserters from the Home, and power to arrest and punish them.

Every deserter may be apprehended at any place within this Island, without warrant, either by the Superintendent or by any Constable.

Any Superintendent of the Home arresting or causing to be arrested any person under this section on improper or insufficient grounds shall be liable to a penalty not exceeding five pounds.

Any person who knowingly harbours a deserter, or who assists or induces any sailor to desert from the Home, shall be liable to a penalty not exceeding ten pounds.

Penalties under this section shall be recoverable on summary conviction before two Justices.

Lease of premises used as a Home vested in the Board.

13—The premises used as a Sailors' Home in Kingston at the time of the passing of this Law are hereby vested in the Board and its successors, for the period and subject to the provisions mentioned in the lease under which they are held by the Honorable Henry John Kemble, the Reverend Enos Nuttall, John Charles Peynado and Ernst Carl Corty, at the time of the passing of this Law.

First inmates of the Home.

14—Sailors actually inmates of the Institution used as a Sailors' Home in Kingston at the time of the commencement of this Law shall, on the commencement of this Law, be deemed to be inmates duly admitted into the Kingston Sailors' Home as established by this Law, and subject to the provisions of this Law.

How powers, &c., of the Board to be exercised before the Board is fully constituted.

15—Until a recommendation has been made to the Governor under the provisions of section 5 or section 16 of this Law, the powers, rights and duties of the Board under this Law may be exercised enjoyed and discharged jointly by the Custos, the Collector of Customs and the Harbour Master, respectively of Kingston, for the time being.

First annual meeting of subscribers.

16—The Board shall, as soon as conveniently may be after the commencement of this Law, summon a meeting of all persons who are subscribers to the Institution used as a Sailors' Home in Kingston at the time of the commencement of this Law, and such meeting shall be deemed to be the first annual

meeting of subscribers to the Home under the provisions of section 5 of this Law, and the recommendation of such meeting shall be deemed for the purpose of appointment of members of the Board to be a recommendation within the meaning of section 5 of this Law :

Provided that section 6 of this Law shall not apply in relation to such meeting.

JAMAICA—LAW 31 OF 1879.

A Law to allow Abraham Mallory Dillet, Esquire, Barrister at Law, to practise as an Attorney in all the Courts of this Island.*

[28th May, 1879.]

JAMAICA—LAW 32 OF 1879.

A Law to confirm and carry into effect certain Articles of Agreement for the Purchase by the Government of this Island of the Jamaica Railway, and the Property of the Jamaica Railway Company.†

[7th June, 1879.]

* Omitted as spent.

† Repealed by sec. 168 of Law 12 of 1889.

THE BANKRUPTCY LAW 1879.

ARRANGEMENT OF CLAUSES.

Preliminary.

1. Commencement of Law.
2. Repeals.
3. Incorporation of Law 17 of 1877.
4. Definitions.

OFFICERS IN BANKRUPTCY.

As to Offices abolished.

5. Controller in Bankruptcy. Official Trustees.

As to Offices created.

6. Trustees in Bankruptcy.
7. Provisions relating to Trustee in Bankruptcy.

OF PROCEEDINGS ON A BANKRUPTCY PETITION.

As to who may present a Petition, and on what grounds.

8. Grounds of Petition by Creditor.
9. Debtor's Petition.

As to verification of the allegations of a Petition.

10. Affidavit to accompany Creditor's Petition.
11. Statement to accompany Debtor's Petition.

Appointment of Receiver.

12. Appointment of Receiver,—his powers and duties.

As to parties to proceedings under a Petition,—Companies, partners, firms.

13. Company's Petition by agent.
14. Partner's Petition for firm.
15. Special provisions as to incorporated associations.

As to consolidating, staying, adjourning, continuing and dismissing, proceedings under a Petition.

16. Consolidating separate Petitions against partners.
17. Consolidating several Petitions against one person.
18. Staying proceedings.
19. Adjourning and dismissing Petition.
20. Substitution of other Petitioners in cases of delay.
21. Continuation of Petition in case of death of Debtor.

Provisional Order.

22. No notice of Petition to be served.
23. Provisional Order—when made.
24. Service of Provisional Order.
25. Revocation of Provisional Order.
26. Notice to Debtor to file statement of affairs.
27. Absolute Order for Bankruptcy.
28. Provisional Order to operate as stay of certain proceedings.
29. Provisional Order relates back.
30. Property of Debtor divisible on Provisional Order.
31. Debtor's property to vest in Trustee on Provisional Order.
32. Debtor to assist in realization of his property.
33. Debtor punishable for contempt of Court.

Meeting of Creditors: Resolutions.

34. Meeting of Creditors to be summoned.
35. Right of voting at meeting of Creditors.
36. Trustee to attend meeting.
37. Resolutions of meeting.
38. Report of meeting.
39. Resolution for Deed of Arrangement.
40. Resolution for Absolute Order for Bankruptcy : no Resolution.

Proceedings under an Order for a Deed of Arrangement.

41. Provisions relating to Deed of Arrangement.
42. Consideration of Deed by Court.
43. Proceeding when Deed is not confirmed.
44. Proceeding where Deed is confirmed.
45. Confirmation of Deed conclusive as to validity of Deed.
46. Effect of Deed.
47. Discharge of Debtor after Deed confirmed.
48. Deed to be void in certain cases : consequences thereof.
49. Saving provisions as to partnership.
50. Arrangement with joint Creditors : assent of separate Creditors.
51. Arrangement procured by fraud : liability of Debtor.
52. Rights against persons other than Debtor not affected by Arrangement.
53. Proceedings on confirmation of a Deed.

Proceedings under an Absolute Order for Bankruptcy.

54. Of sitting of Court for examination of Debtor.
55. Debtor punishable for not keeping business books.
56. Debtor punishable in case of reckless Bankruptcy.
57. Administration of Debtor's estate after Absolute Order.

OF THE DISCHARGE OF A BANKRUPT.

As to the granting of a Discharge.

- 58. Application for Discharge.
- 59. Opposition to Discharge.
- 60. Determination as to Discharge.
- 61. Conditions of Discharge.

As to the effect of an Order of Discharge.

- 62. Order of Discharge : how far it releases Debtor.
- 63. Order of Discharge : effect of as to partner of Debtor.
- 64. Order of Discharge : Evidence : Pleading.

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Duties and Powers of the Trustee.

- 65. Trustee to administer estate for benefit of Creditors.
- 66. Trustee to take possession of Debtor's property.
- 67. Trustee to discover and recover debts.
- 68. Trustee to examine books.
- 69. Trustee's power to sell.
- 70. Trustee's power to carry on trade of Debtor.
- 71. Trustee to bring and defend actions
- 72. Trustee to prove for debts due to Debtor.
- 73. Trustee : powers to refer to arbitration and compromise Debtor's claims.
- 74. Compromise of claims against Debtor.
- 75. Compromise of claims as to Debtor's property.
- 76. Trustee may execute deeds, and exercise discretion.
- 77. Trustee's power over property held by Debtor as tenant in tail.
- 78. Proof of debts.
- 79. Trustee to account to Court.
- 80. Trustee may apply for directions to Court.
- 81. Protection of Trustee acting under direction of Court.
- 82. Trustee to keep books.
- 83. Trustee to pay in moneys to Government Savings Bank.
- 84. Trustee to pay all moneys into Court after two years.
- 85. Trustee to submit statements as to estate administered under Petition.
- 86. Audit of Trustee's accounts.

Control of the Court over the Trustee.

- 87. Court to hold Trustee responsible for administration of Debtor's estate.
- 88. Court may examine Trustee.
- 89. Application to Court to control Trustee.
- 90. Appeal to Court against Trustee.
- 91. Trustee's power to act for Debtor in certain contingencies.

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General provisions as to property of Debtor.

92. What is comprised in property of Debtor.

Special provisions as to certain kinds of property of Debtor.

- 93. Salary, pension allowance, payable by Government.
- 94. Salary or income from private sources.
- 95. Delivery to Trustee of moneys and securities.
- 96. Stocks and shares.
- 97. Property burdened with onerous covenants: unprofitable contracts:
Disclaimer thereof.
- 98. Disclaimer by Trustee limited.

Special provisions as to the benefit of transactions affecting the Debtor and his property.

- 99. Voluntary settlements.
- 100. Fraudulent preferences.
- 101. Preferential trusts in favour of a Creditor.
- 102. Vacating of Deeds to be entered on Record thereof.
- 103. Executions upon judgments.
- 104. Goods taken in execution.
- 105. Executions and attachments.
- 106. Distress for rent.
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Debts provable against the Debtor's estate.

- 108. Unliquidated debts, and debts after notice of Act of Bankruptcy.
- 109. Estimate of debts and liabilities.
- 110. "Liability" defined.
- 111. Interest of debts.
- 112. Debts of secured creditors.
- 113. Proof in respect of distinct contracts.
- 114. Set off.
- 115. Landlord's rent.
- 116. Proof in case of rent and periodical payment.

Distribution of assets and Dividends.

- 117. Notice of Dividend.
- 118. Provision for Creditors residing at a distance.
- 119. Right of Creditor who has not proved debt before declaration of Dividend.
- 120. Final Dividend.
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Rules as to priority of payment.

- 122. Preferential debts.
- 123. Creditors of a Debtor's partnership.

As to payments to the Debtor.

- 124. Allowance for family support.
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SUPPLEMENTAL PROVISIONS.

As to joint Debtors.

- 126. Petition against Partners or joint Debtors.
- 127. Power to dismiss Petition against some respondents only.
- 128. Provisional Order against partners : extended to separate estates.
- 129. Joint Creditors of a Debtor partner.
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- 132. Provisional order in case of absent or lunatic member of a firm.

As to discovery of Debtor's property.

- 133. Power of Court to summon persons in reference to property of Debtor.
- 134. Examination of parties by Court.
- 135. Order of Court for payment of amount admitted on examination.
- 136. Seizure of property of Debtor.
- 137. Arrest of Debtor under certain circumstances.
- 138. Post letters addressed to Debtor.

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- 139. Certified copies of Trustee's books, or entries therein.
- 140. Trustee's signature.
- 141. Proceedings in Bankruptcy: Evidence of.
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- 144. Service of document.
- 145. Notice of action against Trustee.
- 146. Certain instruments exempted from stamp duty.
- 147. Irregularities not to invalidate proceedings.
- 148. Assignee of chose in action of Debtor may bring or defend action.

As to apprenticeship.

149. Preferential claim in case of apprenticeship.

Application of Bankruptcy Law in case of Married Women.

150. Married woman to have benefit of this Law in certain cases.

As to annulling or revoking of Orders in Bankruptcy.

151. Power of Court to annul or revoke Orders : Evidence.

152. Effect of revocation of a Provisional Order.

FRAUDULENT BANKRUPTCY.

Crimes against Bankruptcy Law.

153. Crimes against Bankruptcy Laws; not to be tried in District Court.

JAMAICA—LAW 33 OF 1879.

The Bankruptcy Law, 1879.*

[9th July, 1879.]

WHEREAS it is expedient to amend the Law relating to Bankruptcy : Preamble.

Be it enacted by the Governor and Legislative Council of Jamaica, as follows :

PRELIMINARY.

1—This Law shall commence and come into operation on a day to be notified by the Governor by Proclamation, hereinafter called the commencement of this Law. Commencement of this Law.

2—The Laws specified in the Schedule to this Law are hereby repealed, from and after the commencement of this Law, to the extent specified in the second column to that Schedule; but this repeal shall not affect the past operation Repeal clause.

* Law 21 of 1882, by its 4th section, incorporated with this Law, also Law 11 of 1888 by its 13th section.

of such Laws, or the validity or invalidity of any thing done or suffered before the commencement of this Law, or any right, title, obligation or liability, accrued or to accrue before or after the commencement of this Law by or under the said repealed Laws; nor shall such repeal interfere with the prosecution or affect the course of any proceeding under or in relation to any adjudication of Bankruptcy made or resolution registered, or order made, or petition presented or thing done under such Law before the commencement of this Law, or affect any of the incidents or consequences of any such adjudication, resolution, order, petition or thing, or the jurisdiction or authority of any Court or Officer in relation thereto, nor shall such repeal affect any proceedings to be taken under this Law upon any act of Bankruptcy or Petitioning Creditors debt which was committed or incurred before the commencement of this Law; nor shall this Law interfere with the institution or prosecution of any proceeding in respect of any offence committed against or any penalty or forfeiture incurred under the said Enactments hereby repealed.

Law 17 of 1837
incorporated.

3—This Law shall be construed as one with Law 17 of 1877.

Definitions.

4—In this Law, unless the context otherwise requires, the expression

“Creditors” includes any two or more persons to whom a debt is owing jointly, and also incorporated joint stock companies;

“Person” includes a Body Corporate and a firm;

“Bankruptcy Petition” or “Petition” means a petition praying that the affairs of the Debtor may be wound up, and his property administered, under the provisions of the Law of Bankruptcy;

- “Trustee” means the Trustee in Bankruptcy as in this Law hereafter mentioned, whether acting as Receiver or Trustee ;
- “The Court” means the Court exercising jurisdiction in Bankruptcy ;
- “Prescribed” means prescribed by Rules of Court ;
- “ Rules of Court” means such Rules and Orders of Court in relation to Bankruptcy proceedings as are in force under the provisions of the Bankruptcy Laws for the time being, or as may be made pursuant to the Judicature Law, 1879 ;
- “ Property” means and includes money, goods, things in action, land, and every description of property real or personal, also obligations, easements, and every description of estate, interest and profit, present or future, vested or contingent, arising out of or incident to property as above defined ;
- “ Secured Creditor” means any person holding a mortgage charge or lien upon the property of the Debtor as security for a debt due to him from such Debtor ;
- “ Deed of arrangement” means a deed or instrument providing by way of trust, inspectorship or otherwise, for the distribution of all or part of the property of a Debtor among all his Creditors, and for the payment of a composition to all his Creditors out of his property or otherwise.

OFFICERS IN BANKRUPTCY.

AS TO OFFICES ABOLISHED—CONTROLLER IN BANKRUPTCY—
OFFICIAL TRUSTEE.

5—The offices of Controller in Bankruptcy and of Official Trustee are hereby abolished from and after the commencement of this Law.

Controller in
Bankruptcy and
Official Trustee
abolished.

Provisions as to
pending pro-
ceedings.

Where under the saving provisions of section 2 of this Law proceedings pending at the time of the commencement of this Law are continued, the Court shall make such provision for the discharge of the functions of Controller in Bankruptcy in relation to such proceedings as it thinks fit.

Provided that immediately after the appointment of a Trustee in Bankruptcy under this Law all proceedings in Bankruptcy in the Supreme Court wherein the Registrar of the Supreme Court has been the Official Trustee shall be transferred to the Trustee in Bankruptcy in the Supreme Court under this Law; and the Official Trustee shall deliver over to such in Trustee Bankruptcy all property of the Bankrupt, and all books papers and documents relating to such Bankruptcies, and shall also deliver over or transfer to such Trustee in Bankruptcy all moneys in his hand, or in the Government Savings Bank, to the credit of any such Bankruptcy.

Upon the transfer and delivery over as aforesaid the Official Trustee shall be entitled to receive commission at the rate of two and a half per cent. upon such moneys as he has actually realized, and the Trustee in Bankruptcy shall be entitled to a like commission of two and a half per cent on the distribution of the said moneys among the several Creditors entitled thereto:—Provided that such delivery and transfer shall not take place otherwise than subject to the approval of the Court.

AS TO NEW OFFICES CREATED—TRUSTEE IN BANKRUPTCY.

Trustee in
Bankruptcy.

6—There shall be attached to the Courts exercising Bankruptcy Jurisdiction certain Officers to be called “Trustees in Bankruptcy,” who shall administer the estates of Debtors in Bankruptcy subject to the provisions of this Law.

In the Supreme
Court.

The Administrator General or person lawfully acting as such for the time being shall be ex officio the Trustee in Bankruptcy in the Supreme Court.

The District Court Clerks of the several District Courts shall be ex officio the Trustees in Bankruptcy in their respective Courts.

In the District Courts.

7—A Trustee in Bankruptcy may, on such terms as to remuneration and otherwise as may be prescribed, and with the approval of the Court appoint a proper person to act as his agent in respect of any estate vested in or administered by him under this Law, or in respect of any part of the business thereof.

Trustee in Bankruptcy : his power to appoint agents.

No change of the Trustee shall affect any estate or Trust vested in or administered by the Trustee, but such estates and trusts shall vest in or be administered by the succeeding Trustee, who shall hold the same position with regard to such estates and trusts as the former Trustee held.

Effect of change in Trustee.

No proceedings pending on a change of the person holding the office of Trustee shall be affected by such change, but may be continued by and against the succeeding Trustee without suggestion, revival, or other similar proceeding.

The Trustee in Bankruptcy in the Supreme Court shall be paid a salary of three hundred pounds per annum, and such Trustee and all Trustees in Bankruptcy shall be entitled to a commission of five per cent. on all dividends* of any estate or trust paid by them in the administration of a Bankrupt's estate under an absolute order for Bankruptcy under this Law, and a commission of one per cent † on all dividends of any estate or trust paid by them (or sanctioned by the Court) in the administration of a Debtor's estate under a deed of arrangement under this Law.

His remuneration.

Such remuneration shall be for the time and responsibility of the Trustee in the general administration of the estate or trust, and the estate or trust shall not be subject to any other

* For explanation of word "dividends", see section 1 of Law 21 of 1882.

† Raised to five per cent by section 2 of Law 21 of 1882.

charge in respect thereof, but any expenses in respect of any other matters, including travelling expenses relating to any estate or trust, may be charged against the estate or trust in such manner and to such extent as may be prescribed or specially sanctioned or allowed by the Court.

His office.

The Trustee in Bankruptcy in the Supreme Court shall have an office in Kingston.

The Trustee shall pay all expenses of his office, clerks and books, and all auctioneer's fees and charges, and other similar expenses.*

OF PROCEEDINGS ON A BANKRUPTCY PETITION.

AS TO WHO MAY PRESENT A PETITION AND ON WHAT GROUNDS.

Who may be
Petitioning Cre-
ditors, and what
are Acts of
Bankruptcy.

8—A single Creditor or two or more Creditors, if the debt owing to such single Creditor or the aggregate amount of debts owing to such several Creditors from any Debtor amounts to a sum of not less than [twenty pounds]† may present a Bankruptcy Petition to the Court against a Debtor, alleging as the grounds of the Petition any one or more of the following acts or defaults, in this Law deemed to be and included under the expression “ Acts of Bankruptcy ” :—

- (1) That the Debtor has, in Jamaica or elsewhere, made a conveyance or assignment of his property to a trustee or trustees for the benefit of his Creditors generally, or has executed any other instrument whereby his property is made available for general distribution amongst his Creditors ;
- (2) That the Debtor has, in Jamaica or elsewhere, made a fraudulent conveyance, gift, delivery or transfer, of his property or any part thereof ;

*Amended by section 3 of Law 21 of 1882 by allowing Trustee to recover Auctioneer's fees and other expenses.

† Words in brackets substituted by section 9 of Law 11 of 1888.

- (3) That the Debtor has, with intent to defeat or delay his Creditors, done any of the following things, namely, departed out of Jamaica, or being out of Jamaica remained out of Jamaica, or departed from his dwelling house, or otherwise absented himself, or begun to keep house, or begun to sell his stock in trade at an undervalue;
- (4) That the Debtor has by any act declared himself unable to meet his engagements;
- (5) That the Debtor has presented a Bankruptcy Petition against himself;
- (6) That execution issued in Jamaica against the Debtor on any legal process for the obtaining payment of any sum of money has been levied by seizure and sale of his goods, or enforced by delivery of his goods;
- (7) That the Creditor presenting the Petition has served on the Debtor a writ in an action in the Supreme Court wherein the Creditor claims payment of a liquidated sum amounting to not less than fifty pounds, and has also served on the Debtor in Jamaica in the prescribed manner, at or at any time after the date of the service of the writ, a Bankruptcy Notice in writing, in the prescribed form, requiring him to pay the amount endorsed upon such writ, and the Debtor has not within seven days after the service of such notice paid the amount due to the Creditor, or secured or compounded for the same to the satisfaction of the Creditor, provided that no Bankruptcy Petition shall be presented on the ground of such last mentioned Act of Bankruptcy unless the Creditor has obtained final judgment in the action for not less than fifty pounds within three months from the service of the writ;

- (8) That the Creditor presenting the Petition has obtained final judgment against the Debtor in an action in the Supreme Court, or in a District Court, for a sum of not less than fifty pounds, and has served on the Debtor in Jamaica a Bankruptcy Notice in writing, in the prescribed manner and form, requiring him to pay the amount for which such judgment has been obtained, and the Debtor has not within seven days after the service of such Notice paid such amount, or secured or compounded for the same to the satisfaction of the Creditor ;
- (9) That the Creditor presenting the Petition, having a demand against the Debtor of not less than fifty pounds upon a negotiable security for money upon which the Debtor was primarily liable, and upon which payment was at least fourteen days overdue, served on the Debtor in Jamaica a Bankruptcy Notice in writing, in the prescribed manner and form, requiring him to pay the amount of such debt, and that the Debtor has not within seven days after the service of such Notice paid such amount, or secured or compounded for the same to the satisfaction of the Creditor ;
- (10) That the Debtor has paid money to or given or delivered any satisfaction or security for the debt of a petitioning Creditor, or any part thereof, after such Creditor has presented a Bankruptcy Petition against him :

Provided,

- (a) That the alleged Act of Bankruptcy must have occurred within six months before the presentation of the Petition ;

(b) That the debt of the Petitioning Creditor must be a liquidated sum due or growing due at Law or in Equity, and must not be a secured debt unless the Petitioner state in his Petition that he will be ready to give up such security for the benefit of the Creditors in the event of a Provisional Order being made, or unless the Petitioner give an estimate of the value of the security, in which latter case he may be admitted as a Petitioning Creditor to the extent of the balance of the debt due to him after deducting the value so estimated, but he shall, on an application being made in the course of the proceedings within the prescribed time by any person interested, give up his security to be dealt with as part of the property of the Debtor for the benefit of the Creditors upon payment of such estimated value.

9—A debtor may present a Bankruptcy Petition against himself without alleging any grounds. Debtor's Petition.

AS TO THE VERIFICATION OF THE ALLEGATIONS OF A PETITION.

10—Every Petition presented by a Creditor shall be accompanied by an affidavit of the Petitioner in the prescribed form verifying the statements contained in such Petition. Creditor's petition, how to be verified.

11—Every Petition presented by a Debtor shall be accompanied by a statement verified in the prescribed manner of the Debtor's property, and of his debts and liabilities, and of his Creditors, and of the value and dates of the securities held by them, and of the dates when such securities were actually given, together with a general statement of the profits losses and expenses of any business in which he may have been engaged during the twelve months preceding the presentation of the Petition, and a memorandum explanatory of the causes of his Insolvency. Debtor's Petition, what statement to accompany same.

APPOINTMENT OF RECEIVER.

Appointment of Receiver ; his powers and duties.

12—At any time after a Petition has been filed the Court may order that the Trustee become the Receiver or Manager of the property or business of the Debtor, or of any part thereof, and the Trustee shall thereon enter upon and act in the performance of his Office in relation to such property or business at such time, and in such manner and to such extent, as the Court may from time to time direct, and if directed by the Court, and so far as the nature of the case will admit, do anything which might be done by a Trustee after an Absolute Order for Bankruptcy under this Law, and shall, in relation to and for the purpose of acquiring or retaining possession of the property of the Debtor, and in addition to any powers given to him by this Law, be in the same position in all respects as if he were a Receiver appointed by the Court of Chancery, and the Court may on his application enforce such acquisition and retention accordingly.

AS TO PARTIES TO PROCEEDINGS UNDER A PETITION :—COMPANIES, PARTNERS, FIRMS.

Companies may proceed by agent.

13—A company, or other body incorporated or authorized to sue, may present a Petition and act in any proceedings thereon by an agent duly authorized on its behalf.

Firms may be named by their style.

14—Any two or more persons being partners may take proceedings or be proceeded against under this Law in the name of their firm, but in such case the Court may, on application by any person interested, order the names of the persons who are partners in such firm to be disclosed in such manner, and verified on oath or otherwise, as the Court may direct.

Special provision as to certain Companies.

15—A Provisional Order or Deed of Arrangement under this Law shall not be made against or by any partnership association or company corporate or registered under the Act 27 Victoria, Session 2, Chapter 4.

AS TO CONSOLIDATING, STAYING, ADJOURNING, CONTINUING AND
DISMISSING, PROCEEDINGS UNDER A PETITION.

16—Where a Petition is presented against a member of a partnership whilst Bankruptcy proceedings are pending on a Petition against another member of the same partnership, the Court may give such directions for consolidating the proceedings under the Petitions as it thinks just.

Consolidating
Petitions
against partners
separately.

17—Where two or more Bankruptcy Petitions are presented against the same Debtor or against joint Debtors, the Court may consolidate the proceedings, or any of them, upon such terms as the Court thinks fit.

Consolidating
Petitions
against same
Debtor.

18—The Court may at any time for sufficient reasons make an order staying proceedings under a Petition, either altogether or for a limited time, on such terms and subject to such conditions as the Court thinks just.

Staying pro-
ceedings.

19—The Court may adjourn any Petition, either conditionally or unconditionally, for the procurement of further evidence or for any other just cause, or may dismiss the Petition with or without costs as it thinks just.

Adjourning and
dismissing Peti-
tions.

20—Where a Petitioner does not proceed with due diligence on his Petition, the Court may substitute as Petitioner any other Creditor to whom the Debtor may be indebted in the amount required by this Law in the case of a Petitioning Creditor.

Substitution of
other creditor
as Petitioner in
case of delay.

21—When a Debtor by whom a Petition has been presented or against whom a Provisional Order has been made dies, the proceedings shall be continued as if he were alive.

Proceedings
continued
though Debtor
dies.

PROVISIONAL ORDER.

22—It shall not be necessary to serve a Petition or any notice thereof on the Debtor.

Notice of Peti-
tion need not
be served.

23—As soon as may be after the presentation of a Petition the Court, if satisfied by *exparte* evidence or otherwise,

Provisional Or-
der, when to be
made.

(a.) In the case of a Creditor's petition, of the Petitioning Creditor's debt and of the Act or of one of the Acts of Bankruptcy alleged, or

(b.) In the case of a Debtor's own Petition, that the Debtor has duly filed the statement required under section 11 of this Law,

Shall make on the Petition an order, in this Law referred to as a "Provisional Order," that the affairs of the Debtor shall be wound up and his property administered under the Law of Bankruptcy.

Service of Provisional Order.

24—Where a Provisional Order is made on a Creditor's Petition, a copy of the Order shall be served on the Debtor in the prescribed manner, together with a notice that within a specified number of days the Debtor may show cause why the Provisional Order should be revoked.

Where the Provisional Order is made on the Debtor's own Petition it shall not be necessary to give such notice.

Revocation of Provisional Order.

25—If the Debtor within the time appointed shows to the satisfaction of the Court that either the proof of the Petitioning Creditor's debt, or of the Act of Bankruptcy, is insufficient, and if upon such showing no other sufficient Petitioning Creditor's debt or Act of Bankruptcy is proved, or if any ground is shown to exist which would render the making of a Provisional Order inequitable, the Court shall revoke the Provisional Order, and unless it sees good cause to the contrary shall order costs to be paid to the Debtor.

Order for Debtor to file statement of his affairs, and service thereof.

26—If the Provisional Order is not so revoked, an order shall be served on the Debtor, in the prescribed manner, requiring him to file in Court, within the specified number of days after the date of the service of the order, a statement verified in the prescribed manner, and containing the particulars specified in section 11 of this Law, and giving notice

that if he does not do so the Provisional Order may, on the application of a Creditor, be made an Absolute Order for Bankruptcy, and that the Bankruptcy will be gazetted.

27—If the Debtor fails to comply with the Order, or to shew a sufficient excuse for not having complied with it, the Court may, on the application of any Creditor, make an Absolute Order for Bankruptcy against the Debtor and direct such Bankruptcy to be gazetted.

Absolute Order
for Bankruptcy.

28—When a Provisional Order has been made against a Debtor, no Creditor to whom the Debtor is indebted in respect of any debt provable in Bankruptcy shall have any remedy against the property or person of the Debtor in respect of such debt, except in manner directed by this Law.

Effect of Provisional Order as to staying proceedings to recover debts.

All proceedings to recover any such debt shall, if not already stayed, be stayed upon notice of such order being given in manner prescribed, but the Court may, on application by any Creditor or person interested, allow any proceedings commenced to be continued upon such terms and conditions as it thinks just.

The provisions of this section shall not affect the power of any secured Creditor to realize or otherwise deal with his security in the same manner as he would have been entitled to realize or deal with the same if the section had not been passed.

29—The effect of the Provisional Order shall be deemed to have relation back to and to commence at the time of the Act of Bankruptcy being completed on which the Provisional Order is made, hereinafter referred to as “the Commencement of the Bankruptcy,” or, if the Debtor is proved to have committed more Acts of Bankruptcy than one, to have relation back and to commence at the time of the first of the Acts of Bankruptcy proved to have been committed by the Debtor within six months next preceding the date of the

Relation back of Provisional Order.

presentation of the Petition ; but the effect of the Provisional Order shall not relate to any Act of Bankruptcy prior to the one on which such Order is made, unless at the time of committing such prior Act the Debtor was indebted to some Creditor or Creditors in a sum or sums sufficient to support a Petition, and unless such debt or debts are still remaining due at the date of the Provisional Order.

Debtor's property, when and how divisible.

30—When a Provisional Order has been made against a Debtor, his property shall become divisible amongst his Creditors in proportion to the debts proved by them.

Debtor's property,—when it vests in Trustee, and when and how to be administered.

31—When a Provisional Order has been made against a Debtor, the property of the Debtor shall immediately pass to and vest in the Trustee, without any conveyance or assignment or transfer whatever, to be by him in due course, either under an Absolute Order for Bankruptcy, or under a Deed of Arrangement as hereinafter provided by this Law, realized, administered and distributed with as much despatch as is reasonably practicable for the benefit of the Creditors.

Duty of Debtor to aid Trustee.

32—When a Provisional Order has been made against a Debtor, it shall become the duty of the Debtor to the utmost of his power, so far as he may be required, to aid in the realization of his property, and the distribution of the proceeds amongst his Creditors, and subject to the provisions of this Law to submit to such examinations in respect of his property or his Creditors as the Trustee or the Court may require, and to execute such powers of attorney, conveyances, deeds and instruments, and generally to do all such things in relation to his property, and the distribution of the proceeds amongst his Creditors, as the Trustee or Court may reasonably require or as may be prescribed.

When Debtor punishable as for contempt of Court.

33—If the Debtor wilfully fails to perform any of the duties imposed on him by this Law, or if he fails to deliver up possession of any part of his property, which is divisible amongst his Creditors under this Law, and which may for the time

being be in his possession or control, to the Trustee or any person authorized by the Court to take possession thereof, he shall, in addition to any other punishment to which he may be subject be guilty of a contempt of Court and may be punished accordingly.

MEETING OF CREDITORS, AND RESOLUTIONS.

34—The Court shall, as soon as practicable after the Provisional Order, summon a general meeting of the Creditors of the Debtor; but if under any of the foregoing provisions an Absolute Order for Bankruptcy has been made against the Debtor before the day appointed for such meeting, the meeting shall not be held.

Meeting of Creditors, when to be summoned.

35—The meeting shall be held in the prescribed manner, and subject to the prescribed regulations as to the quorum of Creditors, adjournment of meeting, and all other matters relating to the conduct of the meeting, or the proceedings thereat:

Meeting, how to be held and conducted, and as to voting thereat.

Provided that

- (1.) A person shall not be entitled to vote as a Creditor unless he has in the prescribed manner proved a debt that is due to him;
- (2.) A Creditor shall not vote in respect of any unliquidated or contingent debt, or any debt the value of which is not ascertained;
- (3.) A secured Creditor shall, for the purpose of voting, be deemed to be a Creditor only in respect of the balance (if any) due to him after deducting the value of his security; and the amount of such balance shall, until the security is realized, be determined or assessed in the prescribed manner. He may, however, give up or abandon the security, and thereupon he shall rank as a Creditor in respect of the whole sum due to him;

- (4.) A Creditor shall not vote in respect of any current bill of exchange or promissory note held by him under discount, unless he is willing to treat the liability of every person who is liable thereon antecedently to the Debtor, and whose estate is not in course of administration under this Law, as security in his hands, and to estimate the value thereof and deduct the same from his proof, in which case he shall, on application being made within the prescribed time by any person interested, give up such security for the benefit of the Creditors of the Debtor upon payment of such estimated value :

Provided, that such estimate (except so far as the Creditor may receive any payment as aforesaid in respect thereof) shall not prejudice the right of such Creditor to receive from the estate of the Debtor a dividend upon the whole amount of such bill or note;

- (5.) Votes may be given either personally or by proxies as may be prescribed.

Duty and power
of Trustee at
meeting.

36—The Trustee shall attend the meeting, and shall receive and decide upon proof of debts in the prescribed manner, and in so far as it may be necessary for determining the right of voting at such meeting.

Resolutions at
meeting.

37—At the meeting the Creditors may, by the votes of a majority in value of the Creditors present, personally or by proxy,

- (a.) Resolve that the proceedings under the Petition be stayed, and the affairs of the Debtor wound up and his property administered under a Deed of Arrangement, the nature of which may or may not be specified in the Resolution, or

- (b.) Resolved that adjudication of Bankruptcy be made, and
- (c.) Resolve, at their discretion, that a Creditor to be named at such meeting shall be associated with the Trustee to assist and advise the Trustee in the administration of the Debtor's estate, but the appointment of such Creditor shall not affect the responsibility of the Trustee.

A Creditor so appointed shall receive out of the Debtor's estate such remuneration for his services as the Court may think fit.

38—The Resolutions come to shall be filed with the proceedings, and reported by the Trustee to the Court.

Report to the Court as to Resolutions.

The Trustee shall report to the Court also in case no meeting is held, or no resolution come to.

39—If the Resolution be that the proceedings under the Petition be stayed, the Court shall make an Order that the proceedings be stayed accordingly for such time as may be necessary to obtain the confirmation of a Deed of Arrangement as hereinafter provided, and such Order may be made on such terms and subject to such conditions as the Court may think just.

Procedure on Resolution for Deed of Arrangement.

40—If no meeting is held, or if no Resolution is come to, or if the Resolution be that adjudication of Bankruptcy be made, or if it is shewn to the satisfaction of the Court that there is no reasonable probability of the confirmation of a Deed of Arrangement and that delay will not be for the benefit of the Creditors, the Court shall make an Absolute Order for Bankruptcy against the Debtor.

Absolute Order for Bankruptcy, when to be made.

PROCEEDINGS UNDER AN ORDER FOR A DEED OF ARRANGEMENT.

41—Where an Order is made that proceedings in Bankruptcy against a Debtor be stayed for such time as may be

Deed of Arrangement how made, executed,

proved and filed.
Statement to
accompany
same.

necessary to obtain the confirmation of a Deed of Arrangement, a Deed may be entered into between a Debtor and his Creditors, subject to the following provisions :

- (1.) The Deed must be assented to by a majority in number representing three-fourths in value of the Creditors of the Debtor, and no Creditor shall be reckoned in such majority unless he has proved his debt in manner prescribed,

The assent of a Creditor shall be testified by his signing the Deed of Arrangement, or some document in a form prescribed for that purpose.

- (2.) The Deed shall be acknowledged or proved in the manner provided by the Act 27 Victoria, Chapter 17.
- (3.) When the Deed has been executed by the Debtor an attested copy thereof shall be filed in the Court.
- (4.) There shall be filed with the Deed,
 - (a.) A list showing the debts and liabilities of the Debtor, and the time when the same were contracted or incurred, and the considerations for the same, the names, residences and occupations of his Creditors, and the respective amounts due to them, and all securities held by them, and the date when such securities were respectively given ;
 - (b.) A detailed statement of his debts and property, and the estimated value thereof ;
 - (c.) An affidavit in the prescribed form by the Debtor, or some person able to depose thereto, verifying such list and statement ;

The list or statement may be from time to time amended by leave of the Court, and every such amendment shall be in like manner verified by affidavit.

42—At the time appointed for the confirmation of the Deed, the Court shall on the application of any Creditor of the Debtor take the Deed into consideration.

Consideration of Deed by the Court.

43—If there is no application to the Court to consider the Deed, or if no Deed has been filed, or if the Court does not confirm the Deed, the Court shall order that the proceedings in Bankruptcy shall forthwith continue from the point at which they were stayed, or if it thinks fit may order the adjournment of the consideration to allow time for the execution of the Deed or another Deed.

Proceeding when Deed is not confirmed.

44—If upon the consideration of the Deed the Court is satisfied that the requirements of this Law have been complied with, it may in its discretion, by order, confirm the Deed, and may make such order as to the further staying of any proceedings, or the annulling of any Provisional Order under the Petition, as it thinks fit.

Proceeding on confirmation of Deed.

45—The order of the Court confirming the Deed shall be conclusive evidence of the validity of the Deed, and after such order the Deed shall not be liable to be impeached or disturbed in any Court on the ground of any thing being contained therein or omitted therefrom, or on any other ground whatsoever except in manner provided by this Law.

Confirmation of Deed conclusive as to its validity.

46—If the Deed is confirmed it shall be binding on all Creditors, and all questions under it shall be determined by the Court according to the Law of Bankruptcy and every Creditor under the Deed shall be entitled to be paid his debt or, as the case may be, a dividend or composition thereon ratably with the other Creditors of the arranging Debtor, but all Creditors who would be entitled to priority of payment

Administration of estate under confirmed Deed.

under an adjudication of Bankruptcy against the arranging Debtor shall be entitled to the like priority under the Deed, and regard shall be had to the rule in Bankruptcy as to the application of joint or separate estate in payment of Creditors.

Discharge of Debtor when Deed carried out.

47—The Court may at any time after the confirmation of the Deed make an order for the discharge of the Debtor in accordance with the terms of the Deed, or if there are no terms relating to discharge then upon the report of the Trustee that the arrangements under the Deed have been fully carried out.

Such order shall, except in so far as may be otherwise expressly provided in this Law, have all the effect of an unconditional discharge of a Bankrupt as hereinafter mentioned made upon proceedings after an Absolute Order for Bankruptcy.

When Deed may be declared void, and effect thereof.

48—If at any time after the confirmation of the Deed it appears to the Court that the Debtor has not acted in good faith in relation to the Bankruptcy proceedings before or under the Deed, or is not assisting the Trustee to the utmost of his power to administer the estate in accordance with the terms of the Deed, or that for other reasons it is expedient or just, the Court may by order declare that the Deed so far as regards any release to the Debtor therein contained or provided for shall be void, and the Deed shall accordingly be void to such extent, and the Court may without any further condition make an Absolute Order for Bankruptcy against the Debtor, which shall take effect from the time of the making thereof, provided that no act done in pursuance of a Deed which has been confirmed shall be impeached or disturbed by reason of any such Order, and in the administration of the property of the Debtor thereafter regard shall be had to all payments made in pursuance of the Deed.

As to deeds of Arrangement in cases of Partners.

49—This part of this Law shall apply to any case in which members of a partnership enter into a Deed of Arrangement with their Creditors under the provisions of this Law, and

any such Deed of Arrangement may be entered into with the joint Creditors without any of the separate Creditors being parties to or included in the Deed, or with separate Creditors without any of the joint Creditors being parties to or included in the Deed; Provided that in a distinct arrangement with any particular class of Creditors the rule in Bankruptcy respecting the application of joint or separate estate to the payment of Creditors shall not be contravened.

50—Where a Deed of Arrangement is made by members of a partnership with their joint and separate Creditors, any delay in obtaining, or failure to obtain, the assent of some or one of the classes of separate Creditors shall not prevent the Deed being confirmed so as to bind the joint Creditors and any other class of separate Creditors.

As to assent of certain Creditors in cases of partners.

51—Where a Debtor who has executed a Deed of Arrangement has incurred or increased a debt or obtained forbearance thereof by fraud, he shall be liable to pay to the defrauded Creditor the balance of such debt after deducting any sum or sums which may have been received by such Creditor by way of composition or dividend under the Deed, provided that such Creditor has not assented to the Deed in manner provided by this Law.

As to debt incurred, or increased or forborne, by means of fraud.

52—No Creditor of the arranging Debtor, whether assenting to the Deed or not, shall be prejudicially affected by this part of this Law with respect to any right or remedy against any person other than the arranging Debtor.

Rights of Creditors against third parties not affected.

53—When the Deed of Arrangement is confirmed, the Trustee shall proceed to administer the Debtor's estate so as to give full effect to the Deed, and subject to the provisions of this Law so far as the same may be applicable, but the Debtor shall not be required to submit himself to the public examination of the Court.

Administration of estate on Confirmation of Deed.

PROCEEDINGS UNDER AN ABSOLUTE ORDER FOR BANKRUPTCY.

Examination of
Debtor, and into
his affairs.

54—When an Absolute Order for Bankruptcy has been made against a Debtor the Court shall direct the adjudication to be gazetted, and shall direct a public sitting to be held on a day to be named for the purpose of examining into the affairs of the Debtor, and the Debtor shall attend at such sitting and shall submit himself to examination as to his conduct, dealings and property.

The sitting may be adjourned as often as the Court thinks fit, and the Debtor shall attend at each adjourned meeting.

The Court may at such sitting take such evidence as it thinks necessary, and such evidence as may be tendered by the Creditors, or the Trustee, or the Debtor, or any of them.

For the purposes of the examination the Court, may take evidence *viva voce*, or by affidavit, or by interrogatories, or by commission, as it thinks fit.

When the Court is satisfied that the Debtor's affairs have been sufficiently investigated it may declare the examination finished.*

Omission to
keep or produce
proper books,
when and how
punishable.

55—If at any time after an Absolute Order for Bankruptcy has been made against a Debtor it appears to the Court that the Debtor, having been engaged in any trading or other business, has not kept and produced proper books of account, papers or vouchers, by means of which the Trustee may be able to obtain a correct knowledge of his affairs,—it may if it thinks fit order the Debtor to be imprisoned in some convenient prison for any period not exceeding three months, unless good cause is shewn to the Court why such books, papers and vouchers have not been kept and produced.

Debts incurred
by breach of
trust or reck-
lessness or ex-
travagance, how
punishable.

56—If at any time before an Order of Discharge is granted to a Debtor it appears to the Court that the Debtor has incurred or contracted any debt by means of a breach of trust, or without having had any reasonable or probable ground of

* Amended by sec. 8 of Law 11 of 1888, which see.

expectation at the time when he incurred or contracted such debt of being able to pay the same, or that he has lived extravagantly or beyond his proper means, it may if it thinks fit order the Debtor to be imprisoned in some convenient prison for any period not exceeding three months:

Provided that if in the opinion of the Court the conduct of the Debtor has rendered him liable to punishment for a misdemeanour under this Law, it may direct the prosecution of the Debtor for such misdemeanour, and cause the Trustee to prepare a statement of the case for the conduct of the prosecution.

57—When an Absolute Order for Bankruptcy has been made against a Debtor the Trustee shall proceed to administer the Debtor's estate for the benefit of the Creditors subject to the provisions of this Law.

Administration of Debtor's Estate after Order Absolute.

OF THE DISCHARGE OF A BANKRUPT.

AS TO THE GRANTING OF A DISCHARGE.

58—When the public examination of the Bankrupt is finished he may apply to the Court to grant him his Discharge, and the Court shall appoint a sitting for the purpose of considering and determining the question of granting such discharge.

Application for Discharge.

59—The Trustee may oppose the Discharge, and show cause why it should be refused, or postponed, or made subject to conditions.*

Opposition to discharge.

60—The Court shall proceed to consider the conduct of the Bankrupt before and after the making of the Provisional Order, and the manner and circumstances in and under which his debts have been contracted, and the Court may if it thinks fit grant the Debtor an immediate order of Discharge :

Consideration of application, and dealing with same.

* Amended by sec. 4 of Law 11 of 1888 by allowing any creditor to oppose, and show cause, whether the Trustee concurs or not.

But if the Court is of opinion
 that the Debtor has carried on trade by means of fictitious capital, or
 that he could not have had at the time when any of his debts were contracted any reasonable or probable ground of expectation of being able to pay the same, or
 that he had contracted any of his debts fraudulently, or by means of breach of trust, or
 that he has with intent to conceal the true state of his affairs wilfully omitted to keep proper books of account, or
 that his insolvency is attributable to rash and hazardous speculation, or unjustifiable extravagance in living, or
 that he has put any of his creditors to unnecessary expense by a frivolous or vexatious defence to any suit to recover any debt or money due from him, or
 that he is indebted for damages in any action for a malicious injury to the person or property of the plaintiff therein,
 it may refuse an order of discharge, or may suspend the same from taking effect for such time as it thinks fit.

And when it grants an order it shall impose such conditions under the provisions of section 61 of this Law as appear to be just and reasonable under the circumstances.*

Conditions of Discharge.

61—When the Court grants an order of Discharge it may grant it subject to any condition or conditions touching any salary, pay, emoluments, profits, wages, earnings or income, which may afterwards become due to the Bankrupt, and touching after acquired property of the Bankrupt, and it may order that the Bankrupt shall thereafter pay to the

* Construction of last paragraph of section 60 explained by section 5 of Law 11 of 1888. The section also enlarged by section 7 of said Law.

Trustee for the benefit of the Creditors under the Bankruptcy such sum as may be stated in the order granting him his discharge, but payment of such sum shall only be enforced against the Debtor by leave of the Court, and to such extent from time to time as the Court may approve, and if subsequently the Debtor should be adjudged Bankrupt, or a Provisional Order be made against him, the amount (if any) remaining unpaid under any such order for payment shall be postponed until the debts due to the Creditors under such subsequent Bankruptcy or Provisional Order shall have been fully paid or satisfied.

AS TO THE EFFECT OF AN ORDER OF DISCHARGE.

62—An Order of Discharge shall not release the Bankrupt from any debt or liability incurred by means of any fraud or breach of trust, nor from debt or any liability whereof he has obtained forbearance by any fraud, but it shall release the Bankrupt from all other debts provable under the Bankruptcy with the exception of

How far Order of Discharge releases Debtor from his debts.

- (1) Debts due to the Crown or to the Government of Jamaica;
- (2) Debts with which the Bankrupt stands charged at the suit of the Crown, or of any person, for any offence against a Statute or Law relating to any branch of the Public Revenue, or at the suit of any Public Officer on a bail bond entered into for the appearance of any person prosecuted for any such offence;

And he shall not be discharged from such excepted debts unless the Treasurer certifies in writing his consent to his being discharged therefrom.

63—An Order of Discharge shall not release any person who at the date of the order of adjudication was a partner with the Debtor, or was jointly bound, or had made any joint contract with him.

Does not release partner or joint Debtor.

How Order of Discharge pleaded and proved.

64—An order of Discharge shall be sufficient evidence of the Bankruptcy, and of the validity of the proceedings thereon; and in any proceedings that may be instituted against a Bankrupt who has obtained an Order of Discharge in respect of any debt from which he is released by such order, the Bankrupt may plead that the cause of action occurred before his discharge, and may give this Law and the special matter in evidence.

ADMINISTRATION OF A DEBTOR'S ESTATE BY THE TRUSTEE.

DUTIES AND POWERS OF THE TRUSTEE.

Estate of Debtor to be administered for the benefit of his Creditors.

65—The Trustee under the control of the Court shall administer the Debtor's estate for the benefit of the Creditors subject to the provisions of this part of this Law.

Trustee to take possession of Debtor's property.

66—The Trustee shall as soon as may be, but subject to the directions of the Court, take possession of all property real and personal, and all books, papers and documents, of the Debtor, and exercise such of the powers conferred on him by this Law as may be necessary for the purpose of acquiring and retaining possession thereof, and for the purpose of protecting the rights of the Creditors.

Trustee to recover debts.

67—The Trustee shall to the best of his power discover and recover all debts due to the Debtor's estate.

Trustee to examine Debtor's books.

68—The Trustee shall examine and verify the books, papers and vouchers, relating to the Debtor's affairs.

Power of Trustee to sell property.

69—The Trustee may sell all or any part of the property of the Debtor (including the good will of the business, if any, and the debts growing due to the Debtor) by public auction or tender, or private contract, and transfer the whole thereof to any person or company, or sell the same in parcels, and accept as the consideration for such transfer and sale a sum to be paid or secured to be paid at such time and in such manner as he thinks fit.

70—The Trustee may carry on the Trade of the Debtor so far as may be necessary or expedient for the beneficial winding up or sale of the same, and for that purpose, or for the general management and realization of his property, employ the Debtor himself, or any other person or persons.

How far Trustee may carry on Debtor's trade.

71—The Trustee may bring, institute or defend, any action or other legal proceeding relating to the property of the Debtor.

Trustee's power to bring or defend actions,

72—The Trustee may prove, rank, claim and draw dividend, in respect of any debt due to the Debtor.

and to recover dividends.

73—The Trustee may refer any dispute to arbitration, compromise all debts, claims and liabilities, whether present or future, certain or contingent, liquidated or unliquidated, subsisting or supposed to subsist, between the Debtor and any person who may have incurred any liability to the Debtor, upon the receipt of such sums payable at such times and generally upon such terms as may be agreed upon.

Trustee's power to arbitrate or compromise claims of Debtor.

74—The Trustee may make such compromise or other arrangement as may be thought expedient with Creditors, or persons claiming to be Creditors, in respect of any debts provable under the Petition.

Trustee's power to compromise claims against Debtor.

75—The Trustee may make such compromise or other arrangement as may be thought expedient with respect to any claim arising out of or incidental to the property of the Debtor, made or capable of being made on the Trustee by any person, or by the Trustee on any person.

Trustee's powers to compromise claims as to Debtor's property.

76—The Trustee may exercise any powers and discretions the capacity to exercise which is vested in the Trustee under this Law, and may execute any powers of attorney, deeds and other instruments, for the purpose of carrying into effect the provisions of this Law.

Powers of Trustee as to exercising discretion or executing Deeds,

Trustee's power
as to estates
tail.

77—The Trustee may deal with any property to which the Debtor is beneficially entitled as tenant in tail in the same manner as the Debtor might have dealt with the same.

Proof of Debts.

78—The Trustee shall receive and decide on proof of debts.

Trustee under
control of the
Court.

79—The Trustee shall be deemed an accounting party to the Court, and shall be under the control and subject to the directions of the Court.

Trustee may
ask the Court
for directions.

80—The Trustee may at any time apply to the Court for direction respecting his rights or duties with regard to the Debtor's estate, or with regard to any matters arising out of the management or conduct of the estate.

Trustee acting
under such di-
rections pro-
tected.

81—The Trustee obtaining bona fide direction of the Court, or acting bona fide on such direction, shall be deemed, so far as regards his own responsibility, to have discharged his duty therein as Trustee with regard to the matter in respect of which such direction is given.

Trustee to keep
books.

82—The Trustee shall keep in manner prescribed proper books, in which he shall from time to time make or cause to be made entries or minutes of such matters in relation to the Debtor's estate as may be prescribed.

Any Creditor of the Debtor may, at such times as may be prescribed, personally or by his agent inspect such books.

Money collected
to be deposited
in the Savings
Bank.

83—The Trustee shall pay all sums from time to time received by him in the course of the administration of the Debtor's estate into the Government Savings Bank, to a separate account to the credit of the estate, and may draw out money so deposited in the same manner as any other depositor, for the purposes of administering such estate.

All moneys to be
paid into Court
after two years.

84—The Trustee shall, at the expiration of two years from the date of the Provisional Order, pay all moneys then in

hand, and all moneys thenceforth received by him, into Court in manner prescribed, unless under special circumstances the Court shall by order extend the time.

85—The Trustee shall from time to time, as may be prescribed, submit to the Court a statement showing what has been done under any Petition under which he is Trustee up to the date of the statement, which statement shall be in the prescribed form as to details and otherwise, and shall include an account of payments, receipts and fees.

Periodical statements by Trustee to the Court.

86—The Trustee shall submit his accounts for audit at such times and in such manner as may be prescribed.

Audit of Trustee's accounts.

CONTROL OF THE COURT OVER THE ADMINISTRATION OF THE DEBTOR'S ESTATE BY THE TRUSTEE.

87—The Court shall examine all statements submitted to it by the Trustee, and may order the Trustee to account for any misfeasance, neglect or omission, and to make good any loss which the estate of the Debtor may have sustained by such misfeasance, neglect or omission.

Trustee responsible to the Court.

88—The Court may at any time require the Trustee to answer any inquiry in relation to any matter in which he is engaged, and may examine him, or any other person on oath concerning such matter, and may cause his Bankruptcy books, either generally or in relation to any particular estate, to be examined by any person to be named by it.

Power of Court to examine Trustee and his Books.

89—If the Trustee at any time improperly neglects, refuses or delays, to assume the management of any estate or trust under this Law, or if he improperly acts or omits to act in the management of any estate or trust vested in or administered by him, or the duties of which he has entered upon, or if he improperly neglects, refuses or delays, to pay forthwith the amount of any judgment, decree or order, recovered against him, or

Power of Court to control Trustee.

if he pays the amount of any such judgment, decree or order, out of any funds not properly liable to such payment, or if he improperly acts or omits to act in any other matter with respect to any estate or trust vested in or administered by him, or with respect to any duty imposed upon him by this Law, or if there is reasonable ground to think that he is about improperly to act, or to omit to act, with respect to any of the matters aforesaid, any person interested in such estate, trust or matter, may apply to the Court for an order, requiring him to do, or to refrain from doing, the act in respect of which such person complains, and the Court may thereupon make such order as it thinks fit.

Such order may direct that the Trustee shall pay out of his own pocket any sum of money required to compensate any person, estate or trust, for the consequences of any wrongful act or omission of the Trustee or Receiver.

Appeal to the Court against Trustee.

90—The Debtor, or any of the Creditors, or any other person, if aggrieved by any act or decision or estimate of the Trustee, may apply to the Court, and the Court may confirm, reverse or vary, the act complained of, and may make such order in the matter as it thinks just, and may direct any question of fact or assessment of value or damage to be tried by a jury.

Power of Court to enable any person to do acts for the Debtor.

91—Where the Debtor refuses or neglects to do any act in reference to the recovery, sale or transfer of, or otherwise dealing with, any property remaining in him under this Law in trust for his Creditors, for twenty-four hours after he has been required by the Receiver or Trustee to do the same, the Court may, on application by the Receiver or Trustee, by order authorize such act to be done in the name of the Debtor, or otherwise by any person named in the order for that purpose, and every act done by such person shall be as effectual for all purposes as if the Debtor had done the same, and shall not be revocable or impeachable by the Debtor.

DISTRIBUTION OF DEBTOR'S PROPERTY.

GENERAL PROVISIONS AS TO PROPERTY OF DEBTOR.

92—The property of the Debtor divisible amongst his Creditors and vesting in the Trustee, and in this Law referred to as the property of the Debtor,

What the property of the Debtor comprises.

Shall comprise

All such property as may belong to or be vested in the Debtor at the commencement of the Bankruptcy, or may be acquired by or devolve on him at any time previously to his Discharge, and

The capacity to exercise and to take proceedings for exercising all such powers in or over or in respect of property as might have been exercised by the Debtor for his own benefit at the commencement of the Bankruptcy, or at any time previously to his Discharge, and

All goods and chattels being at the commencement of the Bankruptcy in the possession order or disposition of the Debtor by the permission of the true owner, of which goods and chattels the Debtor is reputed owner, or of which he has taken upon himself the sale or disposition as owner, provided that things in action, other than debts due or growing due to him, shall [not]* be deemed goods and chattels within the meaning of this section, and

Shall not comprise

Property held by the Debtor in trust for any other person

† † † † † or

The tools (if any) of his trade, and the necessary wearing apparel and bedding of himself, his wife and children, to a value, inclusive of tools and apparel and bedding, not exceeding thirty pounds in the whole.

* Word in brackets inserted by sec. 1 of Law 8 of 1885.

† Amended by sec. 2 of Law 8 of 1885 by striking out words.

SPECIAL PROVISIONS AS TO CERTAIN KINDS OF PROPERTY
OF DEBTOR.

Appropriation
of portion of
salary of Debtor
payable by Gov-
ernment.

93—Where a Debtor is in the enjoyment of any salary, pension or allowance, paid by the Government of this Island, the Trustee shall receive for distribution amongst the Creditors so much of the Debtor's salary, pension or allowance, as the Court upon the application of the Trustee thinks just and reasonable, to be paid in such manner and at such times as the Court directs.

Appropriation
of portion of
other salary or
income.

94—Where a Debtor is in the receipt of a salary or income other than as aforesaid, the Court upon the application of the Trustee shall from time to time make such order as it thinks just for the payment of such salary or income, or of any part thereof, to the Trustee, to be applied by him in such manner as the Court may direct.

Delivery to
Trustee of
Moneys and
securities of
Debtor.

95—Any treasurer or other officer, or any banker attorney or agent of a Debtor, shall pay and deliver to the Trustee all moneys and securities in his possession or power, as such officer or agent, which he is not by Law entitled to retain as against the Debtor or the Trustee or Receiver.

Transfer of
Stocks, Shares,
&c.

96—Where any part of the property of the Debtor consists of stock, shares in ships, shares or any other property transferable in the books of any company, office or person, the right to transfer such property shall be absolutely vested in the Trustee to the same extent as the Debtor might have exercised the same if a Petition had not been filed against or by him.

Onerous and
unprofitable
property of
Debtor. Power
of Trustee to
disclaim same.
Effect of Dis-
claimer.

97—Where any part of the property of the Debtor consists of land of any tenure burdened with onerous covenants, of unmarketable shares in companies, of unprofitable contracts, or of any other property that is unsaleable, or not readily saleable, by reason of its binding the possessor thereof to the performance of any onerous act, or to the payment of any sum of

money, the Trustee, notwithstanding that he has endeavoured to sell, or has taken possession of such property, or exercised any act of ownership in relation thereto, may by writing under his hand disclaim such property, and upon the execution of such disclaimer the property disclaimed shall if the same be a contract be deemed to have determined at the date of the filing of the Bankruptcy Petition so far as regards the interest of the Debtor therein, and the liability of himself and property and of the Trustee thereunder, and if the same be a lease to have determined at the same date, so far as regards the interests of the Debtor therein, and the liability of himself and his property and the trustee to the performance of the covenants and the conditions thereof, and if the same be shares in any company to have been forfeited at the same date; and whatever be the nature of the property it shall (unless the Court otherwise order) pass to the person (if any) entitled thereto on the determination of the estate or interest of the Debtor therein, and in no case shall any estate or interest or liability therein or thereunder remain in the Debtor.

Such disclaimer shall not prejudice the rights or remedies or affect the obligations of any person other than the Debtor and the Trustee, and the Court may, on application made by any person claiming any interest in the disclaimed property, and upon hearing such persons as it thinks fit, make an order for the vesting of the same property in or delivery thereof (together with any deeds or documents relating thereto) to any person or persons entitled thereto, or a trustee for him or them, and upon such terms as the Court may think just, and upon any such vesting order being made the property composed therein shall vest according to the tenor thereof in the person or persons therein named in that behalf, without any conveyance or assignment for the purpose.

Any person injured by the operation of any such disclaimer as aforesaid shall be deemed to be a Creditor of the Debtor to the extent of such injury, and may accordingly prove the same as a debt under the Bankruptcy Petition.

Limit to Trustee's right to disclaim.

98—The Trustee shall not be entitled to disclaim any property in pursuance of this Law in any case where an application in writing has been made to him as Trustee, by any person interested in such property, requiring such Trustee to decide whether he will disclaim or not, and the Trustee has for a period of not less than twenty-eight days after the receipt of such application, or such further time as may be allowed by the Court, declined or neglected to give notice whether he disclaims the same or not.

SPECIAL PROVISIONS AS TO THE BENEFIT OF TRANSACTIONS AFFECTING THE DEBTOR AND HIS PROPERTY.

Voluntary settlements by Debtor,—how far void as against Trustee.

99—Any settlement of property, (not being a settlement made before and in consideration of marriage, or made in favour of a purchaser or incumbrancer in good faith and for valuable consideration, or a settlement made on or for the wife or children of the settler of property which has accrued to the settler after marriage in right of his wife,) shall, if a Provisional Order in Bankruptcy as hereinafter mentioned take effect against the settler within two years after the date of such settlement, be void as against the Trustee * * *

Any covenant or contract made by any person in consideration of marriage for the future settlement upon his wife or children of any money or property wherein he had not at the date of his marriage any estate or interest, whether vested or contingent, in possession or remainder, and not being money or property of or in right of his wife, shall, if a Provisional Order take effect against him before such money or property has been actually transferred or paid pursuant to such contract or covenant, be void against the Trustee.

“Settlement” shall for the purposes of this section include any conveyance, gift or transfer of property.†

* Amended by sec. 11 of Law 11 of 1888 by striking out words.

† Extension of power to avoid certain voluntary settlements by secs. 1 and 2 of Law 11 of 1888, which see. See also sec. 3 of said Law, as to what may be deemed a voluntary settlement.

100—Every conveyance or transfer of property, or charge thereon, every payment, every obligation, and every judicial proceeding, made, incurred, taken or suffered, by any person unable to pay his debts as they become due from his own moneys, in favour of any Creditor or any person in trust for any Creditor, with a view of giving such Creditor a preference over the other Creditors, shall, if a Provisional Order take effect against the person making taking paying or suffering the same within six months after the date of making taking paying or suffering the same, be deemed fraudulent and void as against the Trustee.

Fraudulent preferences.

101—Every conveyance or transfer of property, real or personal, made by any person unable to pay his debts to any other person in trust for any Creditor shall be absolutely void unless the same were made and executed with the assent of three-fourths in number and value of the Creditors of such person.

Conveyances to a Trustee for a Creditor how far void.

102—When any deed is declared void under the provisions of this Law, the Court shall direct the Deputy Keeper of the Records to enter a note of such decree on the margin of any deed to which it relates that may be recorded in the Island Record Office.

Entry of vacatur on margin of record of deed declared void.

103—When the goods of a person have been taken in execution in respect of a judgment and sold, the bailiff or officer executing the process shall, if he have notice of a Petition filed by or against such person, hold the balance of the proceeds of the sale, after deducting expenses, upon trust to pay the same to the Trustee or other person entitled thereto under the Petition.

Proceeds of executions against Debtor.

104—When the goods of a person have been taken in execution in respect of a judgment, and not sold before the bailiff or officer executing the process receives notice of the appointment of a Receiver or Trustee under a Bankruptcy Petition presented against or by such person, such officer shall forthwith after receipt of the notice deliver up such goods to the

Delivery of goods taken in execution but not sold.

Receiver or Trustee, and the costs incurred by such officer in respect of such execution shall be paid out of the property of the Debtor.

How far Creditor entitled to benefit of execution or attachment against Debtor.

105—A Creditor who has levied execution on the property of a Debtor, or has made an attachment thereof, shall not be entitled to retain the benefit of such execution or attachment unless and except in so far as he has, before the filing of a Petition against or by such Debtor, enforced such execution by sale of the property seized, or enforce such attachment by actual possession of the moneys attached or (as the case may be) by sale of the property attached.

Distress for rent, landlord's rights.

106—The landlord or other person to whom any rent is due from the Debtor may at any time, either before or after the commencement of the Bankruptcy, distrain upon the good or effects of the Debtor for the rent due to him from the Debtor.

If such distress for rent be levied after the commencement of the Bankruptcy it shall be available only for one year's rent accrued due prior to the date of the Provisional Order.

After notice received by or on behalf of the person making the distress of the appointment of a Trustee or Receiver no sale shall be made of the goods distrained, unless the Court shall otherwise order, except by the Trustee or Receiver, and the rent for which such distress is available, and the expenses thereof, shall be paid out of the proceeds of the sale.

Protection of certain bona fide transactions with Bankrupt before Petition filed.

107—Subject to the provisions of this Law relating to the proceeds of the sale of goods which have been seized, and to the provisions of this Law and every other Law avoiding, on the ground of their being fraudulent, certain settlements, conveyances, transfers, charges, payments, obligations and judicial proceedings.

The following dealings and transactions relating to the property of the Debtor, if they take place before the filing of

the Petition, shall be valid notwithstanding any prior act of Bankruptcy committed by the Debtor, that is to say,

every payment by the Debtor to any of his Creditors
and every payment or delivery to him,
and every conveyance sale or assignment for valuable consideration by and with him,
and every execution and attachment against his goods and chattels executed and levied by seizure and sale ;

Provided that the person to by or with whom such payment, delivery, conveyance, assignment, sale contract, dealing or transaction, was made, executed or entered into, or at whose suit or on whose account every such execution or attachment was issued, had not at the time of such payment, delivery, conveyance, assignment, contract, dealing or transaction, or at the time of the executing or levying of such execution or attachment, or at the time of the making of any sale thereunder, notice of any Act of Bankruptcy committed by the Debtor and available for adjudication against him at the time of the filing of the Petition.

DEBTS PROVABLE AGAINST THE DEBTOR'S ESTATE.

108—Demands in the nature of unliquidated damages arising otherwise than by reason of a contract or promise shall not be provable under a Bankruptcy Petition, and no person having notice of any Act of Bankruptcy available for adjudication against the Debtor shall prove for any debt or liability contracted by the Debtor subsequently to the date of his so having notice, unless the Court is of opinion that the property of the Debtor has been benefited or increased, or that his debts or liabilities have been diminished, by the payment of the money or execution of the contract upon which the debt or liability sought to be proved has arisen.

What debts are and what are not provable against Debtor's Estate.

Save as aforesaid, all debts and liabilities, present or future, certain or contingent, to which the Debtor is subject at the date of the Provisional Order, or to which he may become subject by reason of any obligation incurred previously to the date of the Order, shall be deemed to be debts provable under a Bankruptcy Petition in pursuance of this Law.

Estimate of debts of uncertain value.

109—An estimate shall be made by the Trustee, according to the Rules of Court for the time being in force so far as the same may be applicable, and where they are not applicable at the discretion of the Trustee, of the value of any debt or liability provable which by reason of its being subject to any contingency or contingencies or for any other reason does not bear a certain value.

Liability defined.

110—“Liability” shall for the purposes of this Law include any compensation for work or labour done, any obligation or possibility of an obligation to pay money or money’s worth on the breach of any express or implied covenant, contract, agreement or undertaking, whether such breach does or does not occur, or is or is not likely to occur, or capable of occurring, before the discharge of the Debtor, and generally it shall include any express or implied engagement, agreement or undertaking to pay, or capable of resulting in the payment of money or money’s worth, whether such payments be

as respects amount, fixed or unliquidated, and payable in one sum or by instalments, or periodical payments ;

as respects time, present or future, certain or dependent on any one contingency, or on two or more contingencies ;

as to mode of valuation, capable of being ascertained by fixed rules, or assessable only by a jury, or as matter of opinion.

111—Interest on any debt provable under this Law may be allowed under the same circumstances in which interest would have been allowable by a jury if an action had been brought for such debt.

Interest on debts.

112—A secured Creditor may on giving up his security prove for his whole debt, or he may prove for any balance due to him after realizing or giving credit for the value of his security in manner and at the time prescribed.

Secured Creditors, how they may prove.

A secured Creditor not complying with the foregoing conditions shall be excluded from proof.

113 —If the Debtor is at the date of the Provisional Order liable in respect of distinct contracts as a member of two or more distinct firms, or as a sole contractor and also as a joint contractor, the circumstance that such firms are in whole or in part composed of the same individuals, or that the sole contractor is also one of the joint contractors, shall not prevent proof in respect of such contracts against the properties respectively liable upon such contracts.

Proofs in respect of distinct contracts in different capacities.

114—Where there have been mutual credits, mutual debts, or other mutual dealings, between the Debtor and any person having a debt provable under the Bankruptcy Petition, an account shall be taken of what is due from the one party to the other in respect of such mutual dealings, and the sum due from the one party shall be set off against any sum due from the other party, and the balance of such account, and no more, shall be proved or paid on either side respectively.

Mutual dealings and set off.

115—A landlord or other person to whom rent is due from the Debtor, and who has been prevented from recovering the full amount of such rent by the operation of section 106 of this Law, may prove for so much of the rent as by reason of that section he was prevented from recovering.

Landlord may prove for residue of rent not recoverable by distress.

May prove for proportion of rent to date of Provisional Order.

116—When any rent or other payment falls due at stated periods, and the Provisional Order is made at any time other than one of such periods, the person entitled to such rent or payment may prove for a proportionate part thereof up to the date of such Order as if such rent or payment grew due from day to day.

DISTRIBUTION OF ASSETS AND DIVIDEND.

Notice of Dividend.

117—Before declaring a dividend the Trustee shall cause a notice to be gazetted, stating the day on which the Dividend is intended to be declared, and, except as hereinafter provided, those debts only in respect of which proof has been made or tendered before that day shall be allowed to participate in the Dividend.

Calculation and distribution of Dividend.

118—In the calculation and distribution of a Dividend it shall be obligatory on the Trustee to make provision for debts provable under this Law appearing from the Debtor's statements, or otherwise, to be due to persons resident in places so distant from the place where the Trustee is acting that in the ordinary course of communication they have not had sufficient time to tender their proofs, and also for debts provable under the Bankruptcy Petition which have been notified to him in manner prescribed, and are subject of claims not yet determined, and on such debt being established the Creditor shall be entitled to receive the Dividend reserved thereon.

Rights of Creditors who prove after Dividend.

119—Creditors may prove their debts in manner prescribed, and Creditors who have not proved their debts before the declaration of any Dividend or Dividends shall, on the occasion of the next Dividend being declared, be entitled to be paid any Dividend or Dividends they have failed to receive before any moneys are made applicable to the payment of any other Dividend or Dividends, but they shall not be entitled to disturb the distribution of any Dividend declared before their debts were proved, by reason that they have not participated therein.

120—When all the property of the Debtor from which any moneys available for division amongst the Creditors can in the opinion of the Trustee be reasonably expected to arise has been realized, the Trustee shall declare a final Dividend.

Final Dividend,
Notice thereof.

Before so doing he shall give notice in manner prescribed to the persons whose claims to be Creditors of the Debtor have been notified to him, and not established to his satisfaction, that if they do not establish such claims to the satisfaction of the Court within a time to be limited for that purpose by the notice he will proceed to make final division of the property without regard to such claims.

After the expiration of such time, or if the Court on application by any such claimant grants further time to him for establishing his claim, then on the expiration of such further time the property of the Debtor divisible amongst the Creditors shall be divided amongst the Creditors who have proved their debts without regard to the claims of any other persons.

121—No action shall lie for a Dividend, but if the Trustee having control of any Dividend refuses to pay the same the Court may if it thinks fit order him to pay the same, and also to pay out of his own moneys interest thereon for the time that it is withheld, and the cost of the application.

How Dividend
recoverable if
not paid.

RULES AS TO PRIORITY OF PAYMENT.

122—The debts hereinafter mentioned shall be paid in priority to all other debts, and between themselves such debts shall rank equally, and shall be paid in full unless the property of the Bankrupt is insufficient to meet them, in which case they shall abate in equal proportions between themselves, that is to say:

Preferential
Debts.

- (1) All public taxes imposed by Law due from the Debtor at the date of the Provisional Order [not]* exceeding in the whole one year's taxes;

* Word in brackets inserted by sec. 3 of Law 8 of 1885.

- (2) All wages or salary of any clerk or servant in respect of services rendered to the Debtor during four months next preceding the date of the Provisional Order, not exceeding fifty pounds ;
- (3) All wages or lawful dues of any immigrant labourer under indenture according to the Immigration Laws ; and
- (4) All wages of any other labourer or workman in respect of services rendered to the Debtor during four months next preceding the date of the Provisional Order.

Save as aforesaid, all debts provable under the Petition shall be paid *pari passu*.

Creditors of a Debtor's firm postponed to separate Creditors of Debtor.

123—If a Provisional Order is made against one member of a partnership, a Creditor to whom that partner is indebted jointly with the other partners of the firm or any of them shall not receive any Dividend out of the separate property of the first mentioned partner until all the separate Creditors have received the full amount of their respective debts.

AS TO PAYMENTS TO THE DEBTOR.

Allowances to Debtor for support or services.

124—The Trustee may from time to time make such allowance as he thinks just to the Debtor out of his property for the support of the Debtor and his family, or in consideration of his services if he is engaged in winding up his estate, but such allowance may be revised by the Court, and where no allowance has been made the Court may on cause shown make an allowance.

Surplus of Estate payable to Debtor.

125—The Debtor shall be entitled to any surplus remaining after payment of his Creditors, and of the costs, charges, and expenses of the proceedings under the Bankruptcy Petition.

SUPPLEMENTAL PROVISIONS.

AS TO JOINT DEBTORS.

126—Any Creditor whose debt is sufficient to entitle him to present a Petition against all the members of a Partnership, or against all of several joint Debtors, may present such Petition against any one or more of such persons without including the others.

Petition against Partners or joint Debtors.

127—Where there are more respondents than one to a Petition the Court may dismiss the Petition as to one or more of them, without prejudice to the effect of the Petition as against the other or others of them.

Dismissal of Petition against some respondents only.

128—Where a Provisional Order has been made against all the members of a Partnership, or against several joint Debtors, the operation of such Order shall in the first instance be limited to the debt jointly due from such Partners or Debtors, but the Court may, on sufficient cause being shewn by any joint or separate Creditor within the prescribed time after the making of the Order, direct the Order to apply to the separate debts and properties of the Partners or Debtors, or of some or one of them, and such Order shall have effect accordingly:

Power to extend Provisional Order against Partners to their separate Estates.

Provided that nothing herein shall prejudice or affect any disposition made by a Debtor in good faith, and for valuable consideration, of or in reference to the separate property to which such provisional Order is so directed to apply, in the interval between the date of the Provisional Order and the date when such direction has been given.

129—When a Provisional Order is made against one member of a firm or Partnership, any Creditor to whom that partner is indebted jointly with the other partners of the firm, or any of them, may prove his debt for the purpose of voting, and may vote at a meeting of Creditors.

Creditor of Partners may prove for certain purposes his claims in proceedings against one partner.

Trustee's right of action when Debtor is member of a firm.

130—Where the Debtor is a member of a Partnership, the Trustee administering his estate under the provisions of this Law may, when authorized by the Court, bring or prosecute any action in the name of himself and of the Debtor's partner.

In such case any release by such partner of the debt or demand to which the action relates shall be void.

Before applying to the Court for authority to bring such action the Trustee must give notice to the partner, who may show cause against it, and on his application the Court may, if it thinks fit, direct that he shall receive his proper share of the proceeds of the action, and shall if no benefit be claimed by him therefrom be indemnified against costs in respect thereof as the Court directs.

As to Debtor's joint contracts.

131—Where a Debtor is a contractor in respect of any contract jointly with any other person or persons, such person or persons may be sued, and if no action be pending at the suit of the Trustee in respect thereof may sue in respect of such contract without the joinder of the Debtor.

Provisional Order when a member of a firm is absent or lunatic.

132—When a Provisional Order has been made against a member or members of a firm, and any one or more other persons being a member or members of the same firm is or are out of this Island, or of unsound mind, the Court shall have jurisdiction, after giving the prescribed notices, to make a Provisional Order for the administration of the joint property of the members of the firm, on its being proved to the satisfaction of the Court that the firm are unable to pay their debts, but it shall not be lawful to adjudge any member a Bankrupt under this section.

Upon such order being made, the property of the firm shall vest in the Trustee, and shall be administered in all respects as if a Bankruptcy Petition had been presented and a Provisional Order had been made in the first instance against all the members of the firm.

AS TO DISCOVERY OF DEBTOR'S PROPERTY.

133—At any time after the presentation of a Petition, the Court may summon before it the Debtor, or his wife, or any person known or suspected to have in his possession any of the property of the Debtor, or supposed to be indebted to the Debtor, or any person whom the Court may deem capable of giving information respecting the Debtor, or his property, his trade, or dealings, or affairs, and the Court may require any such person to produce any documents in his custody or power relating to the Debtor, or his property, trade, or dealings, or affairs; and if any person so summoned, after having been tendered a reasonable sum, refuses to produce such documents, having no lawful impediment made known to the Court at the time of its sitting and allowed by it, the Court may by warrant cause such person to be apprehended and brought before it for examination.

Power of Court to summon Debtor and other persons, and to require production of documents as to Debtor's affairs.

134—The Court may examine upon oath, either by word of mouth or by written interrogatories any person so summoned or brought before it, or any person being present before the Court, concerning the Debtor, or his property, trade, or dealings or affairs.

And to examine witnesses.

135—If any person on examination before the Court admit that he is indebted to the Debtor, the Court may on the application of the Trustee order him to pay to the Trustee, at such time and in such manner as to the Court seems expedient, the amount admitted, or any part thereof, either in full discharge of the whole amount in question or not, as the Court thinks fit, with or without costs of the examination.

And to order payment of admitted debt.

136—Any person acting under warrant of the Court may seize any property of the Debtor divisible amongst his Creditors under this Law and in the Debtor's custody or possession, or in that of any other person, and with a view to such

Power to seize Debtor's property, and to search for same.

seizure may break open any house, building or room, of the Debtor where the Debtor is supposed to be, or any building or receptacle of the Debtor where any of his property is supposed to be; and where the Court is satisfied that there is reason to believe that the property of the Debtor is concealed in a house or place not belonging to him the Court may, if it thinks fit, grant a search warrant to any Constable or prescribed officer of the Court, who may execute the same according to the tenor thereof.

Arrest of
Debtor in cer-
tain events.

137—At any time after the presentation of a Petition

If it appears to the Court that there is probable reason for believing that the Debtor is about to leave the Island, or to quit his place of residence, with a view of avoiding examination in respect of his affairs, or otherwise delaying or embarrassing the proceedings under the Petition, or that he is about to remove his property with a view of preventing or delaying such property being placed under the control or possession of the Receiver or Trustee, or that he has concealed or is about to conceal or make away with any of his property, or any books, documents, or writings, which might be of use to his Creditors in the course of the proceedings, or

If the Debtor knowing that a Petition has been filed removes any property in his possession above the value of five pounds without the leave of the Receiver or Trustee, or without good cause shown fails to attend any examination ordered by the Court,

the Court may cause the Debtor to be arrested, and imprisoned in such convenient prison as the Court may direct, and any books, papers, or property in his possession to be seized and safely kept until such time as the Court may order.

138—The Court, upon the application of the Trustee may from time to time order that for such time as the Court thinks fit, not exceeding three months from the date of such order, post letters addressed to the Debtor at any place or places mentioned in the order shall be re-directed by the Postmaster for Jamaica, or the officers acting under him, to the Trustee or otherwise as the Court directs, and the same shall be done accordingly.

Dealing with letters addressed to Debtor.

MISCELLANEOUS PROVISIONS.

PROVISIONS RELATING TO EVIDENCE.

139—Copies, authenticated by the signature of the Trustee, of any entries in the books kept by him with respect to any estate or trust vested in or administered by him under this Law shall be admissible in evidence, and shall have the same effect in evidence in all respects, as the originals from which such copies were made.

Certified copies of entries in Trustee's Books.

140—In all legal proceedings judicial notice shall be taken of the signature of the Trustee; but any Court or Judge may require such signature to be proved in the ordinary way if it is doubtful to such Court or Judge whether the alleged signature is genuine.

Signature of Trustee.

141—Any Bankruptcy Petition or copy thereof, any order or copy of an order made by any Bankruptcy Court, any certificate or copy of a certificate made by a Bankruptcy Court, any Deed of Arrangement or copy thereof, and any other instrument or copy of an instrument, affidavit, or document, made or used in the course of any proceedings under this Law, may, if any such document or instrument or copy appears to be sealed with the seal of any Bankruptcy Court, or purports to be signed by the Judge, or certified to be a true copy by the Registrar of any Bankruptcy Court, be receivable in evidence in all legal proceedings whatever.

Evidence of documents in proceedings under this Law.

Depositions of deceased persons.

142—In the case of the death of the Debtor or his wife, or of a witness whose evidence has been received by any Bankruptcy Court in any proceeding under this Law, the deposition of the person so deceased purporting to be sealed with the seal of the Court, or a copy thereof purporting to be so sealed, shall be admitted as evidence of the matters therein deposed to.

Gazette Notice conclusive evidence of certain facts.

143—The production of a “Gazette” containing a “Gazette” Notice of a Provisional Order, or of an Absolute Order for Bankruptcy, shall be conclusive evidence in legal proceedings that the Provisional Order was duly made, or that the Debtor against whom the Absolute Order has been made has been duly adjudged Bankrupt, and also of the date of such orders.

PROVISIONS RELATING TO LEGAL PROCEEDINGS.

Service on Trustee.

144—Documents in any legal or other proceeding by or against the Trustee may be served by being left at his office, and such service shall have the same effect as if it had been made personally.

Notice of action against Trustee.

145—No action or other proceeding shall be commenced against the Trustee, as such, unless a month’s notice, stating the cause thereof, the name and address of the person bringing the action or other proceeding, and the name and address of his attorney (if any) has been given to the Trustee.

Exemptions from Stamp Duty.

146—Every deed, conveyance, assignment, surrender, admission or other assurance, relating solely to freehold or leasehold property, or to any mortgage, charge or other incumbrance on, or any estate, right or interest in, any real or personal property which is part of the estate of any Debtor under this Law, and which, after the execution of such deed, conveyance, assignment, surrender, admission or other assurance, either at Law or in Equity, is or remains the property of the Debtor or Trustee, and every power of attorney, proxy,

paper, writs, order, certificate, affidavit, bond, or other instrument or writing, relating solely to the property of any such Debtor, or to any proceeding under this Law, shall be exempt from stamp duty (except in respect of fees under this Law.)

147—Proceedings under this Law shall not be invalidated by any irregularity, unless the Court before which an objection is made to such proceeding is of opinion that substantial injustice has been caused by such defect or irregularity, and that such injustice cannot be remedied by any order of such Court.

Irregularities not to invalidate proceedings.

148—Any person to whom any thing in action belonging to the Debtor is assigned in pursuance of this Law may bring or defend any action relating to such thing in action in his own name.

Actions in respect of Debtor's things in action assigned.

AS TO APPRENTICESHIP.

149—Where at the time of the presentation of the Bankruptcy Petition any person is apprenticed or is an articulated clerk to the Debtor, the Provisional Order shall, if either the Debtor or apprentice or clerk give notice in writing to the Trustee or Receiver to that effect, be a complete discharge of the indenture of apprenticeship or articles of agreement; and if any money has been paid by or on behalf of such apprentice or clerk to the Debtor as a fee, the Trustee or Receiver may, on the application of the apprentice or clerk, or of some person on his behalf, pay such sum as such Trustee or Receiver, subject to an appeal to the Court, thinks reasonable, out of the debtor's property, to or for the use of the apprentice or clerk, regard being had to the amount paid by him or on his behalf, and to the time during which he served with the Debtor under the indenture or articles before the date of the Provisional Order, and to the other circumstances of the case.

As to discharge of indenture of apprentice of Debtor, and preferential allowance thereon.

APPLICATION OF BANKRUPTCY LAW TO CASE OF MARRIED
WOMAN.

How far mar-
ried woman sub-
ject to this Law.

150—A married woman who has contracted any debts otherwise than as the agent of her husband or some other person, shall be liable in respect of her separate estate to all the provisions of this Law, and shall be entitled in respect of her debts to the benefit of all the provisions of this Law.

AS TO THE ANNULLING OR REVOKING OF ORDERS IN BANK-
RUPTCY.

Power to revoke
Orders, &c.
Effect thereof.

151—The Court may at any time, for sufficient reason, revoke a Provisional Order for Bankruptcy, or annul an adjudication; but in such case all sales and dispositions of property and payments duly made, and all acts theretofore done, by the Trustee or any person acting under his authority, or by the Court, shall be valid, but the property of the Debtor shall in such case vest in such person as the Court may appoint, or in default of any such appointment revert to the Debtor for all his estate or interest therein, upon such terms and subject to such conditions, if any, as the Court may declare by order.

A copy of the Order of revocation or annulment, unless such Order has been made on cause shewn by the Debtor in the first instance, may be forthwith published in the "Gazette," and advertised locally in the prescribed manner, and the production of a copy of the "Gazette" containing such Order of revocation or annulment shall be conclusive evidence of the fact of such revocation or annulment, and of the terms of the Order.

Effect of revo-
cation of a Pro-
visional Order.

152—The revocation of a Provisional Order shall operate as a revocation of the appointment of the Trustee under the Petition, and shall revive the remedy of any Creditor against the property or person of the Debtor that was suspended or stayed by the Order.

FRAUDULENT BANKRUPTCY.

CRIMES AGAINST BANKRUPTCY LAWS.

153—Any person against whom a Provisional Order in Bankruptcy has been made and has not been revoked shall in each of the cases following be guilty of a misdemeanor, and shall be liable, on conviction, to imprisonment with or without hard labor for any term not exceeding one year, that is to say,—

Crimes against
the Bankruptcy
Laws, and
where triable.

- (1) If he does not to the best of his knowledge and belief fully discover to the Trustee administering his estate for the benefit of his Creditors all his property, real and personal, and how, and to whom, and for what consideration, and when, he disposed of any part of his property except such part as has been disposed of in the ordinary way of his trade (if any) or laid out in the ordinary expense of his family :
- (2) If he does not deliver up to the Trustee, or as he directs, all such part of his real and personal property as is in his custody or under his control and which he is required by Law to deliver up, unless the jury is satisfied that he had no intent to defraud :
- (3) If he does not deliver up to the Trustee, or as he directs, all books, documents, papers and writings, in his custody or under his control, relating to his property or affairs, unless the jury is satisfied that he had no intent to defraud :
- (4) If since the presentation of the Petition against him, or within six months before such presentation, he has concealed or removed any part of his property to the value of ten pounds or upwards, or concealed any debt due to or from him, unless the jury is satisfied that he had no intent to defraud :

- (5) If he makes any material omission in any statement required under this Law relating to his affairs, unless the jury is satisfied that he had no intent to defraud :
- (6) If, knowing or believing that a false debt has been proved by any person under the Bankruptcy proceedings, he fails for the period of a month to inform the Trustee thereof, unless the jury is satisfied that he had no intent to defraud :
- (7) If after the presentation of the Petition against him he prevented the production of any book, document, paper or writing, affecting or relating to his property or affairs, unless the jury is satisfied that he had no intent to conceal the state of his affairs or to defeat the Law :
- (8) If after the presentation of the Petition, or within six months before such presentation, he has concealed, destroyed, mutilated or falsified, or has been privy to the concealment, destruction, mutilation or falsification of any book or document affecting or relating to his property or affairs, unless the jury is satisfied that he had no intent to conceal the state of his affairs or to defeat the Law :
- (9) If, either before or after the presentation of the Petition, he made or was privy to the making of any false entry in any book or document affecting or relating to his property or affairs, unless the jury is satisfied that he had no intent to conceal the state of his affairs or to defeat the Law :
- (10) If after the presentation of the Petition, or within six months before such presentation, he has parted with, altered, or made any omission in, or has been privy to the parting with, altering, or making any

omission in, any document affecting or relating to his property or affairs, unless the jury is satisfied that he had no intent to defraud :

- (11) If after or within six months before the presentation of the Petition he has attempted to account for any part of his property by fictitious losses or expenses :
- (12) If within six months before the presentation of the Petition he by any false representation or other fraud has obtained any property on credit, and has not paid for the same :
- (13) If within six months before the presentation of the Petition he obtained under the false pretence of carrying on business and dealing in the ordinary way of his business any property on credit, and has not paid for the same, unless the jury is satisfied that he had no intent to defraud :
- (14) If within six months before the presentation of the Petition he has pawned, pledged, or disposed of otherwise than in the ordinary way of his business any property which he had obtained on credit and had not paid for, unless the jury is satisfied that he had no intent to defraud :
- (15) If he is guilty of any false representation or other fraud for the purpose of obtaining the consent of his Creditors, or any of them, to any agreement with reference to his affairs, or his Bankruptcy or liquidation.
- (16) If after or within six months before the presentation of the Petition he has quitted this Island and taken with him, or attempted or made preparation for quitting this Island and for taking with

LAW 33, 1879.

him, any part of his property, to the amount of twenty pounds, or upwards, which would by Law be divisible amongst his Creditors under the Bankruptcy, unless the jury is satisfied that he had no intent to defraud :

- (17) If in incurring any debt or liability he has obtained credit under false pretences, or by means of any other fraud :
- (18) If he has, with intent to defraud his Creditors, or any of them, made or caused to be made any gift, delivery or transfer of, or any charge on his property :
- (19) If he has, with intent to defraud his Creditors, concealed or removed any part of his property since, or within two months before, the date of any unsatisfied judgment or order for payment of money obtained against him.

Misdemeanors under this section shall not be triable in a District Court.

 SCHEDULE.

Law 25 of 1871	Whole Law, except sections 64, 65, 66, 68.
Law 27 of 1871	Whole Law.
Law 20 of 1872	Whole Law.
Law 17 of 1877	So much of [section 4]* as begins with the words "and until such Rules" and ends with the words "District Court shall be the Official Trustee."

* Words in brackets substituted by sec. 12 of Law 11 of 1888.

THE SCHOOLS COMMISSION LAW, 1879.

ARRANGEMENT OF CLAUSES.

Preliminary.

1. Commencement of Law.
2. Definitions.

The Schools Commission.

3. The Jamaica Schools Commission.
4. Constitution of Commission.
5. Appointment of Assistant Commissioners.
6. Special Duties of Commissioners.
7. Appointment of Secretary.
8. Place of meeting of Commission.
9. Times of meeting of Commission.
10. Power of Commission to make Rules.
11. Record of proceedings of Commission.

Property and Accounts of Schools Commission.

12. Commissioners to receive gifts for purposes of Law.
13. Commission not to receive certain gifts.
14. Power of Commission to deal with property.
15. Application of income of Commission.
16. Power of Commission to raise money.
17. Annual grant for purposes of Law.
18. Audit of accounts of Commission.

Jamaica High School.

19. Jamaica High School.
20. Objects of School.
21. Course of instruction in School.
22. Foundationers.
23. Conscience clause.
24. Provision for private pupils.
25. Appointment of Officers of School.
26. Control to be exercised by Commission.
27. Visitation of School.
28. Headmaster's reports.

Visitation of Endowed Schools.

29. Power of Commission to hold visitations.

Regulation of Endowed Schools. Transfer of Endowments and Schools to Schools Commission.

30. Schemes for regulation of Endowed Schools.
31. Compulsory transfer of Endowments to the Commission.
32. Voluntary transfer of Endowments to the Commission.
33. As to the saving of certain educational privileges to particular classes.
34. Where schemes require consent of governing body.
35. Powers for giving effect to schemes.

Procedure for making Schemes.

36. Procedure in making schemes.
37. Effect of Order in Privy Council.
38. Abrogation of Laws and trusts effected by Order.
39. Conclusive effect of Order in Council.
40. Schemes to be recorded.

Transfer of Walton Free Schools.

41. Transfer of Walton School.
42. Headmaster of Walton School.

JAMAICA—LAW 34 OF 1879.

The Schools Commission Law, 1879.

[15th July, 1879.]

Preamble.

WHEREAS it is expedient that the opportunity of obtaining a liberal education should be placed within the reach of the youth of this Island, and that the designs of public benefactors in that behalf should be effectively carried out :

Be it enacted by the Governor and Legislative Council of the Island of Jamaica, as follows :

PRELIMINARY.

Commence-
ment of this
Law.

1—This Law shall commence and come into operation on a day to be named by the Governor by Proclamation, hereinafter referred to as the commencement of this Law.

2—In this Law, unless the context otherwise requires, the expression. Definitions.

“ Endowed School” means a School which is (or if it were not in abeyance would be) wholly or partly maintained by means of any endowment, but does not include any School the endowment of which is applicable and applied solely for promoting the education of the ministers of any religious denomination, or for teaching any particular profession, or any School which is maintained wholly or partly out of annual voluntary subscriptions and has no endowment except school buildings and premises and land attached thereto.

“ The School” means the Jamaica High School in this Law mentioned.

“ Gift,” and the derivatives of such expression, include grant, bequest, devise, and the derivatives of such expressions respectively.

THE SCHOOLS COMMISSION.

3—There shall be established a Commission to be called “The Jamaica Schools Commission,” in this Law referred to as “the Commission.” The Jamaica Schools Commission.

4—The Commission shall be a Body Corporate, and shall have a common seal which shall be judicially noticed, and may sue and be sued by its corporate name, and may acquire hold and dispose of lands and other property for the purposes of this Law. Constitution of the Commission.

The Commission shall consist of a Chairman, a Vice-chairman and five members, who shall be appointed by the Governor and hold office during his pleasure.

If any vacancy occurs upon the Commission the Governor may appoint some other fit person to fill the vacancy.

No act or proceeding of the Commission shall be questioned on account of any vacancy upon the Commission.

Three members of the Commission shall form a quorum.

If at any meeting of the Commission the Chairman is not present at the time appointed the Vice-chairman shall be the Chairman, and if neither the Chairman nor Vice-chairman is present the members present shall choose one of their number to be Chairman of such meeting.

Every question at a meeting shall be decided by a majority of the votes of the members present voting on that question.

In case of an equality of votes at a meeting the Chairman for the time being at such meeting shall have a second or casting vote.

Assistant Commissioners; their appointment and duties.

5—The Governor may from time to time appoint and remove Assistant Commissioners to assist the Commission in the execution of this Law.

The Assistant Commissioners or any of them shall, when required by the Commission, act as treasurer, secretaries, visitors or examiners.

Performance of special duties.

6—The Commission may from time to time appoint any one or more of its members to perform special duties connected with the execution of this Law, and in the performance of their duties the member or members so appointed shall be responsible to the Commission and subject to its control.

Secretary to the Commission.

7—The Commission may from time to time appoint and remove a secretary, and provide for his reasonable remuneration.

Office of the Commission.

8—The Commission shall have an office in Kingston, which shall be the general place of business and meeting of the Commission: but the Commission may hold any meeting, and transact any business, at any other place as occasion requires.

9—Ordinary meetings of the Commission shall be held at intervals which shall not without reasonable cause exceed two months, and special meetings may be held at any time according to the pleasure of the Commission.

Meetings of the Commission.

Any meeting may be adjourned.

10—The Commission may make, and when made revoke, add to or alter, Rules for carrying this Law into effect.

Rules.

11—The Commission shall make a record of its proceedings in which shall be entered minutes of all meetings held by it, and all resolutions passed and orders made by it, and shall once in every year submit to the Governor in Privy Council a report of its proceedings under this Law during the preceding year, and of the state of its property, and of the receipts and expenditure of its funds, and of any proposed application during the ensuing year of any grant that may be made by the Legislative Council for the purposes of this Law.

Record of its proceedings, and annual reports.

PROPERTY AND ACCOUNTS OF SCHOOLS COMMISSION.

12—The Commission shall be at liberty to receive any property or funds given to it for the purposes of this Law, whether generally or for the promotion of any particular object, and shall administer the same according to the wishes and intentions of the donor, and in such manner as to promote the objects of this Law.

Gifts for purposes of this Law.

13—The Commission shall not accept any property or funds for a purpose inconsistent with the purposes of this Law.

What gifts not receivable.

14—Subject to the provisions of this Law, the Commission may acquire property, and deal with or dispose of any property under its control in such manner as it may think fit for the purposes of this Law.

Power to acquire and deal with property.

Application of income from property.

15—The annual income arising from the property of the Commission shall be applied for the purposes of this Law, and if and in so far as it is not in any year required to be so applied it shall be invested by the Commission in the Government Savings Bank or in Island securities.

Power to raise money and specially apply capital.

16—When the Commission requires to incur extraordinary expense for the purposes of this Law, it may provide for the same out of capital invested, or it may spread the payment over several years, and may for the purpose borrow money on the security of its property, and may charge such property with the payment of the principal and interest of the loan.

Provision shall be made by way of sinking fund for the redemption of any such loan.

Grants in aid.

17—There shall be placed on the estimates of public expenditure for education to be laid before the Legislative Council in each year a proposal for a grant to be appropriated for the purposes of this Law.

Annual audit of accounts, &c.

18—The Commission shall prepare annually an account of the state of its property, and of the receipts and expenditure of its funds, and shall submit the same with vouchers to the Auditor General to be audited and certified.

THE JAMAICA HIGH SCHOOL.

The Jamaica High School.

19—The Commission shall maintain and keep efficient a School, to be called the Jamaica High School, at which there shall be provided a good liberal education available for the youth of this Island.

Its objects and management.

20—The Commission shall manage the School with a view to promote the higher education of the country.

The course of instruction at the School.

21—The course of instruction given at the School shall embrace a knowledge of Latin, Greek, Mathematics, Natural Science, and such Modern Languages and other branches of learning as the Commission may from time to time determine

22—There shall be provided at the School free education and maintenance for a limited number of scholars, to be called “Foundationers.”

Foundationers.

23—The School shall be open to all religious denominations without distinction, and any scholar shall, at the request of the parents of such scholar, be exempted from any religious instruction or observance in the School.

School open to all.
Conscience clause.

24—The Commission may allow the Headmaster, and such of the assistant masters as he thinks fit, to receive private scholars to be educated and maintained in the School subject to such conditions and terms as the Commission may from time to time think fit to impose.

Private pupils.

25—The Commission may from time to time appoint and remove a Headmaster, and other masters and servants and persons, for the purposes of the School, and may appoint their salaries or remuneration.

Appointment, &c., of Officers of School.

26—The Commission may regulate

Power of the Commission.

The conditions upon which scholars shall be admitted to and removed from the School or the foundation,

The limit of the numbers of scholars and foundationers,

The admission of day scholars,

The scale of maintenance for scholars,

The discipline of the School,

The course of study and the system of examinations to be followed,

The appointment and remuneration of examiners,

The establishment of prizes and exhibitions for the encouragement of proficiency in the subjects taught in the School,

The payments to be made for scholars,

The keeping and auditing of School accounts,

The visitation of the School,

All other matters necessary to the efficiency of the School.

Monthly inspections and reports.

27—One or more of the Commissioners or Assistant Commissioners shall visit and inspect the School at least once in every month, and report thereon to the Commission.

Headmaster's reports.

28—The Headmaster of the School shall present a monthly report of the state and progress of the School to the Commission.

VISITATION OF ENDOWED SCHOOLS.

Powers of the Commission as to visitation of Endowed School.

29—The Commission shall have power from time to time to hold visitations of any of the Endowed Schools of this Island, and to make enquiry and take evidence touching the management of any such Schools, and the application of their property and income.

For the purposes of such visitations or inquiries the Commission shall have the powers and privileges of Commissioners under sections 9 and 11 of Law 8 of 1873.

REGULATION OF ENDOWED SCHOOLS. TRANSFER OF SCHOOLS AND ENDOWMENTS TO SCHOOLS COMMISSION.

Power for regulating dealing with and improving Endowed School.

30—The Commission, by schemes made under the provision of this Law, shall have power, in such manner as may render any School Endowment most conducive to the advancement of education, to alter and add to any existing and to make new trusts, directions and provisions in lieu of of any existing trusts, directions and provisions which affect such endowment and the education promoted thereby, and to

alter the constitution, rights and powers, of any governing body of a School Endowment, and to establish a new governing body with such powers as it thinks fit, and to remove a governing body.

31—Where it appears to the Commission

- (a) That the mismanagement of any Endowed School or School Endowment, or the misapplication of the property or revenues thereof, are such as to render the trustees or governing body thereof unfit to continue to have the management of such School or Endowment, or the application of the property or revenues thereof, or
- (b) That the intentions of the donor of any charitable gift for any Endowed School or School Endowment have not been carried into effect within three years from the time limited by the donor for the purpose, or have been defeated, or have become ineffectual, or may be more effectually promoted thereby,

Compulsory transfer of mismanaged and neglected Endowments to the Commission.

The Commission may, by a scheme made under the provisions of this Law, remove the trustees or governing body, and vest the Endowment or School, and all the property and revenues thereof, absolutely and free of all previously existing trusts, in the Commission for the purposes of the Jamaica High School.

32—The trustees or governing body of any Endowed School or School Endowment, at a meeting specially called for the purpose at a month's notice, may resolve, by a majority of those present at the meeting, that it is expedient that such School or Endowment should be transferred to and vested in the Commission for the purposes of the Jamaica High School, and may communicate such resolution to the Commission, and thereupon, and after such inquiry as it thinks fit, the

Voluntary transfer of Endowments to the Commission.

Commission may, by a scheme made under the provisions of this Law, remove the trustees or governing body, and vest the School or Endowment, and all the property and revenues thereof, absolutely and free of all previously existing trusts, in the Commission for the purposes of the Jamaica High School.

Educational privileges of particular classes to be protected.

33—The Commission, in any scheme relating to an Endowed School which abolishes or modifies any privileges or educational advantages to which a particular class of persons are entitled, whether as inhabitants of a particular district or otherwise, shall have due regard to the educational interest of such class of persons.

Where it appears to the Commission that any fund or property, vested in it or given to it for the purposes of the Jamaica High School, was specially intended by the donor for the benefit of any particular class of persons, whether as inhabitants of a particular district or otherwise, it shall pay due regard to the interest of such class, and shall give reasonable effect to the same by apportioning to such class a certain number of nominations for admission or to compete for admission to the foundation of the High School.

All such appointments shall be liable to re-arrangement from time to time in the interests of the School.

Foundation nominations so appropriated shall be specially associated with the name of the benefactor concerned.

When assent of governing body of Endowed School necessary to any scheme.

34—No scheme shall be made under this Law interfering with the governing body of any Endowment or School which governing body is subject to the jurisdiction of the governing body of any religious denomination, unless the governing body of such School assent to the scheme.

Power to give effect to scheme.

35—In any scheme the Commission may insert all powers and provisions that it may think expedient for carrying its objects into effect.

PROCEDURE FOR MAKING SCHEMES.

36—The Commission shall have power from time to time to draw up schemes for the purposes of this Law. Procedure in making schemes.

When any scheme has been drawn up it shall be published in the "Gazette," together with a notice that any persons interested in the Endowment or School affected by the scheme may send their objections to the scheme in writing to the Commission within two months of the date of such publication.

At the expiration of that period, the Commission shall proceed to consider any objections that may have been duly received, and may then submit the scheme either in its original form or with modifications, together with all objections that have been received thereto, to the Governor in Privy Council, who shall have power to make an order thereupon, either disapproving the same or approving the same with or without modifications.

37—A scheme shall not of itself have any operation, but the same when and as approved by the Governor in Privy Council shall, from a date to be specified in the Order in Privy Council, have full operation and effect as if it were enacted in this Law. When scheme to take effect.

38—Upon a scheme coming into operation all Laws, deeds, instruments, trusts or directions, relating to the subject matter of the scheme, and expressed by such scheme to be repealed and abrogated from the date specified in that behalf, shall be repealed and abrogated accordingly, and all property purporting to be transferred by such scheme shall, without any other conveyance or act in the Law, so far as may be vest in the transferees, and so far as it can not be so vested shall be held in trust for the transferees. Effect of scheme on property, trusts, deeds, &c.

39—The order of the Governor in Privy Council approving a scheme shall be conclusive evidence that such scheme was Order for scheme effective absolutely.

within the scope of and made in conformity with this Law, and the validity of such scheme and order shall not be questioned in any legal proceedings whatever.

Record of schemes.

40—The Commission shall cause a copy of every scheme, approved under this Law, to be recorded in the Island Record Office.

TRANSFER OF WALTON FREE SCHOOL.

Transfer of Walton Free School.

41—On the commencement of this Law the [Jamaica Free School]* and all funds and property thereof, shall be absolutely vested in the Commission, and the trustees thereof shall be removed as fully to all intents and purposes as if an Order by the Governor in Privy Council approving a scheme under section 32 of this Law had been made in relation thereto to take effect as on the date of the commencement of this Law.

And of its Headmaster.

42—The Headmaster of the [Jamaica Free School]* shall be the first Headmaster of the Jamaica High School without further or other appointment, but subject to the provisions of this Law.

T H E M I L I T I A L A W, 1879.

ARRANGEMENT OF CLAUSES.

Preliminary.

1. Commencement of Law.
2. Repeals.

Militia Qualification.

3. Militia qualification: Exemptions from liability to serve Mounted Militia.

Militia Register.

4. Notice to be given to Militia Registrar.
5. List to be made by Militia Registrar.
6. Appeal from Register.

* Words in brackets substituted by sec. 1 of Law 13 of 1882.

Militia Roll.

7. Appointment of quotas.
8. Notice of appointment of quotas.
9. Time that quota remains in force.
10. Custos to convene meeting of Magistrates.
11. Invitation to Volunteers.
12. Proceedings at meeting to choose Militia Men.
13. Militia Roll
14. Liability to service of persons enrolled.
15. Publication of Roll.
16. Filling up the Roll; proceedings.
17. Claims to relief from service.
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JAMAICA—LAW 35 OF 1879.

The Militia Law, 1879.*

[23rd July, 1879.]

WHEREAS it is expedient to make provision for the raising and organizing of a Militia for this Island: Preamble.

Be it enacted by the Governor and Legislative Council of the Island of Jamaica, as follows:

PRELIMINARY.

1—This Law shall come into operation on a day to be named by the Governor by Proclamation. Commencement of this Law.

2—The Laws specified in the Schedule to this Law are hereby repealed from and after the commencement of this Law. Repeal clause.

MILITIA QUALIFICATION.

3—Every male inhabitant of this Island above eighteen and under forty-six years of age, Qualifications to serve in the Militia.

Who is in receipt of an annual income of not less than thirty pounds, or

Who pays direct taxes of not less than two pounds, or

Who is possessed of a freehold of the value of not less than fifty pounds,

shall be qualified to serve in the Militia:

Provided that the limitation as to age shall not apply in the case of Officers.

Liability to be called upon to serve in the Militia shall not extend to any of the following persons, that is to say: Exemptions.

* Law 28 of 1887 by its 7th sec. incorporated with this Law.

Members of the Privy Council and Legislative Council,
Judges and Chief Clerks of the Supreme and District
Courts,

Stipendiary Magistrates,

Custodes of Parishes,

The Private Secretary, and the Military Aide-de-camp
to the Governor,

Officers of the several Prisons,

The Postmaster for Jamaica and officers of the Post
Office,

Parochial Treasurers and Collectors of Customs,

Officers and men of the Constabulary,

Clergymen and other Ministers of Religion,

Registered Medical Practitioners,

Persons permanently employed in Her Majesty's Dock-
yard and Naval Hospital,

Persons employed as Railway Engine Drivers,

Pilots legally appointed and actually serving as such, and

Persons who have once served five years in the Militia
of this Island.

The Governor may from time to time specially exempt
from actual liability to serve such persons employed in the
Civil Service of this Island as he thinks fit.

Volunteers.

The Governor may in his discretion accept the services of
persons who, though not qualified or not liable to be called
upon to serve under this section, are nevertheless willing to
serve as Volunteer members of the Militia Forces under the
provisions of this Law.

Every person qualified to serve in the Militia who possesses a horse of the value of twenty pounds or upwards shall be qualified to serve in a Mounted Force.

Mounted
Militia.

Every person liable to serve in the Militia and qualified to serve in the Mounted Militia shall, if he be enrolled in a Mounted Force, provide a reasonably good horse for his own mount.

MILITIA REGISTER.

4—After the commencement of this Law every person qualified to serve in the Militia shall, within thirty days of the commencement of his qualification, give in to the Tax Collector (for the purposes of this Law to be called the Militia Registrar) of the parish in which he resides a notice, stating his name and residence, and the nature of his qualification.

Ingiving of
qualification.

5—Every Militia Registrar of a Parish shall within forty days after the commencement of this Law enter in a book to be kept by him, and to be called the Militia Register Book, an alphabetical list of the names and residences of all persons residing in the Parish known to him, or of whom reliable information is given him, as being qualified and liable to serve in the Militia, and shall from time to time in like manner add to the list the names and residences of all persons whose names and residences ought to appear thereon, so as to keep the list complete up to date.

Militia Regis-
ters,—how to
be kept.

The list so kept shall be the Militia Register for the Parish.

6—Any person whose name is on the Register thinking himself aggrieved thereby, or by the omission of any other name, may complain to a Stipendiary Magistrate or District Court Judge having jurisdiction in the Parish to which the Register applies, who may inquire into and if necessary take evidence as to such grievance, and make such order therein as he thinks fit, and where necessary may cause the Register to be corrected accordingly, and such order shall be final.

Complaints as
to errors or
omissions in
Register.

MILITIA ROLL.

- Quotas of Militiamen. 7—The Governor in Privy Council may from time to time appoint the quotas of Militiamen to serve for any of the Parishes of this Island.
- Notice and publication thereof 8—Notice of the quota from time to time appointed for any Parish shall be transmitted to the Custos of the Parish, and published in the “Gazette.”
- Time limit of quota. 9—The quota appointed shall be the quota of the Parish until another quota is appointed and notified in like manner.
- Convening of Magistrates to choose Militiamen. 10—As soon as conveniently may be after the publication of the notice, the Custos of any Parish to which it relates must convene a special meeting of the Justices of the Parish to choose the number of men required to make up the quota.
- Notice of meeting and invitation to volunteer. 11—The Custos shall cause a notification of the time and place of the intended meeting to be published in the “Gazette,” and shall cause to be published along with it an invitation to all persons whose names are on the Register of the Parish to present themselves at the meeting and offer their services as Volunteers in the Militia, and shall cause copies of such notification and invitation to be printed on posters and affixed in such public places throughout the Parish as he may appoint.
- Proceedings at meeting to elect Militiamen. 12—Three Justices including the Custos, or in his absence a Justice to be nominated by him to act as Chairman, shall form a quorum at such meeting, and the Militia Registrar shall attend with the Militia Register Book.
- Preference to Volunteers. The Justices at such meeting shall cause the number of men required to form the quota to be chosen out of the Register in manner following, that is to say,
- (a) They shall strike off the Register the name of every person known or shewn to them to be incapacitated or lawfully excused from performing Militia duty and shall make out and commit to the keeping of

the Militia Registrar a list of the names of every person so struck out, and a particular statement of the cause for which such names were struck out;

- (b) They shall choose by ballot, out of the list of those persons on the Register who have offered as Volunteers, the number required to make up the quota; and if there are not enough of such names to complete the number required to make up the quota they shall cause the number necessary to supply the deficiency to be chosen by ballot out of the remaining names on the Register.
- (c) They shall sign the list, when so completed, in duplicate.
- (d) They shall commit one copy thereof to the Militia Registrar, who shall keep the same with the records of his Office, and they shall transmit the other to the Colonial Secretary.

13—Subject to such additions as are hereinafter provided for, the list so made out and signed as above-mentioned shall be the Militia Roll of the Parish to which it relates. Militia Rolls.

14—The persons whose names are included in the Roll shall be deemed to be members of the Militia Force for the Parish, and shall serve as such for five years. Term of service of persons enrolled.

15—The Militia Registrar shall affix and keep affixed a true copy of the Roll in some public place in his Office. Publication of Roll.

16—Whenever the Militia Force of a Parish is reduced by at least ten men below its proper strength the Commanding Officer of such Force shall notify the deficiency to the Custos, and the Custos shall convene a special meeting of the Justices for the purpose of making up the deficiency, and all proceedings upon such meeting shall be conducted, so far as may be, Filling up vacancies in quota.

in like manner as upon the original making up of the list, and the names of the persons chosen shall be added to the Roll, with a notification of the date when they are so added.

Claims to relief from service.

17—Any member of the Militia Force of a Parish claiming temporary or permanent relief from service may state his claim before a Stipendiary Magistrate or a District Court Judge having jurisdiction in the Parish, who shall enquire into and if necessary take evidence as to such claim, and make an order thereon, and cause one copy of such order to be furnished to the Commanding Officer of the Force and another copy to the Militia Registrar of the Parish. Such order shall be final.

Permanent relief from service.

18—In all cases of permanent relief the Militia Registrar shall mark the name of the person relieved on the Roll and in the Militia Register Book by placing opposite to it the letter R. and date, and shall file the notice with the records of his Office.

A person permanently relieved shall be free from all liability to Militia Service.

Discharge for cause.

19—The Governor may at any time discharge any member of the Militia Forces for any cause whatsoever.

ORGANIZATION OF MILITIA FORCES.

Governor's power to organize and disband Militia Forces.

20—The Governor may from time to time organize the Militia Forces of the several Parishes of this Island, either separately or in combination, in such manner as he thinks fit, and may direct what number of Officers, and of what respective ranks, shall be appointed to such Forces, and may disband such Forces, or any part thereof, as he thinks fit.

APPOINTMENT OF OFFICERS AND NON-COMMISSIONED OFFICERS.

Appointment of Officers.

21—The Governor may from time to time appoint and commission, and remove, such officers as he thinks fit for the Militia Forces.

22—The Governor may also from time to time appoint and remove unattached Officers for the Militia, and may give them such rank as he thinks fit.

Unattached Officers.

23—The selection, appointment, promotion and dismissal, of Officers for the Militia shall be subject to such conditions for securing the efficiency of Officers as may be prescribed by Regulations under the provisions of this Law.

Conditions for securing efficiency of Officers.

24—No person shall be an Officer in the Militia who is not in the receipt of an income of at least one hundred and twenty pounds per annum.

Income qualifications of Officers.

25—Every unattached Officer of Militia shall be liable in case of emergency to be attached by the Governor to a Militia Force, and to serve therewith until relieved by the Governor.

Unattached Officers' liability to serve.

26—First appointments of Officers to any Militia Force shall ordinarily be made from among the Volunteer members of such Force, subject however to the discretion of the Governor.

Volunteers preferred for Officers.

27—Every Officer of Militia shall on appointment forthwith provide himself with the proper uniform and accoutrements of his rank.

Officers' accoutrements.

28—Every Officer of a Mounted Militia Force and every Field Officer shall be efficiently mounted at his own expense.

Officers' horses.

29—Officers of the Militia shall rank in this Island with Officers of Her Majesty's Army as the junior of their respective ranks.

Relative Rank of Militia and Army Officers.

30—Except as in section 32 of this Law provided, Officers of the Militia when not on actual Military Service shall not be entitled to exercise any military command over any of Her Majesty's other Forces, and when on actual Military

Authority of Militia Officers.

Service shall not be entitled to exercise any such command otherwise than as may be from time to time prescribed by the Laws regulating the discipline of Her Majesty's Army.

Resignation of Officers.

31—Officers of the Militia may not resign their Commissions without leave of the Governor.

Adjutant Instructors and Drill Instructors.

32—The Governor may attach to any Militia Force any Officer of Her Majesty's Army, whose services may be lawfully available, to be Adjutant Instructor during the period of continuous training of such Force.

Such Officer while so attached shall obey the commands of the superior Officers in the Militia as his superior Officers, and exercise all the power and authority of a Militia Officer in such Force, but retain the same relative rank with respect to the Officers of Militia as an Officer of Her Majesty's Army is entitled to according to this Law.

The Governor may also attach to any Militia Force any Non-Commissioned Officer of Her Majesty's Army, or any other competent person whose services may be lawfully available, to be Drill Instructor, either permanently or for such period as he thinks fit.

Such Drill Instructor shall obey the commands of the superior Officers of the Militia as his superior Officers, and exercise all the power and authority of a Militia Non-Commissioned Officer in such Force.

Appointment, &c., of non-commissioned Officers.

33—The commanding Officer of a Militia Force may from time to time appoint and remove Non-Commissioned Officers from such Force :

Provided that where a Force forms part of a combined Force consisting of Forces from more than one Parish all appointments and removals of Non-Commissioned Officers of such Force shall be subjected to the confirmation of the Commanding Officer of such combined Force.

INSTRUCTION AND TRAINING OF MILITIA.

34—Any member of a Militia Force may, with the consent of the Governor and of the Officer in command of Her Majesty's regular Forces in this Island, and with his own consent, be attached for a time for the purpose of instruction to any portion of Her Majesty's regular Forces in this Island, and for such time shall be deemed to be under the command of the Officer commanding the same.

Temporary attaching of Militiamen to the Army for instruction.

35—Every Militia Force shall be called out and assembled for Drill on one day in each month, and for Inspection on one day in each year, at places and times to be fixed by the commanding Officer of the Force, or when the Force is part of a combined Force by the commanding Officer of the combined Force, by "Gazette" Notice.

Drills, Inspection and Reviews.

Parades for Review or other purposes may be ordered by the Governor as he thinks fit.

Supplemental Drills, including target practices, may be ordered by the Commanding Officer of a Force, but attendance at such supplemental Drill shall not be compulsory except for target purposes, compulsory attendances for which purpose shall not be more than four in each month.

36—When an Inspecting Officer reports that a course of continuous Drill is necessary for the efficiency and discipline of any Militia Force, the Governor may order such Force to muster at a convenient place in the Parish to which it belongs, for a course of continuous Drill for a period not exceeding seven days in any one year.

Continuous Drill not exceeding seven days.

The place and time for any such Drills shall be fixed by the Governor by "Gazette" Notice.

37—When it is determined by the Governor in Privy Council that there is reason to apprehend invasion, or other imminent danger to the safety or tranquility of the Island, the Governor may order the several Militia Forces, or any of

Special continuous Drill in times of apprehended danger.

them, to muster at convenient places in the Parishes to which they respectively belong for a course of continuous Drill for a period not exceeding twenty-one consecutive days.

CALLING OUT MILITIA FOR ACTUAL SERVICE.

Power to call out Militia for Actual Service.

38—When it is determined by the Governor in Privy Council that there is actual danger to the safety or tranquility of the Island, the Governor may order the whole or any part of the Militia Forces to be called out for Actual Service, and may give all necessary directions for the assembling of such Militia Forces and otherwise.

Assembling for Military Service.

39—All members of the Militia Forces so called out shall be bound to assemble as the Governor directs, and to march according to orders within the Island, and on and from the date appointed for the assembling of any corps so called out every member shall, for the purposes of this Law, be deemed to be on Actual Military Service.

Power to discharge Militia from Actual Service.

40—The Governor may discharge from Actual Military Service the whole or any part of the Militia called out for Military Service under this Law, and may from time to time again call out the whole or any part of the Militia so discharged as he thinks necessary according to the provisions of this Law.

Release from Actual Service, how notified.

41—A Militia Force called out for Actual Service shall not be released from Actual Service except by an order in writing signed by the Governor, addressed and delivered to the Commanding Officer of the Force.

Release to be in home Parish.

42—Before a Militia Force is released from Actual Service it shall be returned to the Parish to which it belongs.

PROVISIONS COMMON TO TRAINING AND TO ACTUAL SERVICE.

Liability of Militia to be placed under Army Officers.

43—Where the Militia Forces or any part thereof are called out for Drill, or for continuous training, or for Actual Service, they shall be liable to be placed under the command of

such Officers of Her Majesty's Army, senior in rank to every Officer in the Forces to be so put under his or their command, as may be lawfully appointed by or under authority from the Governor.

44—Where a Militia Force is called out for continuous training, or for Actual Service, there shall be provided for the members thereof rations, allowances and lodging, or payment in lieu thereof, upon such scale as the Governor in Privy Council may order.

Rations, allowances and lodging.

45—Where the whole or any part of the Militia Forces are called out for continuous training, or for Actual Service, notice shall be given by the Commanding Officer of each Parish in which any Force is to be so called out to the Inspector of Constabulary of the Parish, and the Inspector shall cause a copy of such notice to be affixed at each of the following places in the Parish, namely, at every Constabulary Station, Church, Chapel, District Court Office, Petty Sessions Office, Post Office, Market Place and Tax Collector's Office, and shall take such further means of giving notice to the members of the Force as may be prescribed by Regulations.

Notice of calling out the Militia.

DISCIPLINE OF THE MILITIA.

46—The following provisions shall govern the application of the Laws for the time being regulating the discipline of Her Majesty's Army to the Militia :

Application to the Militia of the Laws regulating the discipline of the Army.

- (1) The Laws regulating the discipline of her Majesty's Army shall apply to all members of the Militia attached for purposes of instruction to any portion of Her Majesty's Regular Forces ; and all such persons shall, for the purposes of such application, be deemed to be part of the Regular Forces in respect of billeting, discipline, trial and punishment, and in respect of any offence committed while such Laws are so applicable may be tried, punished and dealt with, thereunder at any time.

- (2) The Laws regulating the discipline of Her Majesty's Army shall apply during such time as the Militia Forces, or any part thereof, are on Actual Service to such Forces or part thereof, and to the members thereof, and to all persons in respect thereof, as fully as they apply in respect of Her Majesty's Army :

Provided that

- (a) No Officer serving in Her Majesty's Regular Forces shall sit on any Court Martial upon the trial of any member of the Militia Forces for any offence for which such member may be liable to be tried by Court Martial under Sub-Section (2) of this Section.
- (b) No sentence of any General Court Martial affecting any member of the Militia Forces shall be carried into effect until approved by the Governor.

Provisions
where those
Laws do not
apply.

47—The following provisions shall regulate the discipline of the Militia in cases where the Laws regulating the discipline of Her Majesty's Army do not apply :—

If any member of the Militia Forces,

during such time as the Force to which he belongs is assembled for continuous training, or

while he is under arms, or on march, or on guard, or engaged in any military exercise or duty, or

while he is wearing the uniform of the Militia, and is going to or returning from any place of exercise, parade or assembly,

disobeys any lawful order of any Officer or Non-Commissioned Officer of Militia, or of any Inspecting Officer, or of any Adjutant Instructor, or of any Drill Instructor, under whose command he then is, or

is guilty of any other misconduct, insubordination or breach of discipline,

the Officer or Non-Commissioned Officer then in command of the Force or party with which the offender may then be doing duty or acting may order the offender, if an Officer into arrest, and if not an Officer into the custody of any Non-Commissioned Officer, private or Drill Instructor of Militia, but so that the offender be not kept in such arrest or custody longer than during the time of the assembling or marching of the Force or party with which the offender is then doing duty or acting; but such arrest or custody shall not prevent the offender from being afterwards summarily prosecuted in manner hereinafter provided.

Any member of the Militia Forces who,

during such time as the Force to which he belongs is assembled for continuous training, or

while he is under arms, or on the march, or on guard, or engaged in any military exercise or duty, or

while he is wearing the uniform of the Militia, and is going to or returning from any place of exercise, parade or assembly,

commits any offence against order or discipline for which on commission thereof such offender would be liable to be tried by Court Martial if the Laws regulating the discipline of Her Majesty's Army applied to the Force and the members thereof at the time of the committing of such offence,

may be summarily prosecuted before two Justices for the same, upon the complaint of the commanding Officer or the Adjutant of the Force, and shall be liable on conviction to a penalty not exceeding ten pounds; but nothing in this section shall oust the ordinary operation of the Criminal Law in respect of any crime committed by any member of the Militia Force.

“Deserter” defined.

48—Any member of a Militia Force who, without leave lawfully granted or sickness certified according to any Regulation under this Law,

does not appear at the time and place appointed for the assembling of his Force for continuous training, or

deserts or absents himself during the time of such training, or

does not when called out for Actual Service appear at the time and place appointed for the assembling of the Force to which he belongs, and march in pursuance of any order or direction under this Law,

shall be deemed a deserter within the meaning of that term as used in the Laws regulating the discipline of Her Majesty’s Army.

Gratuities and pensions.

49—Any Member of the Militia Forces disabled on Actual Military Service, and the widows and children of members of the Militia Forces killed on Actual Military Service, shall be entitled to such gratuities or pensions as may be laid down in any pension Regulations to be issued by the Governor.

GOVERNOR’S REGULATIONS.

Power to make Regulations.

50—Subject to the provisions of this Law, the Governor in Privy Council may from time to time make, and when made revoke, add to and alter, Regulations and Orders in relation to the following matters or any of them :—

The organization of the Militia Forces ;

The tests of efficiency to be observed in the selection, appointment, promotion and removal of Officers ;

The arrangements for assembling the Militia Forces, and notification to members of the Force ;

The granting of gratuities and pensions to members, and to the families of members of the Militia Forces killed or wounded on Actual Service ;

The regulating and checking of expenditure ;

The general government, discipline and arming of the Militia Forces ;

The supply, storage and custody of arms and ammunition ; and, generally,

For the full execution of this Law.

MILITIA SECRETARY.

51—The Governor may from time to time appoint, and remove, a fit person to be a Secretary for the affairs of the Militia, who shall carry out the provisions of this Law, and preform all such civil and Secretarial duties in relation to the Militia as the Governor may direct.

Appointment of Secretary.

ARMS, STORES, UNIFORM.

52—Any Officer of Militia receiving any arms, ammunition, appointments or other stores, for the use of any Militia Forces shall be held accountable therefor, until he discharges himself by rendering a satisfactory account of the distribution or disposal of such arms, ammunition, appointments or other stores, and obtains a release therefor from his successor in command or from the Governor.

Responsibility for stores, &c.

53—All members of the Militia shall pay for their own uniform, and shall keep it in a decent state for all appearances on duty.

Uniforms.

54—Provision shall be made for the issue of uniforms to the Non-Commissioned Officers and privates of the Militia Force at a fixed price, which shall not exceed two pounds for privates, and three pounds for Non-Commissioned Officers.

Issue thereof at fixed prices.

Arms, &c., to be
as Governor
directs.

55—The uniform, arms, ammunition, appointments and stores of the Militia shall be such as the Governor may from time to time direct.

What arms,
stores, &c., pub-
lic property.

56—The arms, ammunition, appointments and stores, of the Non-Commissioned Officers and privates of the Militia Forces shall be public property, and shall from time to time be deposited and delivered up in such places and to such persons as the commanding Officers of the several Forces may direct, and shall be deemed to be the property of the Colonial Secretary.

Storing of arms,
&c.

57—The Commanding Officer of every Militia Force receiving any arms, ammunition, appointments or other stores, being public property, shall appoint and provide at the public expense and subject to the approval of the Governor a proper storehouse for the same.

RETURNS BY COMMANDING OFFICER.

Returns as to
Militia Forces,
stores, &c.

58—The Governor may require the Commanding Officer of any Militia Force to make to him from time to time such returns or reports as to the strength, discipline and efficiency of his Force, and as to the number and condition of the arms, ammunition, appointments and other stores of such Force, as to the Governor may seem requisite.

EXEMPTIONS.

Tax on horses
of mounted
Militia.

59—Every mounted member of any Militia Force shall be exempted from paying duty on one horse.

Import duty.

60—All arms, ammunition, appointments, and other public stores, and all uniform and musical instruments imported for the use of the Militia, shall be free of stamp duty.

Stamp duty.

61—All commissions, and all legal and other proceedings, under this Law shall be free of stamp duty.

OFFENCES.

62—The following persons shall be guilty of offences against this Law, and shall be liable on summary conviction before two Justices to maximum penalties of the amounts herein stated :

Specification of
Offences, and
punishment
thereof.

Every member of a Militia Force who negligently loses any arms, ammunition, appointments or other stores issued to him for Militia purposes, or omits to deliver up or deposit when required any such arms, ammunition, appointments or other stores;—Ten pounds.

Every member of a Militia Force who, without leave lawfully given or other reasonable excuse, omits to attend any compulsory Drill or Inspection, or parade of the force to which he belongs;—Two pounds for the first offence, five pounds for the second offence, and ten pounds for the third or any subsequent offence.

Every member of a Militia Force who refuses or neglects to take the oath in this Law mentioned;—Ten pounds.

Every person who prevents, or endeavours to prevent, any person from volunteering his services in the Militia, or from serving in the Militia when balloted for, or from attending any muster, parade, drill or meeting, directed or required by or under the authority of this Law;—Ten pounds.

Every Tax Collector or Militia Registrar who neglects or omits any of the duties required of him under this Law;—Ten pounds.

MISCELLANEOUS.

63—Every member of the Militia Force shall within fifteen days after his enrollment take the following oath :

Oath of Militia-
men.

I, A. B., do sincerely promise and swear that I will be faithful to Her Majesty, her heirs and successors, and that I will faithfully serve in the Militia until I am discharged therefrom.

The oath shall be administered by any Justice, and a record thereof shall be sent to and kept by the Commanding Officer of the Force to which the party taking the oath may belong.

SCHEDULE.

The Act 9 Victoria, Chapter 25.
 The Act 13 Victoria, Chapter 31.
 The Act 15 Victoria, Chapter 27.
 The Act 22 Victoria, Chapter 43.
 The Act 28 Victoria, Chapter 38.

JAMAICA—LAW 36 OF 1879.

The Criminal Code.*

[17th October, 1879.]

JAMAICA—LAW 37 OF 1879.

The Criminal Procedure Code.†

[22nd October, 1879.]

* Repealed by Law 2 of 1889.

† Repealed by Law 3 of 1889.

JAMAICA—LAW 38 OF 1879.

The Criminal Laws Repeal Law, 1879. *

[*29th October, 1879.*]

JAMAICA—LAW 39 OF 1879.

The Civil Procedure Code.†

[*24th November, 1879.*]

* Omitted as spent.

† Repealed by sec. 2 of Law 40 of 1888.

JAMAICA—LAW 1 OF 1880.

A Law to Allow and Confirm certain Expenditure in 1877-78.*

[18th February, 1880.]

JAMAICA—LAW 2 OF 1880.

The Shipwrecked Colonial Seamen Law, 1880.†

[18th February, 1880.]

JAMAICA—LAW 3 OF 1880.

The Kingston and Saint Andrew's Union Poor House Vesting Law, 1880.

[19th February, 1880.]

Preamble.

WHEREAS by the Act 22 Victoria, Chapter 27, the lands and hereditaments known as the Admiral's Pen were vested in her Majesty for the use of the Government of this Island, subject to certain powers thereby vested in the Governor in Executive Committee to rent, lease or sell, the same or any part thereof:

And whereas the Admiral's Pen aforesaid contained by survey seventy-four acres two roods and four perches, and a Diagram thereof is recorded in the Record Office in new Series of Deeds, Libro 4, Folio 77:

* Omitted as spent.

† Repealed by section 1 of Law 17 of 1881.

And whereas portions thereof, in the said Diagram indicated by the yellow shading, have been sold as in the said Diagram mentioned :

And whereas of the residue portions indicated in the said Diagram by the red shading, and containing together thirteen acres two roods, have been set aside and appropriated for the purposes of the Union Poor House for the Parishes of Kingston and Saint Andrew, and it has been deemed desirable to vest the same accordingly in the Municipal Boards of the said Parishes for the purposes of such Union Poor House, with the powers herein contained :

Be it enacted by the Governor and Legislative Council of the Island of Jamaica, as follows :

1—All those pieces and parcels of land, part of the said Admiral's Pen, containing by survey thirteen acres and two roods, and in the said Diagram indicated by being shaded red, and of the shape and dimensions and butted and bounded as so in the said Diagram indicated, together with the rights, members, easements, fixtures, buildings and appurtenances thereon, or thereto in fact or of repute belonging, are hereby vested in the Municipal Board of the Parish of Kingston and the Municipal Board of the Parish of Saint Andrew, their successors and assigns, upon trust for the purposes of the Union Poor House of the said Parishes for the time being.

Portion of Admiral's Pen vested in Municipal Boards of Kingston and Saint Andrew, for purpose of a Union Poor House.

2—The Municipal Boards aforesaid may, at any time or times with the consent of the Governor, sell all or any part or parts of the said lands, hereditaments and premises, so vested in them as aforesaid, either by public sale or private contract, and execute all proper deeds of conveyance of the lands and hereditaments so sold accordingly.

Powers of sale.

3—The purchase money of the lands and premises so sold shall be held and applied by the Municipal Boards aforesaid in such manner as shall be mutually determined by the said Boards with the sanction of the Governor.

Application of purchase moneys.

JAMAICA—LAW 4 OF 1880.

A Law in Aid of The Judicature Laws Repeal Law, 1879.
[19th February, 1880.]

Preamble. **B**E it enacted by the Governor and Legislative Council of the Island of Jamaica, as follows :

Schedule to Law
25 of 1879
amended.

1—The schedule to the Judicature Laws Repeal Law, 1879, shall be read as if for the words “20 Victoria, Chapter 19, whole Act,” there were substituted the words “20 Victoria, Chapter 19, Section 1,” and as if there were added to the Schedule the words “Law 28 of 1868, whole Law.”

JAMAICA—LAW 5 OF 1880.

The General Markets Law Amendment Law, 1880.
[19th February, 1880.]

Preamble. **B**E it enacted by the Governor and Legislative Council of the Island of Jamaica, as follows :

Law 9 of 1874
incorporated.

1—This Law is incorporated with Law 9 of 1874, and the two Laws may together be cited as “The Markets Laws, 1874-1880.”

“Town” defined.

2—The term “Town” in this Law means a town or village the limits of which are specially defined for the purposes of this Law in accordance with Law 2 of 1873, which is incorporated herewith.

Law 2 of 1873
incorporated.

Application of
section 4.
By “Gazette”
notice.

3—The Governor may when and as often as he deems fit, by notice in the “Jamaica Gazette,” declare that the fourth section of this Law shall, on and after a day to be named in such notice, apply or cease to apply to any town.

Each such notice shall continue in force until revoked by the Governor. Duration of notice.

The revocation of any notice shall not affect the consequences of any act or omission that has already taken place, or any right, liability or contract, or any right of procedure, or any proceedings civil or criminal commenced or to be commenced in respect of any such act or omission: Effect of its revocation as to past acts or omissions.

4—*

During the continuance in force in any town of any notice making this section applicable thereto, any person who shall at a time when the Market is open expose or exhibit for sale in such town any fresh meat, poultry, game, fresh fish or turtle, elsewhere than in the Public Market established by Law in such town,—or who shall at any time expose or exhibit for sale as aforesaid any of the articles aforesaid, or any vegetables, coffee, pimento, ground provisions or fruit, elsewhere than in the Public Market aforesaid or in a shop duly licensed for the sale of goods, shall forfeit a sum not exceeding forty shillings for every day in which he shall so offend :—Provided that nothing herein contained shall prevent any person from going from house to house offering for sale or selling any such poultry, game, fresh fish, vegetables, coffee, pimento, ground provisions or fruit. Substituted section restricting sales of certain goods.

5—The last section, and the notice putting it in force, shall be published by the officer or person entitled to collect the market fees in the town in which the same is in force, by publicly exhibiting copies thereof, and keeping them constantly exhibited, in such places and on such public buildings in or near such town as the Governor shall from time to time generally or specially direct, and in default of any such direction then at the entrance to the market and at the door of the Court House, if any. Publication of notices.

Such publication need not be proved in any prosecution for an offence against the section, but any omission so to publish the same may be proved in defence. As to proof thereof.

* Section substituted by section 1 of Law 38 of 1839.

Penalty for destroying, &c., published copy notice.

6—Any person wilfully or unlawfully destroying, removing, defacing or injuring, any copy so published shall forfeit a sum not exceeding ten pounds.

JAMAICA—LAW 6 OF 1880.

The Saint Andrew's Free School Lands Transfer Law, [1880.
[2nd March, 1880.]

Preamble.

WHEREAS the lands and hereditaments situate at the North Eastern corner of the Cross Roads at Halfway Tree, and of the shape and dimensions and butted and bounded as delineated and described in the Diagram thereof prepared by the Government Surveyor and recorded in the Record Office of Jamaica in Libro 4 Folio 106 of the New Series of Deeds, are the lands given by Sir Nicholas Lawes, and by the Act 7th William III., Chapter 1, vested in "The Governors of the Free School of Saint Andrew," for the benefit of the Saint Andrew's Free School in the said Act mentioned :

And Whereas the said Corporate Body and the said Free School have long since ceased to exist, and the intentions of the donor of the said lands and the provisions of the said Act have been defeated and become ineffectual, and the said lands and hereditaments are not now required for School purposes, and it is desirable that the same should be realized and the value thereof paid to the Jamaica High School Commission for School purposes under The Schools Commission Law, 1879 :

And Whereas the Municipal Board of the Parish of Saint Andrew is desirous of acquiring the same, with the approval of the Governor, for market purposes in accordance with Law 9 of 1874, at the full value thereof :

And Whereas the full value of the said land and hereditaments has been estimated and appraised at the sum of Ninety Pounds :

Be it enacted by the Lieutenant Governor and Legislative Council of the Island of Jamaica, as follows :

1—The Treasurer shall, on the warrant of the Governor, forthwith pay to the Jamaica High School Commission the said sum of ninety pounds for the purposes of The Schools Commission Law, 1879, and shall charge the same to the debit of the Municipal Board of the Parish of Saint Andrew as an advance for market purposes under Law 9 of 1874 to the said Board ; and the said advance shall in all respects be subject to the provisions, charges and regulations, affecting advances to the said Board for the purposes of The General Markets Law, 1874.

Value of lands at Halfway Tree to be paid to the Jamaica High School Commission, and debited to the Municipal Board of Saint Andrew as an advance for Market purposes.

2—The lands and hereditaments at the North Eastern corner of the Cross Roads at Halfway Tree, more particularly described in the Preamble, are hereby vested in the Colonial Secretary of Jamaica and his successors, for the purposes of the Markets of the Parish of Saint Andrew, and the several purposes of the General Markets Law, 1874, and with and subject to the several powers and provisions in or by the said Law contained or created, but freed from the trusts and purposes of the said Act of 7 William III., Chapter 1 and from all previous trusts affecting the same.

The same lands vested in the Colonial Secretary of Jamaica for Market purposes of Saint Andrew.

JAMAICA—LAW 7 OF 1880.

A Law further to amend The District Courts Law, 1874, as to the Salaries of Judges and Clerks.*

[18th March, 1880.]

*Omitted, District Courts having been abolished.

THE RAILWAY EXTENSION LOAN LAW, 1880.

ARRANGEMENT OF CLAUSES.

Preliminary.

1. Lands Clauses Law, 1872, partially incorporated.
2. Definitions.

Financial.

3. Power to raise money by Debentures.
4. Debentures charged on Island Revenues.
5. Amount of each Debenture—Interest thereon.
6. Debentures how signed, and where and by whom to be issued.
7. Registry of Debentures.
8. Coupons for interest on Debentures.
9. Forms of Coupons and Debentures.
10. Debentures and Coupons transferable by delivery.
11. Amounts to be remitted periodically to the Crown Agents, and retained by Treasurer for Interest and Sinking Funds.
12. How moneys remitted to be dealt with by Crown Agents.
13. Interest when and where payable.
14. Application of the Sinking Funds.
15. Redemption of Debentures.
16. Appointment of time for drawings for redemption.
17. Notice of time of drawings.
18. Drawing of Debentures for redemption.
19. Appointment of time for payment of Debentures drawn for redemption.
20. Payment of such Debentures.
21. Interest to cease after day appointed for payment.
22. Cancellation of redeemed Debentures.
23. Cancelled Debentures not to be renewed.

Works—General Management.

24. Construction, &c., of Railways under control of Director of Roads.
25. As to form and execution of Deeds and Instruments relating to the Works.
26. Actions by and against Director of Roads.

General Powers to construct Railways and acquire Lands.

27. Power in Governor to authorize construction of Railways.
28. Power of acquiring and dealing with land.
29. Railway property vested in Colonial Secretary.

Construction of Railways.

- 30. Powers for entry on lands and survey, and penalty for obstruction.
- 31. Director of Roads empowered to alter Street or Road, &c., or Course of River, &c.
- 32. Director of Roads to erect and maintain fences on sides of Railways, and to erect and maintain gates where Railway crosses Public Road.

Legal.

- 33. Exemption of Director of Roads from personal responsibility.
- 34. Restrictions in respect of actions against persons acting under this Law.
- 35. Exemption of Deeds and Documents from Stamp Duty.
- 36. Recovery of penalties.

 JAMAICA—LAW 8 OF 1880.

The Railway Extension Loan Law, 1880.*

[23rd March, 1880.]

WHEREAS it is desirable to extend the Jamaica Railway Preamble.
 which has been lately purchased by the Government of Jamaica, from the Terminus at Old Harbour in the Parish of Saint Catherine to Porus in the Parish of Manchester, and also from the Terminus at Angels in the Parish of Saint Catherine to Ewarton in the same Parish, and it is necessary to raise money for the construction of such extended Railway by the creation and issue of Debentures :

Be it enacted by the Lieutenant Governor and Legislative Council of the Island of Jamaica, as follows :

PRELIMINARY.

1—†

The Lands Clauses Law, 1872, is incorporated with this Law, and also with the Railway Loan Law, 1879, except sections 10, 11, 84, 88, 89, 90, 91, 92, 93, 101, 104, 105 and 106, and except where the provisions of that Law are inconsistent with these Laws ; but payments and deposits required to be made by the Promoters shall be made by the Treasurer on the warrant of the Director of Roads out of the Railway Fund.

Law 26 of 1872
 partially incor-
 porated.

* Incorporated as amended by Law 17 of 1880 with that Law by its first section.

† Original sec. repealed by sec. 2 and sec. substituted by sec. 3 of Law 17 of 1880.

2—*

Definitions.

In this Law and the Railway Loan Law, 1879, and the Lands Clauses Law, 1872, except where the context requires a different construction,

“The Promoters” means the Director of Roads.

“The Undertaking” and “The Works”† include the laying out, constructing, making, altering and maintaining the Railways contemplated by this Law, and the Works or Undertaking by this Law authorized to be executed, and also the establishment of the Railway under Law 12 of 1879 in good working order, and also include the widening, draining, ballasting, improvement and addition of stations and new sidings as may be necessary for the said last mentioned Railway, and the construction of a suitable quay-wall in the harbour of Kingston and the extension of the Railway thereto, together with all such works and appliances in connection therewith as may be considered necessary for affording sufficient accommodation to shipping, and for the convenient landing, shipping, conveying and warehousing of goods.

“Railways” mean any Railway constructed or authorized under this Law, or under Law 12 of 1879, or any other Law, and shall include every station of or belonging to any Railway, with the approaches thereto used for the purposes of public traffic.

3—‡

Power to raise
£400,000 for
Railway pur-
poses.*

The Governor of Jamaica may from time to time, either in England or in Jamaica, raise by the issue of Debentures under this Law any sum or sums not exceeding in the whole four hundred thousand pounds, at a rate of interest not exceeding five per cent. per annum, to be applied in the purchase of the lands, materials, plant, rolling stock and other things, and in the execution of the works necessary for carrying out the undertaking contemplated by this Law.

* Original sec. repealed by sec. 2 and sec. substituted by sec. 4 of Law 17 of 1880.

† The Undertaking and the Works to include the supplying of the Railways with water to be used in the construction of the same and in working the traffic thereon by section 2 of Law 19 of 1882 which Law has been repealed by section 168 of Law 12 of 1889.

‡ Original sec. repealed by sec. 2 and sec. substituted by sec. 5 of Law 17 of 1880.

4—The principal moneys and interest secured under this Law are hereby charged upon and guaranteed by and shall be payable out of the General Revenues and Assets of the Government of Jamaica.

Loan charged on Island Revenues.

5—Every Debenture issued under this Law shall be for a sum not less than one hundred pounds sterling, and shall bear interest at a rate not exceeding five per cent. per annum, payable half yearly.

Debentures, amount of principal and interest.

6—The Debentures when issued in England shall be issued in London on behalf of the Government of Jamaica by the Crown Agents for the Colonies (in this Law referred to as the Crown Agents) and shall be signed by them on that behalf, and when issued in Jamaica shall be signed by the Colonial Secretary and Director of Roads, and countersigned by the Treasurer of the Island of Jamaica.

Debentures how to be signed.

7—Every Debenture issued in England shall before being issued be registered in a Register Book to be kept for that purpose at the office in London of the Crown Agents, and every Debenture issued in Jamaica shall before being issued be registered in a Register Book to be kept for that purpose at the Public Treasury.

Register of Debentures.

8—There shall be attached to every Debenture Coupons for the payment of the interest to become due in each half year upon the principal secured by the Debenture.

Coupons for interest.

The Coupons shall be sufficient in number to provide for the payment of the interest, either during the whole period for which the Debenture has to run, or for such limited period as the Governor, or the Crown Agents acting on behalf of the Government of Jamaica in England, may determine.

9—The Debentures and the Coupons thereto may be in such form as the Governor or Crown Agents acting on his behalf in England may direct or approve.

Forms of Debentures and Coupons.

Transfer thereof by delivery.

10—Every Debenture and Coupon, and the right to receive the principal and interest secured or represented thereby, shall be transferable by delivery.

11—*

Provision for payment of interest and appropriating funds to the redemption of principal.

So long as any of the Debentures remain outstanding the Governor shall, in each half year ending with the day on which the interest on the Debentures falls due, appropriate out of the general revenues and assets of this Colony a sum equal to one half-year's interest on the whole of the Debentures previously issued, including any which may have been redeemed, and remit such portion of that sum as shall be equal to one half-year's interest on the whole of the Debentures previously issued in England, including any which may have been redeemed, to the Crown Agents at such time as will enable them to pay thereout the then current half-year's interest on the then outstanding Debentures issued in England on the day when it falls due, and out of the remainder of that sum the Treasurer shall pay the then current half-year's interest on the then outstanding Debentures issued in Jamaica on the day when it falls due, and the balance of that sum shall be invested by the Treasurer, under the direction of the Governor, towards the formation of a fund applicable, in manner hereinafter provided, to the redemption of the Debentures issued in Jamaica. After the expiration of five years from the day on which the first of the Debentures is issued, and so long thereafter as any of the Debentures remain outstanding the Governor shall, in each half-year ending as aforesaid, appropriate out of the revenues and assets of this Colony an additional sum equal to ten shillings sterling per cent. on the total nominal amount of all the Debentures issued on or before the first day of that half-year, including any which may have been redeemed, and remit such portion of that sum as shall be equal to ten shillings sterling per cent. on the total nominal amount of all the Debentures issued in England on or before the first day of that half-year, including any which may have been redeemed, to the Crown Agents with the remittance hereinbefore mentioned, and the remainder of that sum shall be invested by the Treasurer, under the directions of the Governor, towards the formation of the fund hereinbefore mentioned, applicable to the redemption of the Debentures issued in Jamaica.

* Original section repealed by section 2 and section substituted by section 6 of Law 17 of 1880.

12—*

The Crown Agents shall, subject to the approval of Her Majesty's Principal Secretary of State for the Colonies for the time being, place and keep the moneys so remitted to them, or so much thereof as may not be required for immediate payments, on deposit at interest in their names with some bank or banks in London or Westminster, and shall hold all such moneys and the accumulations thereon in trust to apply them, in the first place, in payment of the interest for the current half-year upon the Debentures for the time being issued in England and outstanding, and in the next place in the formation of a fund applicable in manner hereinafter provided to the redemption of the Debentures issued in England.

Remittances to Crown Agents how to be applied.

13—The interest upon the principal secured by each Debenture shall run from the day named in that behalf in the Debenture, and shall be paid half yearly on the days named in that behalf in the Debenture, if issued in England at the Office in London of the Crown Agents, and if issued in Jamaica at the Treasury of the Island.

Interest when and where payable.

14—†

The funds applicable under the provisions of this Law in England and Jamaica respectively to the redemption of Debentures shall be applied in the first place in payment of all expenses of, or incidental to, the redemption of Debentures, including the charges of the Notary Public attending at any drawing thereof, and the costs and expenses of all notices required by this Law to be given, and in the next place, subject to the aforesaid payments, in repayment of the principal moneys for the time being secured by the Debentures.

Application of funds appropriated to redemption of Debentures.

15—‡

The Debentures if issued in England shall, at the option of the Crown Agents, subject to the approval of Her Majesty's Principal Secretary of State for the Colonies for the time being, and if issued

Redemption of Debentures.

* Original section repealed by section 2 and section substituted by section 7 of Law 17 of 1880.

† Original section repealed by section 2 and section substituted by section 8 of Law 17 of 1880.

‡ Original section repealed by section 2 and section substituted by section 9 of Law 17 of 1880.

in Jamaica shall, at the option of the Treasurer, subject to the direction of the Governor, be redeemed either by purchase in the open market or by annual drawings, and, subject to the aforesaid payments, the sums to be applied annually in England and Jamaica respectively to such redemption shall in each country correspond as nearly as may be to, but not exceed, the amount applicable therein under the provisions of this Law to the redemption of Debentures.

16—*

Appointment of day for drawing of Debentures to be redeemed.

After the expiration of five years from the day on which the first of the Debentures is issued, and so long thereafter as any of the Debentures remain outstanding and unsatisfied, the Crown Agents, as to the Debentures issued in England, and the Treasurer, if so directed by the Governor, as to the Debentures issued in Jamaica, shall in every year, unless the whole of the money applicable in that year to the redemption of Debentures has been applied in the purchase thereof, appoint respectively a day in that year for the drawing by lot of the Debentures to be redeemed.

Notice of times for drawings.

17—If a day is appointed for drawing, the Crown Agents as to the Debentures issued in England shall give by advertisement in the "London Times" newspaper, and the Treasurer as to the Debentures issued in Jamaica shall give by advertisement in the "Jamaica Gazette" and in not less than two newspapers published in the Colony, not less than fifteen days' previous notice, specifying the days on which, and the hours and places at which, the drawings will take place, and the nominal amount of the Debentures to be redeemed at those drawings respectively.

Drawings of Debentures to be redeemed.

18—On the day and at the hour and place so specified the Crown Agents and Treasurer respectively shall hold meetings, at which the holder of any Debenture may if he think fit be present, and shall then in the presence of such Debenture holders (if any) as may attend, and of a Notary Public draw by lot, out of the whole number of Debentures for the time being outstanding, Debentures of the specified nominal amount.

* Original section repealed by section 2 and section substituted by section 10 of Law 17 of 1880.

19—The Crown Agents and Treasurer respectively shall thereupon declare the distinguishing numbers of the Debentures drawn for redemption, and shall as soon as may be, in case of Debentures issued in England by advertisement in the “London Times” newspaper, and in case of the Debentures issued in Jamaica by advertisement in the “Jamaica Gazette” and in not less than two newspapers published in the Colony, specify those numbers and appoint a day (not being later as to each Debenture than the day on which the then current half year’s interest thereon is payable) on which the principal moneys secured by the Debentures so distinguished will be repaid.

Appointment of time for payment of Debentures drawn for redemption, and notice thereof.

20—On the day so appointed the Crown Agents in respect of Debentures issued in England at their Office in London, and the Treasurer in respect of Debentures issued in Jamaica, shall on demand pay to the holders of the Debentures drawn for repayment the principal moneys secured by those Debentures, with all interest payable thereon up to that day.

Payment of such Debentures.

21—From and after the day appointed for the repayment of any Debenture all interest on the principal moneys secured thereby shall cease and determine, whether payment of the principal have or have not been demanded.

Cesser of interest thereon.

22—Upon the repayment of the principal moneys secured by the Debenture, the Debenture with all the Coupons thereunto belonging, if issued in England shall be delivered up to the Crown Agents, and if issued in Jamaica to the Treasurer, to be by them respectively cancelled and forwarded to the Government of Jamaica.

Cancellation of redeemed Debentures.

Any Debenture redeemed by purchase shall likewise be so cancelled and forwarded.

23—No money applied in redemption of a Debenture shall be re-borrowed, and no Debenture shall be issued in respect of or in substitution for any cancelled Debenture.

Cancelled Debentures not renewable.

WORKS—GENERAL MANAGEMENT.

24 to 36—*

JAMAICA—LAW 9 OF 1880.

The Appropriation Law, 1880.†

[23rd March, 1880.]

JAMAICA—LAW 10 OF 1880.

A Law to extend to the Turks and Caicos Islands the Law for the demonetization of the Silver Dollar.

[23rd March, 1880.]

Preamble.

WHEREAS, owing to inconvenience and loss to the public which might arise from the authority given for the circulation of the Silver Dollar within this Island, it was enacted by Law 8 of 1876 that the Act declaring the Silver Dollar to be a legal tender was repealed, and that the Silver Dollar, and the several sub-divisions of the Silver Dollar, should cease to be a legal tender :

And whereas such Silver Dollar still continues to be a legal tender within the Turks and Caicos Islands under the authority of the proclamation in the Bahamas on the thirtieth day of November, 1838, and of the Order in Council of the fourteenth day of September of the same year :

* Repealed by section 168 of Law 12 of 1889.

† Omitted as spent.

And whereas it is expedient, under the power given by the Order of the Queen in Council on the fourth day of August, 1873, to apply to the said Turks and Caicos Islands the Provisions of the said Law 8 of 1876 :

Be it therefore enacted by the Lieutenant [Governor, and Legislative Council of the Island of Jamaica, as follows: Law 8 of 1876
extended to the
Turks and
Caicos Islands.

1—The Law 8 of 1876 shall extend to the Turks and Caicos Islands, and the Silver Dollar, and the several sub-divisions of the Silver Dollar, shall cease to be a legal tender.

JAMAICA—LAW 11 OF 1880.

A Law to amend the Marriage Law, 15 of 1879.

[25th *March*, 1880.]

WHEREAS it is expedient to amend Law 15 of 1879 : Preamble.

Be it enacted by the Lieutenant Governor, and Legislative Council of the Island of Jamaica, as follows :

1—This Law and Law 15 of 1879 as hereby amended shall be read together as one Law, and may be cited together as The Marriage Laws, 1879-1880. Incorporation
with Law 15
of 1879 as
amended.

2—Sections 7, 8, 13, 14, 16, 18, 19, 21, 22, 30, 31, and 44 of Law 15 of 1879, and Form No. 1 in Schedule C to that Law annexed, are hereby repealed; but such repeal shall not affect any appointment already made, nor the consequences of any act or omission that has already taken place, nor any right, liability, or right of procedure, civil or criminal, nor any proceedings civil or criminal commenced or to be commenced, in respect of any such act or omission. Law 15 of 1879
partially re-

LAW 11, 1880.

3—

[Substitutes a new section in lieu of section 7 of Law 15 of 1879, which see.]

4—

[Substitutes a new section in lieu of section 8 of Law 15 of 1879, which see.]

5—

[Substitutes a new section in lieu of section 13 of Law 15 of 1879, which see.]

6—

Substitutes a new section in lieu of section 14 of Law 15 of 1879, which see.]

7—

[Substitutes a new section in lieu of section 16 of Law 15 of 1879, which see.]

8—

[Substitutes a new section in lieu of section 18 of Law 15 of 1879, which see.]

9—

[Substitutes a new section in lieu of section 19 of Law 15 of 1879, which see.]

10—

[Substitutes a new section in lieu of section 21 of Law 15 of 1879, which see.]

11—

[Substitutes a new section in lieu of section 22 of Law 15 of 1879, which see.]

12—

[Substitutes a new section in lieu of section 30 of Law 15 of 1879, which see.]

13—

[Substitutes a new section in lieu of section 31 of Law 15 of 1879, which see.]

14—

[Substitutes a new section in lieu of section 44 of Law 15 of 1879, which see.]

15—

[Substitutes a new Form in lieu of Form No. 1 in Schedule C of Law 15 of 1879, which see.]

JAMAICA—LAW 12 OF 1880.

The Kingston Streets Reconstruction Law, 1880.

[12th April, 1880.]

WHEREAS it has become necessary to thoroughly repair, Preamble.
improve and reconstruct, the Roads, Streets and Lanes
of the City of Kingston, and to make provision for the
Drainage thereof, and for those purposes to secure a Loan and
provide the means for repaying the same with interest :

And whereas of the Loan raised under the Act 28 Victoria,
Chapter 24, the sum of four thousand one hundred pounds
will, on the thirtieth day of September next, be still out-
standing and a charge on the Revenue accruing under the
said Act :

And whereas it is desirable to amalgamate the sources of
Revenue provided by that Act with the other sources of Re-
venue provided under this Law, and to make the unredeemed
debt under the said Act a first charge on the amalgamated
sources of Revenue :

Be it enacted by the Lieutenant Governor and Legislative
Council of the Island of Jamaica, as follows :

1—In the construction of this Law and of the Lands Clauses Definitions.
Law, 1872, as incorporated herewith, unless the context
necessarily requires a different construction,

“Commissioners” means the Parochial Road Commissioners
of the Parish of Kingston.

“Streets” includes roads, cross streets, lanes, alleys, road-
ways, water tables and bridges, and the land between
water tables and boundary fences.

“Kingston” means the City of Kingston as defined by Law
27 of 1870.

“The Promoters” means the Commissioners.

“The Undertaking” and “The Works” include the repairs, improvements and reconstruction, of the Streets of Kingston, and the making provision for the Drainage of Kingston, under this Law, and the undertaking or works under this Law authorized to be executed.

“Street Authority” includes the Commissioners of Highways and Bridges for the Parish of Kingston under the Act 25 Victoria, Chapter 18, and the Road Board of the Parish of Kingston.

“A Court of Summary Jurisdiction” means two Justices of the Peace, or any Judge or Magistrate exercising the powers of two Justices.

Incorporation of
several Laws.

2—The following Laws are incorporated with this Law so far as may be required for any of the purposes of this Law :

- (a) The Tax Collection Law, 1867, and all Laws for the time being in force amending or in aid of the same, or substituted therefor.
- (b) The Customs Consolidation Law, 1877, and all Laws for the time being in force amending or in aid of the same, or substituted therefor.
- (c) The Lands Clauses Law, 1872, except sections 10, 11, 84, 88, 89, 90, 91, 92, 93, 101, 104, 105, and 106, so far as section 106 relates to the deduction of a percentage from money paid into the Treasury under this Law, and except so far as the said Law is varied by, or is inconsistent with, the Provisions of this Law.
- (d) Law 27 of 1870.

POWERS OF COMMISSIONERS.

3—It shall be lawful for the Parochial Road Commissioners of the Parish of Kingston— Powers of Commissioners.

- (a) To cause complete estimates, plans and specifications, to be prepared of the repairs, improvements and reconstruction, of the Streets of Kingston, including provision for the Drainage of Kingston, deemed requisite and proposed to be made under this Law.
- (b) To submit such estimates, plans and specifications, when prepared to their satisfaction, to the Governor for consideration and approval by him in Privy Council.
- (c) To cause the Streets of Kingston to be repaired, improved and reconstructed, in accordance with such estimates, plans and specifications, as shall be duly submitted to and approved by the Governor in Privy Council.
- (d) To remove, destroy, alter, divert, stop up or abate, any stairs, steps, enclosures, posts, piles or other encroachments, obstructions, materials and things, or such part or parts thereof respectively, as it shall in the judgment of the Commissioners be deemed necessary or desirable to remove, destroy, alter, divert or abate, for the purposes of this Law ;—the Commissioners erecting or providing, in the stead of any steps or stairs

which may be so removed or stopped up, and which are shewn to the satisfaction of the Commissioners

to have been erected by permission of the Street Authority, or

to have been erected for more than twenty years,

such other steps or stairs as they in their judgment

shall deem suitable and proper, and so as to equalize the width and height of the several causeways or piazzas in, and to restore the original width of, the said Streets respectively, and to make the same available to the extent of such width for general and convenient use as public thoroughfares.

- (e) To cause such drains, culverts, pipings, sewer-gratings and water-tables, to be constructed, and such parts of the said Streets respectively to be laid out for carriage ways, and such part thereof for foot passengers, as shall be deemed requisite or proper.
- (f) To enter upon and take any land, or any right of user or enjoyment, right of way, or other right or easement of, out of, over, upon or in connexion with, any land belonging to the City or any person, and to make and complete, and keep in repair and good order, from time to time on such land, such works as may be requisite for the more complete Drainage of the rain and other waters of Kingston,—making compensation to any person having interest in any land, or in respect of any right therein, taken for the purposes of this Law.
- (g) To break up the surface of the Streets of Kingston, and for any of the purposes of the works to divert wheeled traffic and horses from any Streets or parts of streets, and to close the same against horsekind and wheeled vehicles, for such periods of time as may be deemed necessary or expedient.
- (h) To prohibit and prevent, permanently or temporarily, or to regulate and prescribe, the outlet of surplus and other waters from houses and landed property into or upon the Streets of Kingston, or any drains, water-tables or sewers, in or under the same, or any portions of such Streets, drains, water-tables or sewers.

- (i) To employ and dismiss such Engineers, Superintendents, Officers, tradesmen, labourers and workmen, and to prescribe for them such duties, and invest them with such powers and authorities, and to assign to them such salaries or wages, and to enter into such contracts in or about the works or any part thereof, as may be deemed necessary or expedient.

4—The Commissioners may acquire land and hereditaments, and rights and easements in, upon, over and under lands, for the purposes of this Law, under the Provisions of the Lands Clauses Law, 1872. Power to acquire land, &c.

All lands, and all rights and easements in, upon, through, over or under, any lands, taken or acquired under this Law shall vest in the Colonial Secretary of Jamaica, for the purposes of the Streets of Kingston. Vesting thereof.

5—The Commissioners may from time to time make Rules and Regulations Power to make Rules.

for the guidance of their proceedings, and

for the control and superintendence of the persons employed by them, and

for carrying into effect and enforcing the several powers conferred on them by section 3 of this Law, and generally,

for carrying out the Provisions of this Law,

and may from time to time add to, rescind, modify and vary, any Rules or Regulations in force hereunder.

All Rules and Regulations, and all rescissions, modifications and alterations thereof, and additions thereto, shall be subject to the approval of the Governor in Privy Council, who may approve or disapprove of the same, with or without modification, addition or alteration, as may be deemed proper.

The several Rules and Regulations as approved by the Governor in Privy Council shall be respectively published or notified in such general or special manner, and either generally or to special persons, as the Governor shall generally or specially direct.

LOAN.

Power to raise on Debentures £36,000.

6—The Commissioners are hereby authorized, with the sanction of the Governor, to raise by Debentures from time to time a sum not exceeding thirty-six thousand pounds, for the purposes of paying off outstanding Debentures under the Act 28 Victoria, Chapter 24, and of repairing, improving and reconstructing, the Streets of Kingston, and making provision for the Drainage thereof :

Pre-requisites to exercise of power.

Provided that no such Debentures shall issue, and no such sanction shall be given, until complete estimates, plans and specifications, of the proposed repairs, improvements and reconstruction, including provision for Drainage, have been submitted by the Commissioners to the Governor and have been approved by the Governor in Privy Council :

And Provided that publication in the "Gazette" of a Notification of such submission and approval shall be conclusive evidence thereof.

Debentures,—
their substance,
form, execution
and negoti-
ability.

7—Every Debenture issued under this Law

shall be for a sum not less than one hundred pounds sterling, payable at the expiration of thirty years from the date thereof, or at the earlier period (being not less than ten years from the date thereof) when it becomes redeemable under the Provisions of this Law, and

shall bear interest at a rate not exceeding five per cent. per annum, payable quarterly on the fifth day of each of the months of January, April, July and October in each year.

Each Debenture shall be

signed by at least two Commissioners, and shall be countersigned by the Colonial Secretary and Treasurer, and, subject as aforesaid, shall be

in such form, and under such conditions, and for such sum, as the Commissioners with the sanction of the Governor shall determine, and shall be transferable and negotiable.

8—There shall be attached to every Debenture Coupons for the payment of the interest to become due upon the principal secured by the Debenture.

Coupons there-
to,—their sub-
stance and
form.

The Coupons may be in such form as the Commissioners with the sanction of the Governor may determine.

9—Every Debenture under this Law shall before it is issued be registered by the Treasurer in a Register Book, to be kept for that purpose in the Treasury, and the principal and interest of the Debentures issued under this Law are hereby guaranteed by and charged on the Revenues raised under this Law, and shall be paid by the Treasurer as they become due, in the same manner as the principal and interest of Island Debentures are usually paid.

Debentures,—
how and when
registered,
guaranteed and
paid.

10—The Debentures shall be redeemed either by purchase in the open market or by annual drawings, and, subject to the payment of expenses as hereinafter provided, and except when the Debentures become ultimately payable by the terms thereof, the sum to be applied annually to such redemption shall correspond as nearly as may be to, but not exceed, the amount for the time being standing to the credit of the Sinking Fund.

Debentures,—
their redemp-
tion.

11—So long as any of the Debentures remain outstanding and unsatisfied the Treasurer shall, in the tenth year after the day on which the first of the Debentures is issued, and in each

Appointment of
time for draw-
ing Debentures
for redemption.

subsequent year unless the whole of the money for the time being applicable to the redemption of Debentures has been applied in the purchase thereof, appoint a day in that year for the drawing by lot of the Debentures to be redeemed.

Notice of day appointed for drawings.

12—If a day is appointed for drawing, the Treasurer shall give, by advertisement in the "Gazette" and in two local Newspapers published in Kingston, not less than fifteen days' previous notice, specifying the day on which, and the hour and place at which, the drawing will take place, and the nominal amount of the Debentures to be redeemed at that drawing.

Drawings for redemption.

13—On the day, and at the hour and place, so specified the Treasurer shall hold a meeting, at which the holder of any Debenture may if he think fit be present, and shall then, in the presence of such Debenture holders (if any) as may attend, and of a Notary Public, draw by lot, out of the whole number of Debentures for the time being outstanding, Debentures of the specified nominal amount.

Notification of Debentures drawn for redemption.

14—The Treasurer shall thereupon declare the distinguishing numbers of the Debentures drawn for redemption, and shall as soon as may be, by advertisement in the "Gazette" and in two local newspapers published in Kingston, specify those numbers and appoint a day (not being later as to each Debenture than the day on which the then current half-year's interest thereon is payable) on which the principal moneys secured by the Debenture so distinguished will be repaid.

Payment thereof.

15—On the day so appointed the Treasurer shall, at the Treasury, on demand pay to the holders of the Debentures drawn for repayment, the principal moneys secured by those Debentures, with all interest payable thereon up to that day.

Cesser of interest thereon.

16—From and after the day appointed for the repayment of any Debenture all interest on the principal moneys secured thereby shall cease and determine, whether payment of the principal have or have not been demanded.

17—Upon the payment of the principal moneys secured by the Debenture the Debenture with all the Coupons thereunto belonging shall be delivered up to the Treasurer, to be cancelled. Any Debenture redeemed by purchase shall likewise be cancelled with all Coupons thereto belonging.

Delivery and cancellation of redeemed Debentures.

18—No money applied in redemption of a Debenture shall be re-borrowed, and no Debenture shall be issued in respect of, or in substitution for, any cancelled Debenture.

Money not to be re-borrowed.

19—Upon proof to the satisfaction of the Commissioners that any Debenture issued under this Law has been lost or destroyed before the same is paid off the Commissioners may, with the sanction of the Governor, issue a new Debenture corresponding with the Debenture so lost or destroyed; or if any Debenture when so proved to have been lost or destroyed shall be overdue the Commissioners may, with the sanction of the Governor, cause the money due thereon to be paid off:

Lost Debentures,—Powers to issue duplicates, or to pay same.

Provided that before any Debenture shall be renewed, or payment as aforesaid shall be made, the Commissioners shall cause notice to be published, for four consecutive weeks in the "Jamaica Gazette," of the particulars of the Debenture alleged to be lost or destroyed, and shall take good security to indemnify themselves against any loss which might otherwise be incurred in case any Debenture stated to have been lost or destroyed should at any time afterwards be presented for payment, or interest should be claimed as due thereon.

REVENUE.

20—In order to provide for payment of the interest and principal of the moneys authorized to be raised for the purposes of this Law, there shall be charged on all articles imported into and landed at the harbour of Kingston, except such personal effects of passengers and Military and Naval Officers as are at present exempt from Customs duties, a town due at the rate of five shillings per one hundred pounds of the cost

Town due of five shillings per cent. on all imports into Kingston.

Enforcement of
town dues.

thereof, provided that upon each importation not exceeding five pounds in value, and also for each fractional part of five pounds in value, the town due shall be threepence. These town dues shall commence and become payable upon and from the publication in the "Gazette" of the notification referred to in section 6, and shall be paid to, and be levied, enforced, recovered and received by, Her Majesty's Officers of Customs of Kingston, under and in accordance with the Laws for the time being in force regulating or relating to the collection of Her Majesty's Customs in this Island.

Street tax on
horsekind and
wheels in King-
ston.

21.—In order further to provide for payment of the interest and principal of the moneys authorized to be raised for the purposes of this Law, there shall be paid annually, from the time when the Act 28 Victoria, Chapter 24, shall cease to be in operation, the several rates of taxes and duties herein-after stated, that is to say:—

For each head of horsekind kept and used in Kingston, the sum of three shillings and sixpence ;	...	£0 3 6
For each head of horsekind in Kingston, kept and used solely for livery-stable purposes, the sum of two shillings and sixpence ;	...	0 2 6
For each wheel of a carriage kept and used in Kingston, the sum of five shillings ;		0 5 0
For each wheel of a carriage in Kingston, used solely for livery-stable purposes, the sum of three shillings and sixpence ;		0 3 6
For each wheel of a cart kept and used in Kingston, the sum of three shillings :		0 3 0
Ditto ditto hackney carriage kept and used in Kingston, the sum of six shillings and eightpence.		0 6 8

And there shall also be stated annually on the estimates of the Expenditure and amounts required to be raised for the Public Service, and shall be raised annually accordingly as part of the General Expenditure, the sum of two hundred pounds, which shall be paid by the Treasurer, on the order of the Governor, to the credit of the Kingston Streets Account, 1880.

Grant from
General Reve-
nue.

The taxes and duties by this section imposed shall, with the items or objects charged therewith respectively, be given in for and be payable at the same periods, and be received and collected or enforced by the same Officers, and with the like powers and authorities, and subject to the like penalties or fines for any default, and the like meaning or interpretation of terms, and all other provisions of Law, as any like taxes and duties on wheels and stock respectively under any Law for the time being in force for the collection of taxes.

Enforcement
of street tax.

22—Separate accounts shall be kept by the Collector of Taxes and the Collector of Customs respectively for Kingston of all rates, duties and moneys, leviable and received by them respectively under this Law; and all rates, duties and moneys, received by them respectively under this Law shall be paid by them respectively to the Treasurer, to the credit of the Kingston Streets Account, 1880, at such times and in such manner as the Governor shall from time to time generally or specially direct.

Accounting for
and paying over
of duties raised
under this Law.

23—All moneys to be borrowed under the provisions of this Law shall be paid by the lender to the Treasurer, to the credit of the Commissioners.

Borrowed
moneys how to
be dealt with.

And all rates profits and moneys raised, levied, or received under this Law, other than moneys so borrowed as aforesaid, shall be lodged with the Treasurer to the Credit of an Account to be opened by the Treasurer and called "The Kingston Streets Account, 1880."

LAW 12, 1880.

All moneys held by the Treasurer at the Credit of the Kingston Streets Account, 1880, shall be available to the Treasurer in payment of all sums guaranteed under this Law.

FINANCIAL.

24—The Treasurer is hereby required to perform the acts, matters and things following:—

Keep an account with the Commissioners.

1. To keep an Account with the Commissioners, in which he shall credit all moneys received for or in respect of Debentures issued under this Law, and shall debit all moneys paid for the execution of the works authorized by this Law, and all moneys paid in redemption of the outstanding Debentures under the Act 28 Victoria, Chapter 24, when called in.

Keep the Kingston Streets Account,

2. To keep an Account to be entitled "The Kingston Streets Account, 1880," in which he shall credit all moneys, other than moneys borrowed on Debentures, collected or received, or directed to be paid or credited to the said Fund, under this Law, all which moneys so credited to this Account shall be appropriated,—

Appropriation of.)

1st. In paying the interest moneys from time to time as they become due on the Debentures and Coupons issued under this Law.

2nd. In transferring annually to the Parochial Road Fund Account for Kingston, kept under Law 29 of 1873, the sum of six hundred pounds, to aid in meeting the current expenses of keeping the streets of Kingston in order.

3rd. In appropriating the residue of each year's receipts in the formation of a Sinking Fund, and

investing the same at interest so as to be available with its accumulations when required to pay off the Debentures as they become redeemable.

3. In case the Kingston Streets Account, 1880, or the Sinking Fund, should at any time be insufficient to meet at maturity any of the Debentures, then, whenever that occurs, to pay the sums due on such Debentures, or so much thereof as may be deficient, out of General Revenue, and to debit such payments to the Kingston Streets Account, 1880, with interest thereon, until repaid, at the rate of four pounds ten shillings per cent. per annum.

To pay off Debentures from General Revenue in certain cases.

25—The Treasurer with the sanction of the Governor may pay, from the moneys in his hands at the credit of the Commissioners, all moneys due on outstanding Debentures under the Act 28 Victoria, Chapter 24, when and as called in, and the drafts of the Commissioners on account of the works as may be authorized by the Governor generally or specially, and an account of such extraordinary expenses connected with the same as may be authorized by the Governor specially.

Appropriation of moneys to credit of the Commissioners.

26—The Sinking Fund hereby provided for shall be applied in the first place in payment of all expenses of or incidental to the redemption of Debentures, including the charges of the Notary Public attending at any drawing thereof, and the costs and expenses of all notices required by this Law to be given, and in the next place, subject to the aforesaid payments, in repayment of the principal moneys for the time being secured by the Debentures.

Appropriation of Sinking Fund.

LEGAL.

27—The Commissioners shall be exempt from personal responsibility in respect of any claim in relation to the works hereby authorized; and all damages and costs recovered

Exemption of Commissioners from personal responsibility.

LAW 12, 1880.

against them, or any or either of them, for any such claim shall be paid by the Treasurer, on the order of the Governor, out of the Fund to the credit of the Commissioners.

itations, re-
tions and
isions, as to
ns for
gs done in
ided execu-
of this Law.

28—Any action or prosecution against a person for anything done in pursuance or execution, or intended execution, of this Law shall be commenced within three months after the thing done and not otherwise.

Notice in writing of 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 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 the verdict is for the Defendant, or the Plaintiff is nonsuited or discontinues the action after issue joined, or if judgment is given against the Plaintiff, the Defendant shall recover his costs as between Attorney and Client, and shall have the like remedy for the same as a Defendant has by Law for costs in other cases.

MISCELLANEOUS.

alties for
h of Rules,
nforce-
thereof.

29—Every person who shall contravene any Rule or Regulation in force for the time being under this Law shall forfeit a sum not exceeding five pounds for each contravention, unless and except in cases in which the penalty is by such Rules and Regulations limited not to exceed a smaller amount.

All penalties under this Law shall be recoverable summarily before a Court of Summary Jurisdiction.

30—When all the outstanding Debentures issued under the Act 28 Victoria, Chapter 24, are paid, or being called in and due the amounts due thereon are set apart and appropriated for their payment on presentation, the Governor may by “Gazette” notice declare that that Act has ceased to be in operation, and it shall thereupon cease to be in force.

Provisional repeal of 28 Victoria, Chapter 24.

Provided that notwithstanding such declaration and cesser all taxes and duties then accrued and overdue under the said Act may be collected and enforced as fully as if this Law had not passed, and that all moneys then remaining to the credit of the Kingston Streets Account opened under the Provisions of that Act, and all moneys subsequently collected under that Act, shall be transferred and paid to the credit of the Kingston Streets Account, 1880, hereby provided for.

And provided also that such declaration and cesser shall not affect the past operation of the said Act, nor anything done, omitted or suffered before such declaration, nor any right, privilege, liability, or right of procedure, civil or criminal, commenced or to be commenced in respect of any such Act or omission.

JAMAICA—LAW 13 OF 1880.

A Law to Supplement the Provisions of Law 49 of 1869, authorizing the issue of a Nickle Coinage in this Island.

[2nd December, 1880.]

WHEREAS by Law 49 of 1869 provision is made for the issuing of coins of the denomination of one penny and of one half penny in a Nickle Currency and it has been deemed expedient that such coins of a smaller value should be issued:

Preamble.

Be it enacted by the Governor and Legislative Council of the Island of Jamaica, as follows :

Governor may issue coins of the value of one farthing in a Nickel Currency.

1—It shall be lawful for the Governor to issue coins of the denomination of one farthing in a Nickle Currency which, whenever issued, shall be current in this Island and shall be a legal tender at the value of one forty-eighth part of a shilling respectively: Provided that no person shall be obliged to take more of such farthing pieces in any one payment than shall be of the value of threepence.

Incorporated with Law 49 of 1869.

2—This Law shall be deemed to be incorporated with and to form part of Law 49 of 1869 aforesaid.

JAMAICA—LAW 14 OF 1880.

A Law to Allow and Confirm Certain Expenditure in 1878-79.*

[2nd December, 1880.]

JAMAICA—LAW 15 OF 1880.

The Census Law, 1880.

[8th December, 1880.]

Preamble.

WHEREAS it is proposed by the Imperial Government to take a Census of the population of the United Kingdom on the fourth day of April, in the year one thousand eight hundred and eighty-one, and it is desirable that

* Omitted as spent.

simultaneously therewith, and as far as practicable in uniformity therewith as regards the particulars required, a Census of the inhabitants of this Colony and of its Dependencies should also be taken :

Be it enacted by the Governor and Legislative Council of the Island of Jamaica, as follows :

I.—GENERAL PROVISIONS.

1—In this Law—

“House” means an occupied dwelling house, hut, shop, store or wharf, or story or apartment, and every dwelling or tenement of which the whole or any part shall be used for the purpose of human habitation, or place in which people usually or occasionally reside or sleep.

Interpretation clause.

“House.”

“Census forms” means such schedulized or other forms as the Governor shall prescribe to be prepared, issued and furnished to Parochial Registrars and to Enumerators for the purposes of this Law.

“Census Forms.”

“Registrar General” means the Registrar General of Births, Deaths, and Marriages, as regards Jamaica, the Commissioner as regards the Turks and Caicos Islands; and the Justices and Vestry as regards the Cayman Islands.

“Registrar General.”

“Enumerator” includes Assistant or Substituted Enumerator.

“Enumerator.”

“A Court of Summary Jurisdiction” means a District Court Judge, or two Justices of the Peace, or a Magistrate exercising the powers of two Justices of the Peace.

“A Court of Summary Jurisdiction.”

2—On Monday the fourth day of April, one thousand eight hundred and eighty-one, a Census shall be taken of the inhabitants of this Island, and its Dependencies before named:

Date of taking Census.

Particulars of
Census.

Such Census shall include all such particulars as to such inhabitants and their houses, and otherwise, as shall be required by, or be necessary to a complete filling up of the Census forms.

Census to be
carried out by
Parochial Reg-
istrars and Enu-
merators.

Such Census shall be carried out by Parochial Registrars and Enumerators appointed by or under this Law, and shall be under the direction and control of the Registrar General.

Registrar Gen-
eral to give
necessary in-
structions.

3—The Registrar General shall cause the necessary census forms, instructions and books to be prepared as early as practicable, and to be forwarded at least one week before it shall be necessary to use them, respectively, to the Parochial Registrars and to the Enumerators appointed by or under this Law.

II.—PAROCHIAL REGISTRARS, ENUMERATORS, THEIR DUTIES, POWERS, &c.

Appointment of
Parochial Regis-
trars.

4—The Registrar General shall, on or before the first day of March, one thousand eight hundred and eighty-one, appoint one or more Parochial Registrars for each Parish, and in any case, where more than one Parochial Registrar shall be appointed for a Parish, the responsibility and powers of each Parochial Registrar shall extend only to such Enumerators' Districts as the Registrar General shall have in writing assigned to such Parochial Registrar. Each Parochial Registrar shall on his appointment, subject to the approval of the Registrar General, appoint by writing under his hand a fit person to act as his deputy in case of the illness or unavoidable absence of such Parochial Registrar, and every such Deputy while so acting shall have all the powers and duties, and be subject to all the penalties herein declared concerning Parochial Registrars, and in case of the death or resignation of the Parochial Registrar shall act as Parochial Registrar. The Registrar General shall, on or before the first day of March, one thousand eight hundred and eighty-one, divide each Parish into as many Districts as he shall consider

Division of Par-
ish into Dis-
tricts.

necessary, so as to allow one person to visit every house and enumerate its inhabitants within the compass of one day, and for each such District shall, within 15 days thereafter, appoint at least one Enumerator, and may in each case in which he may deem it desirable appoint an assistant to, or substitute for, any Enumerator so appointed.

5—The duties of each Enumerator or Assistant or Substituted Enumerator appointed under this Law shall be as follows :

Duties of Enumerator or Assistant or Substituted Enumerator.

- (a) In the course of the week ending on Saturday the second day of April, one thousand eight hundred and eighty-one, he shall leave at every house within his District, with some person on the premises, at least one of the census forms furnished to him under this Law; and where any house is occupied in different stories or apartments, distinctly by different persons or families, he shall leave at least one such form at each such distinct story or apartment, with some person occupying the same.
- (b) In each case he shall notify to the person with whom any such form is left that it will be called for on Monday the fourth day of April then next, and that it is to be filled up according to fact in each case, where the occupants of the house or apartments are able to do so.
- (c) He shall on Monday the fourth day of April, one thousand eight hundred and eighty-one, visit every house within his District, and ask for, and so far as practicable, obtain from the inmates thereof the forms aforesaid filled up, and shall complete such of the forms as upon re-delivery thereof to him shall appear to be defective, and correct such as he shall find to be erroneous, which forms he shall carefully keep.

- (d) In each case in which the form left at any house as aforesaid has been lost or mislaid, or for any other cause is not delivered to him on request, duly filled up, he shall ask for and require an account of the number of persons who slept in such house on the previous night, and ask for and require all other information required by this Law; which account and information he shall then and there write and fill in on a census form.
- (e) He shall at the same time, or as soon thereafter as practicable, ascertain the number and description of houses, and the other particulars relating thereto, by this Law or the census forms required to be obtained.
- (f) He shall on or before the fourteenth day of April, one thousand eight hundred and eighty-one, complete, correct, [and deliver to the Parochial Registrar of his District, all the said forms duly and accurately filled up.
- (g) He shall make and annex to the said forms a declaration signed by him, and taken before the Parochial Registrar or a Justice of the Peace, to the effect that all the forms or schedules, accounts and other particulars, have been truly and faithfully filled up and collected, and that to his knowledge the same are a complete and correct statement of the inhabitants and other particulars required by such forms within his District so far as may be known.

Power of
Enumerators.

6—It shall be lawful for each Enumerator not only to enter every house within his District for the purposes of this Law, on leaving such forms as aforesaid and on the fourth day of April aforesaid, but he may repeat his visits to, and entries into and upon any house in his District as often as may be

necessary, within one week next after the said fourth day of April, one thousand eight hundred and eighty-one, for the purpose of obtaining from any inmate of any such house any further information or explanation necessary to enable him to complete, verify or correct, any account given to or taken by him in respect thereof or of the inmates thereof.

7—The following Public Officers are hereby appointed Enumerators in respect of the Institutions under their charge, respectively, that is to say :

Appointment of certain Public Officers as Enumerators.

The Superintendent of the Penitentiaries.

The Superintendent of each District and other Prison or Gaol.

The Police Sergeant in charge of each Station or Lock-up.

The Superintendent or Officer in charge of the Public Hospital.

The Superintendent or Officer in charge of the Lunatic Asylum.

The Chief Resident Officer of any Hospital, and

The Master, Mistress, or person in charge of each Reformatory, School, or Public or Charitable Institution.

Each of them shall on Monday the fourth day of April, one thousand eight hundred and eighty-one, in respect of the Institution of which he is in charge, fill up according to fact the census forms in all particulars as nearly as the same can be ascertained, and shall on or before the fourteenth day of April, one thousand eight hundred and eighty-one, transmit the same census forms so filled up to the Parochial Registrar of the District in which such Institution is situate, and shall make and annex to such census forms a declaration duly signed and taken and to the like effect as required from other Enumerators.

III.—STATISTICAL RETURNS.

Parochial Registrars to ascertain particulars as to persons not abiding in any house.

8—Each Parochial Registrar shall by such ways and means as shall appear to him best adapted for the purpose, or as he may be instructed by the Registrar General, ascertain the particulars required by this Law, so far as may be practicable, with respect to all houseless persons, and all persons who during the night of Sunday the said third day of April, one thousand eight hundred and eighty-one, are travelling or on ship board in this Island, or its Dependencies before named, or for any other reason were not abiding in any house of which account is to be taken by the Enumerators as aforesaid, and shall declare to the correctness of such returns in like manner as hereinbefore directed in respect to the returns of Enumerators, and shall on or before the thirtieth day of April, one thousand eight hundred and eighty-one, transmit the same so verified to the Registrar General.

Examination of Forms.

9—Each Parochial Registrar shall carefully examine or cause to be examined the several census forms and returns which shall be delivered to him by the Enumerators, and shall cause any inaccuracy or defect to be corrected or supplied so far as may be possible, and shall on or before the thirtieth day of April, one thousand eight hundred and eighty-one, transmit the same census forms and returns, with all corrections thereof, to the Registrar General.

Preparation of Return.

10—The Registrar General shall, from the forms and returns delivered or transmitted to him, without delay prepare a classified tabulated return, according to a form to be prescribed by the Governor, shewing the number of the inhabitants of each Parish, Island or Quay, the number of houses, and all other particulars thereby required to be shewn; and he shall on or before the first day of July, one thousand eight hundred and eighty-one,

(a) Cause such return to be entered fair in a book to be provided for that purpose and kept in his office; and

- (b) Shall prepare two copies of such return, the correctness of which shall be by him declared unto before a Justice of the Peace; and
- (c) Shall on or before the first day of July, one thousand eight hundred and eighty-one, transmit to the Colonial Secretary the classified tabulated return.

IV.—REMUNERATION.

11—Each Parochial Registrar and each Enumerator appointed by the Registrar General shall be paid, for services performed under this Law, such sums as the Governor shall consider adequate, upon production of a certificate that his duties under this Law have been faithfully performed by him, such certificate

Payment to
Parochial Re-
gistrars and
Enumerators.

in the case of a Parochial Registrar to be signed by the Registrar General, and

in the case of each Enumerator to be signed by the Parochial Registrar of his District.

V.—OFFENCES.

12—Every Enumerator is guilty of an offence against this Law

Offences and
Penalties.

who neglects to make the return for his District required by this Law, or

wilfully makes a false or incorrect return or declaration, or

delays making up, declaring unto, and delivering to the Parochial Registrar of his District, all original census forms and returns obtained by him, or

omits or neglects any other duty required by this Law to be performed;

and for every such offence shall on conviction thereof forfeit a sum not exceeding Ten Pounds; and every Parochial Registrar is guilty of an offence against this Law who

makes wilful delay or default in any of the matters required of him by this Law, or

makes any false return or declaration,

and for every such offence he shall on conviction thereof forfeit a sum not exceeding Twenty Pounds.

Offences against
this Law.

13—Every person is guilty of an offence against this Law who

refuses, neglects, or declines to give any Enumerator who shall demand it, a just and true account, either orally or in writing, of the number of persons who slept in the house inhabited by him on the night of Sunday the third day of April, one thousand eight hundred and eighty-one, or to furnish any other information required by this Law when called upon to do so, or

who wilfully gives or furnishes, or causes to be given or furnished, any false account or false information whatsoever, or

who hinders any Enumerator from obtaining any such account or information, or

who in any way obstructs him in the execution of his duty,

and for every such offence he shall on conviction thereof forfeit and pay a sum not exceeding Ten Pounds.

Punishable on
summary con-
viction

14—The several penalties imposed by this Law shall be recovered in a Court of Summary Jurisdiction of the District or Parish, Island or Quay, in which the offence is committed, and

each person convicted of an offence shall, in default of immediate payment of the penalty imposed on him, be liable to imprisonment with or without hard labour as the Court directs for the period prescribed by The Small Penalties Law, 1868, in cases where the penalty does not exceed Five Pounds, and for a period not exceeding six months in other cases, determinable in each case upon the earlier payment of the penalty, or by any provision in force in the Island or Quay for the recovery and enforcement of penalties.

15—This Law extends to the Turks and Caicos Islands and the Cayman Islands. Jurisdiction.

JAMAICA—LAW 16 OF 1880.

A Law to Amend Law 20 of 1870, entitled "A Law to establish a Government Savings Bank."*

[8th December, 1880.]

JAMAICA—LAW 17 OF 1880.

A Law to amend the Railway Extension Loan Law, 8 of 1880.

[9th December, 1880.]

WHEREAS it is expedient to amend Law 8 of 1880: Be Preamble.
it enacted by the Governor and Legislative Council of the Island of Jamaica, as follows:

*Repealed, with a Proviso, by sec. 1 of Law 33 of 1882.

Incorporation
with Law 8 of
1880.

1—This Law and Law 8 of 1880 as hereby amended shall be read together as one Law, and may be cited together as the Railway Extension Loan Laws, 1880.

Sections 1, 2, 3,
11, 12, 14, 15,
and 16 of Law
8 of 1880 re-
pealed.

2—Sections 1, 2, 3, 11, 12, 14, 15 and 16 of Law 8 of 1880, are hereby repealed, but such repeal shall not affect anything already done thereunder.

3—

[Substitutes a new section in lieu of section 1 of Law 8 of 1880, which see.]

4—

[Substitutes a new section in lieu of section 2 of Law 8 of 1880, which see.]

5—

[Substitutes a new section in lieu of section 3 of Law 8 of 1880, which see.]

6—

[Substitutes a new section in lieu of section 11 of Law 8 of 1880, which see.]

7—

[Substitutes a new section in lieu of section 12 of Law 8 of 1880, which see.]

8—

[Substitutes a new section in lieu of section 14 of Law 8 of 1880, which see.]

9—

[Substitutes a new section in lieu of section 15 of Law 8 of 1880, which see.]

10—

[Substitutes a new section in lieu of section 16 of Law 8 of 1880 which see.]

JAMAICA—LAW 18 OF 1880.

The Appropriation Law, 1880-81.*

[9th December, 1880.]

* Omitted as spent.

JAMAICA—LAW 19 OF 1880.

A Law to authorize the raising of a Loan for the Redemption of certain Island Debentures.

[9th December, 1880.]

WHEREAS under the provisions of certain Laws mentioned in the Schedule hereto Loans have been raised by the issue of Debentures, a large portion of which Debentures are now held as investments of Savings Bank funds by the Government Savings Bank, and it is desirable to raise a loan by the issue of new Debentures bearing interest at a rate not exceeding four and a half pounds per centum per annum for the conversion or redemption of such first mentioned Debentures: Be it therefore enacted by the Governor and Legislative Council of the Island of Jamaica, as follows:

Preamble.

1—The Governor of Jamaica may from time to time, either in England or in Jamaica, raise by the issue of Debentures under this Law any sum or sums not exceeding in the whole five hundred and eighty-five thousand pounds, at a rate of interest not exceeding four and a half pounds per centum per annum, to be applied in the redemption of such of the Debentures issued under the Laws mentioned in the Schedule hereto as may be held by the Government Savings Bank or as may be legally redeemable, or as any other holders thereof may be willing to have redeemed.

Power to raise £585,000 in redemption of Debentures mentioned in Schedule.

2—The principal moneys and interest secured under this Law are hereby charged upon and guaranteed by, and shall be payable out of, the General Revenues and Assets of the Government of Jamaica.

Loan charged on Island Revenues.

3—Every Debenture issued under this Law shall be for a sum not less than fifty pounds sterling, and shall bear interest at a rate not exceeding four and a half per centum per annum payable half-yearly.

Debentures, amount of principal and interest.

Debentures,
how to be
signed,

4—The Debentures when issued in England shall be issued in London on behalf of the Government of Jamaica by the Crown Agents for the Colonies (in this Law referred to as the Crown Agents) and shall be signed by them on that behalf, and when issued in Jamaica shall be signed by the Colonial Secretary and countersigned by the Treasurer of the Island of Jamaica.

Registry of De-
bentures.

5—Every Debenture issued in England shall before being issued be registered in a Register Book to be kept for that purpose at the Office in London of the Crown Agents, and every Debenture issued in Jamaica shall before being issued be registered in a Register Book to be kept for that purpose at the Public Treasury.

Coupons for in-
terest,

6—There shall be attached to every Debenture Coupons for the payment of the interest to become due in each half year upon the principal secured by the Debenture,

The Coupons shall be sufficient in number to provide for the payment of the interest, either during the whole period for which the Debenture has to run, or for such limited period as the Governor or the Crown Agents acting on behalf of the Government of Jamaica in England, may determine.

Forms of De-
bentures and
Coupons.

7—The Debentures and the Coupons thereto may be in such form as the Governor or Crown Agents acting on his behalf in England may direct or approve.

Transfer thereof
by delivery.

8—Every Debenture and Coupon, and the right to receive the principal and the interest secured or represented thereby, shall be transferable by delivery.

Provisions for
payment of
interest and
creating Sinking
Funds for re-
demption of
principal,

9—So long as any of the Debentures remain outstanding the Governor shall, in each half year ending with the day on which the interest on the Debentures falls due, appropriate out of the General Revenues and Assets of this Colony a sum equal to one half year's interest on the whole of the Debentures

previously issued, including any which may have been redeemed, and remit such portion of that sum as shall be equal to one half year's interest on the whole of the Debentures previously issued in England, including any which may have been redeemed, to the Crown Agents at such time as will enable them to pay thereout the then current half year's interest on the then outstanding Debentures issued in England on the day when it falls due, and out of the remainder of that sum the Treasurer shall pay the then current half year's interest on the then outstanding Debentures issued in Jamaica on the day when it falls due, and the balance of that sum shall be invested by the Treasurer, under the direction of the Governor, towards the formation of a fund applicable, in manner hereinafter provided, to the redemption of the Debentures issued in Jamaica. After the expiration of five years from the day on which the first of the Debentures is issued, and so long thereafter as any of the Debentures remain outstanding, the Governor shall, in each half year ending as aforesaid, appropriate out of the Revenues and Assets of this Colony an additional sum equal to ten shillings sterling per cent. on the total nominal amount of all the Debentures issued on or before the first day of that half year, including any which may have been redeemed, and remit such portion of that sum as shall be equal to ten shillings sterling per cent. on the total nominal amount of all the Debentures issued in England on or before the first day of that half year, including any which may have been redeemed, to the Crown Agents with the remittance hereinbefore mentioned, and the remainder of that sum shall be invested by the Treasurer, under the directions of the Governor, towards the formation of the fund hereinbefore mentioned, applicable to the redemption of the Debentures issued in Jamaica.

10—The Crown Agents shall, subject to the approval of Her Majesty's Principal Secretary of State for the Colonies for the time being, place and keep the moneys so remitted to them, or so much thereof as may not be required for

Remittances to
the Crown
Agents, how to
be applied.

immediate payments, on deposit at interest in their names with some Bank or Banks in London or Westminster, and shall hold all such moneys and the accumulations thereon in trust to apply them, in the first place, in payment of the interest for the current half year upon the Debentures for the time being issued in England and outstanding, and in the next place in the formation of a fund applicable in manner hereinafter provided to the redemption of the Debentures issued in England.

Interest when
and where pay-
able.

11—The interest upon the principal secured by each Debenture shall run from the day named in that behalf in the Debenture, and shall be paid half yearly on the days named in that behalf in the Debenture, if issued in England at the Office in London of the Crown Agents, and if issued in Jamaica at the Treasury of the Island.

Application of
the Sinking
Funds.

12—The funds applicable under the provisions of this Law in England and Jamaica respectively to the redemption of Debentures shall be applied in the first place in payment of all expenses of or incidental to the redemption of Debentures, including the charges of the Notary Public attending at any drawing thereof, and the cost and expenses of all notices required by this Law to be given, and in the next place, subject to the aforesaid payments, in repayment of the principal moneys for the time being secured by the Debentures.

Redemption of
Debentures.

13—The Debentures if issued in England shall at the option of the Crown Agents, subject to the approval of Her Majesty's Principal Secretary of State for the Colonies for the time being, and if issued in Jamaica shall at the option of the Treasurer, subject to the direction of the Governor, be redeemed either by purchase in the open market or by annual drawings, and, subject to the aforesaid payments, the sums to be applied annually in England and Jamaica respectively to such redemption shall in each Country correspond as nearly as may be to, but not exceed, the amount applicable therein under the provisions of this Law to the redemption of Debentures.

14—After the expiration of five years from the day on which the first of the Debentures is issued, and so long thereafter as any of the Debentures remain outstanding and unsatisfied, the Crown Agents as to the Debentures issued in England, and the Treasurer, if so directed by the Governor, as to the Debentures issued in Jamaica, shall, in every year after the day on which the first of the Debentures is issued, unless the whole of the money applicable in that year to the redemption of Debentures has been applied in the purchase thereof, appoint respectively a day in that year for the drawing by lot of the Debentures to be redeemed.

Appointment of day for drawings of Debentures to be redeemed.

15—If a day is appointed for drawing, the Crown Agents as to the Debentures issued in England shall give by advertisement in the “London Times” newspaper, and the Treasurer as to the Debentures issued in Jamaica shall give by advertisement in the “Jamaica Gazette” and in not less than two newspapers published in the Colony, not less than fifteen days’ previous notice, specifying the days on which, and the hours and places at which, the drawings will take place, and the nominal amount of the Debentures to be redeemed at those drawings respectively.

Notice of times for drawings.

16—On the day and at the hour and place so specified the Crown Agents and Treasurer respectively shall hold meetings at which the holder of any Debenture may, if he think fit, be present, and shall then in the presence of such Debenture holders (if any) as may attend, and of any Notary Public, draw by lot, out of the whole number of Debentures for the time being outstanding, Debentures of the specified nominal amount.

Drawings of Debentures to be redeemed.

17—The Crown Agents and Treasurer respectively shall thereupon declare the distinguishing numbers of the Debentures drawn for redemption, and shall as soon as may be, in

Appointment of time for payment of Debentures drawn for

redemption and notice thereof. case of Debentures issued in England by advertisement in the "London Times" newspaper, and in case of the Debentures issued in Jamaica by advertisement in the "Jamaica Gazette" and in not less than two newspapers published in the Colony, specify those numbers and appoint a day (not being later as to each Debenture than the day on which the then current half-year's interest thereon is payable) on which the principal moneys secured by the Debentures so distinguished will be repaid.

Payment of such Debentures. 18—On the day so appointed the Crown Agents in respect of Debentures issued in England at their Office in London, and the Treasurer in respect of Debentures issued in Jamaica, shall on demand pay to the holders of the Debentures drawn for re-payment the principal moneys secured by those Debentures, with all interest payable thereon up to that day.

Cesser of interest thereon. 19—From and after the day appointed for the repayment of any Debenture all interest on the principal moneys secured thereby shall cease and determine, whether payment of the principal have or have not been demanded.

Cancellation of redeemed Debentures. 20—Upon the repayment of the principal moneys secured by the Debenture, the Debenture with all the Coupons thereunto belonging, if issued in England shall be delivered up to the Crown Agents, and if issued in Jamaica to the Treasurer, to be by them respectively cancelled and forwarded to the Government of Jamaica.

Any Debenture redeemed by purchase shall likewise be so cancelled and forwarded.

Cancelled Debentures not renewable. 21—No money applied in redemption of a Debenture shall be re-borrowed and no Debenture shall be issued in respect of, or in substitution for, any cancelled Debenture.

Free of Stamp Duty. 22—All Debentures, documents or papers, made or given under this Law shall be free of Stamp Duty.

SCHEDULE.

24 Vic., chap. 26—Main Roads.

26 Vic., sec. 2, chap. 20—Further Repairs.

Law 7 of 1869—Kingston Markets.

Law 47 of 1869—Consolidation.

Law 8 of 1871—Immigration.

Law 15 of 1871 and 17 of 1874—Kingston and Liguanea
Water.

Law 27 of 1872—Rio Cobre Canal.

Law 31 of 1872—Kingston Gas.

Law 1 of 1878—Immigration.

Law 1 of 1879—Island Telegraphs.

JAMAICA—LAW 1 OF 1881.

A Law in aid of The Immigration Protection and Regulation Law, 1879, Law 23 of 1879.

[8th February, 1881.]

BE it enacted by the Governor and Legislative Council of the Island of Jamaica, as follows :

Law 23 of 1879
amended.

1—On and after the commencement of this Law, and without prejudice to the past operation of Law 23 of 1879, Law 23 of 1879 shall be read as follows, that is to say :

Section 1.

(1) As if in [section 3]* under the definition “Immigrant,” the words “and who has not completed “his period of Industrial [residence]”* were omitted, and there were substituted the words “who “has not completed a continuous residence of ten “years in this Island, and during that time has “become entitled to a Certificate of Industrial Service,” and

Section 26.

(2) As if in section 26, after the word “landed,” the word “both” were omitted, and the following words were inserted “and shall also when landed “be supplied with agricultural implements and “cooking utensils all.”

Section 28.

(3) As if in section 28, for the words “such Register” there were substituted the words “the Register to “be kept as in section 29, provided,” and

Section 34.

(4) As if in section 34, the words “and every Immigrant under contract of Service under this Law, “and every Immigrant indentured as other than “an able-bodied Immigrant” were omitted, and as if in the same section, for the word “able-bodied”

* Amended by sec. 9 of Law 3 of 1883 by substituting word in brackets.

there was substituted the word "adult," and at the end of the section there were added the words "and such residence under Indenture shall be equivalent to Industrial Service," and

- (5) As if in section 38, after the words "the cost of" Section 38.
 "such Immigrant" the following was inserted,—
 "The Governor shall have power to order the
 "issue of a Certificate of Exemption from further
 "service to an Immigrant in any case in which it
 "may be shewn to the Governor's satisfaction, by
 two Medical Certificates, that such Immigrant is
 "to the best of the belief of the persons giving
 "such Certificates incapable of service under in-
 "denture from permanent infirmity or sickness.
 " Such Certificate of Exemption when ordered
 "by the Governor shall not affect any liability of
 "the Employer of the Immigrant in respect of any
 "promissory notes given wholly or in part for the
 "cost of introduction of such Immigrant, but
 "shall relieve the Employer from the responsi-
 "bility for care and maintenance" and
- (6) As if in sections 44 and 46 respectively, for the Sections 44 and
 word "Protector" there was substituted the word 46.
 "Governor," and
- (7) As if in section 47, for the words "authorized" Section 47.
 "holidays" there were substituted the words "for
 "the days mentioned in section 48," and
- (8) As if in section 48, the words "according to the" Section 48.
 "national custom of the class of Immigrants to
 "which such Immigrant is registered as belonging"
 were omitted, and
- (9) As if in section 93, for the word "Protector" there Section 93.
 was substituted the word "Governor," and

- Section 94. (10) As if in section 94, for the word "Protector" there was substituted the word "Governor," and after the word substituted, "Governor," there were added the words "to enter into any contract of Industrial "Service in any prohibited place or," and
- Section 95. (11) As if in section 95, sub-section 21, after the word "every" and before the word "Immigrant" the word "indentured" was inserted, and
- Section 95.
Sub-section 21. (12) As if in section 95, after sub-section 21, the following sub-sections were inserted :—
- "22. Every Immigrant who shall misconduct himself while in Hospital, on complaint made by "the Medical or other Officers to the Protector or "Inspector of Immigrants,—Penalty not exceeding "ing One Pound."
- "23. Every Immigrant who shall leave the Hospital in which he is under treatment before he is "discharged by the Medical Officer, or who shall "persistently commit any breach of the Hospital "Regulations,—Penalty not exceeding Two "Pounds," and
- Schedule C. (13) As if in the Schedule C, the words "eight pounds "of Split Pease" were inserted after the words "and also for every such person monthly."
- Short Title of
these Laws. 2—Law 23 of 1879 and this Law may be cited as "The Immigration Protection and Regulation Law, 1879-1880."
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JAMAICA—Law 2 OF 1881.

The Bastardy Law, 1881.*

[8th February, 1881.]

WHEREAS it is expedient to make provision for the maintenance of bastard children by the respective fathers of the same : Preamble.

Be it therefore enacted by the Governor and Legislative Council of the Island of Jamaica, as follows :

1—Any single woman who may be with child or who may be delivered of a bastard child after the passing of this Law, or who may have been so delivered within twelve months before the passing of this Law, may, Putative father to be summoned before District Court Judge on application of mother of bastard child.

either before the birth or at any time within twelve months from the birth of such child, or

in case such child shall have been born within twelve months before the passing of this Law, within six months after the passing thereof, or

at any time thereafter upon proof that the man alleged to be the father of such child has within the twelve months next after the birth of such child paid money for its maintenance or contributed to its support, or

at any time within the twelve months next after the return to this Island of the man alleged to be the father of such child upon proof that he ceased to reside in this Island within the twelve months next after the birth of such child,

make a complaint, on oath or affirmation, before the District Court Judge of the District in which she may reside, alleging some man to be the father of the child; and such District Court Judge shall thereupon issue his summons to the person

* Amended by sec. 1 of Law 26 of 1882 by allowing the complaint to be made before a Justice of the Peace or Clerk of Petty Sessions.

alleged to be the father of such child to appear at a District Court to be holden after the expiration of six days at least at some place to be named in the summons within the District aforesaid.

Power to such Judge to make an order on the putative father for maintenance, &c., of child.

2—After the birth of such bastard child, on the appearance of the person so summoned, or on proof that the summons was duly served on such person or left at his last place of abode six days at least before the holding of the Court, the said Judge shall hear the evidence of such woman and such other evidence as she may produce, and shall also hear any evidence tendered by or on behalf of the person alleged to be the father; and if the evidence of the mother be corroborated in some material particular by other evidence to the satisfaction of the said Judge, he may adjudge the man to be the putative father of such bastard child; and he may also, if he sees fit having regard to all the circumstances of the case, proceed to make an order (hereinafter termed an affiliation order) on the putative father for the payment to the mother of the bastard child, or to any person who may be appointed to have the custody of such child under the Provisions hereinafter contained, of a sum of money weekly, not exceeding five shillings a week, for the maintenance and education of the child; and if the child has died before the making of such order the said Judge may make an order on the said putative father for payment to the mother, or to such other person as may be shown to have incurred expense in its burial, of a sum of money not exceeding ten shillings for its said burial; and if the application be made before the birth of the child, or within two calendar months after the birth of the child, such weekly sum may, if the said Judge think fit, be calculated from the birth of the child, and if the child be dead may be calculated at a rate not exceeding the rate aforesaid from the birth of the child up to the day of its death; and in addition to the said weekly sum the said Judge may, in and by the said order, order payment of a sum not exceeding one pound for the expenses of the confinement; and in any case the

said Judge may in and by the said order direct the putative father to pay such sum as he may see fit and name in the order for the costs incurred in obtaining the same; and any such order may after the expiration of one week from the making thereof be from time to time enforced, if the payments required by it to be made or any of them shall be in arrear, in the manner prescribed by the Act of the 13 Victoria, Chapter 35, for the enforcing of orders of Justices requiring the payment of a sum of money, as if the same were an order for the payment of money made by Justices under that Act.

3—If within twenty-four hours after the adjudication and making of any order on the putative father as aforesaid such putative father give notice of appeal to the mother of the bastard child, and also within seven days give sufficient security, by recognizance or otherwise, for the payment of costs, to the satisfaction of some one Justice of the Peace, it shall be lawful for such putative father to appeal to the Supreme Court, and such Court shall, in accordance with such Rules as may be made by the Court in that behalf, thereupon hear and determine such appeal, and shall order such costs to be paid by either party as to the Court may seem fit.

Putative father
may appeal to
Supreme Court.

4—All money payable under any order as aforesaid shall be due and payable to the mother of the bastard child in respect of such time and so long as she lives and is of sound mind and is not in any gaol or prison; and after the death of the mother of such bastard child, or whilst such mother is of unsound mind, or confined in any gaol or prison, any District Court Judge may, if he sees fit, by order under his hand, from time to time appoint some person who, with his own consent, shall have the custody of such bastard child, so long as such bastard child is not a charge upon any funds in the hands of any Municipal Board applicable to the relief of the poor; and any District Court Judge may revoke the appointment of

Money under
the order to be
paid to the
mother or some
other person
named by the
Judge.

such person, and may appoint another person in his stead ; and every person so appointed to have the custody of a bastard child shall, so long as such child is not a charge as aforesaid, be empowered to make application for the recovering of all payments becoming due under the affiliation order aforesaid, in the same manner as the mother of such bastard child might have done ; and the Clerk to the District Court making any order on the putative father of a bastard child, or appointing any person to have the custody of such child as hereinbefore provided, shall as soon as may be send by post or otherwise a duplicate of such order or appointment, signed by such Clerk, to the Clerk or other Officer of the Municipal Board of the Parish in which the mother of such bastard child resided at the time of making such order or appointment.

Payments for
bastard children
who become a
charge upon
the Parish.

5—When and so often as any bastard child for whose maintenance an order has been made by a Judge as aforesaid on the application of the mother shall become a charge upon the funds in the hands of the Municipal Board of any Parish applicable to the relief of the poor, the District Court Judge for the District in which such Parish is situate may, if he shall see fit, by order under his hand from time to time appoint the Almoner, or other Relieving Officer of the Parish on whose funds such bastard child shall be a charge as aforesaid, to receive on account of such Parish such proportion of the payments then due or becoming due under the said order as may accrue during the period for which such child is a charge as aforesaid ; and such appointment shall remain in force for the period of one whole year whenever the bastard child shall be or have become a charge as aforesaid, and may afterwards from time to time be renewed by endorsement under the hand of any one Justice of the Peace for the like period ; and any payment so ordered to be made shall be recoverable by the Almoner or other Relieving Officer appointed to receive it in the manner provided for the recovery of payments under an order obtained by the mother.

6—When a bastard child in respect of whom no order has been made on the application of its mother as aforesaid becomes a charge upon the funds in the hands of the Municipal Board of any Parish applicable to the relief of the poor, the Almoner or other Officer appointed by the said Board to administer the said funds, or any other person appointed by the said Board in that behalf, may make a complaint against the man alleged to be the father of the child before the Judge of the District Court for the District wherein such Parish is situate, and thereupon such Judge shall summon such man to appear before him and show cause why an order should not be made upon him to contribute towards the relief of the child, and upon his appearance, or in the event of his not appearing upon proof of due service of the summons upon him, such Judge may, if satisfied that he is the father of the child upon such evidence as is by this Law required in the case of a summons issued upon the application of the mother, make an order upon such putative father to pay to the Almoner or other Officer as aforesaid such sum, weekly or otherwise, towards the relief of the child during such time as the child shall continue or afterwards be a charge as aforesaid, as shall appear to him to be proper; and such order shall, if the payments required by it to be made be at any time in arrear, be enforced in the same way as an order made under the second section of this Law ;

Almoner of Parochial Board may recover costs of relief of bastard child in certain cases.

Provided as follows:—

1. That no payments shall be recoverable under such order except in respect of the time during which the child is actually in receipt of relief:
2. That an order under this section shall not be made, and if made shall cease except for the recovery of arrears, when the mother of the child has obtained an order under this Law :

3. That nothing in this section shall be deemed to relieve the mother of a bastard child from her liability to maintain such child :
4. That any person upon whom an order is made under this section shall have the same right of appeal against such order as in the case of an order obtained on the application of the mother :
5. That if after an order has been made under this section the mother should apply for an order under the Law, the order made under this section shall be *primâ facie* evidence that the man upon whom the order is made is the father of the child.

Time of cessation of order.

7—No order for the maintenance and education or for contribution towards the relief of any such child made in pursuance of this Law shall, except for the purpose of recovering money previously due under such order, be of any force or validity after the child in respect of whom it was made has attained the age of fourteen years, or after the death of such child:—Provided that the Judge making the order may thereby direct that the payments to be made under it, in respect of the child, shall continue until the child attains the age of sixteen years, in which case such order shall be in force until that period.

Mother punishable for neglect or desertion of her bastard child.

8—Every woman neglecting to maintain her bastard child, being able wholly or in part so to do whereby such child becomes a charge on the funds applicable in any Parish to the relief of the poor, shall be punishable as an idle and disorderly person under the provisions of an Act made and passed in the Third Year of the Reign of Her present Majesty, Chapter eighteen; and every woman so neglecting to maintain her bastard child after having been once before convicted of such offence, and every woman deserting her bastard child whereby such bastard child becomes a charge on the funds applicable

in any Parish to the relief of the poor, shall be punishable as a rogue and vagabond under the provisions of the said last recited Act.

9—In cases where the putative father of any bastard child resides out of the District where the mother applies for a summons or order of maintenance, it shall be lawful to prove by affidavit in the form referred to in the Schedule to this Law, or to the like effect, that such summons or order has been duly served.

Proof of service of summons in certain cases.

10—The Supreme Court on appeal to it against any order made pursuant to the Provisions of this Law may, if it think fit, reduce the amount directed to be paid for the maintenance and education or on account of the relief of the child named in such order, and shall thereupon alter the order accordingly.

Power to Supreme Court on appeal to reduce the amount.

AFFIDAVIT OF SERVICE.

I, A. B., one of the Officers of the Constabulary of the Parish of _____ make oath and say that I did, on the day of _____ 18____, duly serve the Defendant with a summons [*or order*] a true copy whereof is herewith annexed, marked A, by delivering the same personally to the Defendant [*or by leaving the same with* _____ at the place of abode of the Defendant]

[*Endorse the copy summons (or order) thus: This paper marked A is the paper referred to in the annexed affidavit.*]

Sworn at _____ in the Parish of _____
this _____ day of _____ 188____, before me.

I. B.,

Justice of the Peace for the Parish.

JAMAICA—LAW 3 OF 1881.

The Apprenticeship Law, 1881.

[8th February, 1881.]

Preamble.

WHEREAS it is expedient to repeal certain Acts now in force with respect to the apprenticeship of Minors, and to make other provisions in lieu thereof :

Be it therefore enacted by the Governor and Legislative Council of the Island of Jamaica, as follows :

Repeal of 4 Vic.
c. 30, and 5 Vic.
c. 35.

1—An Act passed in the Fourth Year of the Reign of Her present Majesty, Chapter thirty, intituled “An Act to regulate the apprenticeship of Minors,” and an Act passed in the Fifth Year of Her said Majesty’s Reign, Chapter thirty-five, shall be and the same are hereby repealed :

Proviso.

Provided always that this repeal shall in no wise invalidate any indenture or other contract of apprenticeship heretofore made under the first of the said recited Acts, but the parties to any such indenture or contract shall be deemed to be liable to the same obligations, and the same may be enforced in all respects by the same remedies, as if this Law had not been passed.

No apprentice-
ship valid unless
entered into
conformably
with this Law,

2—From and after the passing of this Law no contract of apprenticeship shall be deemed to be binding upon any Minor unless the same be made and entered into by indenture duly executed by the parties thereto before and countersigned by a Justice of the Peace or a Clerk of Petty Sessions :

Proviso as to
Children detain-
ed in Reforma-
tory or Indus-
trial Schools.

Provided always that this provision shall not extend to any contract of apprenticeship made on behalf of any child ordered to be detained in any Reformatory or Industrial School by the Superintendent or other Principal Officer thereof in accordance with any provision that may be made by any Law for the regulation of Reformatories and Industrial Schools.

3—The Justice or Clerk aforesaid, before he shall allow any such indenture to be executed before him, and before he shall countersign the same, shall satisfy himself on the following point :

How Indentures of Apprenticeship to be entered into.

1. That the proposed Apprentice is willing and desirous to become an Apprentice in the terms of the said indenture ;
2. That his Parent or Guardian (if any) consents to his so becoming an Apprentice, or that good grounds exist for dispensing with such consent ;
3. That the person to be the Master or Mistress under the said indenture is a person fit to be intrusted with an Apprentice, that is to say, that he or she is a person competent to teach some business, trade, handicraft, mystery or calling ;
4. That the terms of the proposed apprenticeship are equitable and on the whole advantageous to the proposed Apprenticeship.

Provided always that if the said Justice or Clerk sees fit to dispense with the consent of the Parent or Guardian as aforesaid he shall endorse upon the said indenture a statement that he has done so.

4—Where any Child shall have been for the space of twelve calendar months an inmate of any Reformatory or Industrial School established or certified under any Law of this Island the Superintendent or other Principal Officer of such Reformatory or School shall be deemed to be to all intents and purposes the legal Guardian of such Child for the purposes of this Law.

Superintendent of Reformatory or Industrial School to have power of Parent in certain cases.

5—All indentures of apprenticeship shall be executed by the person proposing to become an Apprentice, the person proposing to become his Master, and the Parent or Guardian

Parties to execute indenture.

of such first mentioned person unless his consent and execution be dispensed with as hereinbefore provided.

Indenture to be in triplicate or quadruplicate.

Every such indenture shall be executed in triplicate or quadruplicate according as the legal Guardian is or is not a party to the same, and one copy shall be retained by the Apprentice, one by the Master, one by the legal Guardian (if he appears), and one shall be forwarded to and preserved in the Office of the Clerk of Petty Sessions for the Parish within which the same is made.

Indenture to be binding according to its terms.

6—Every indenture made and entered into as aforesaid shall be valid and binding to all intents and purposes according to the terms thereof subject to the following limitation, that is to say, the legal Guardian of any person bound as an Apprentice under such an indenture may, if he has not been a party to the same, at any time within three months of the making thereof summon, before the District Court Judge of the District in which the Master under such indenture resides or carries on business, the Master and the Apprentice under such indenture; and if it shall then appear that he was not a party to the said indenture, and he shall show to the satisfaction of the said Judge that, under the circumstances of the case, his appearance and consent to the same ought not to have been dispensed with, it shall be lawful for such District Court Judge to annul the said indenture, and the same shall be null and void accordingly.

Proviso as to Parent or Guardian who has not assented thereto.

No indenture binding on Apprentice after twenty-one.

7—No indenture made and entered into under this Law shall be binding upon any Apprentice after he has attained the age of twenty-one years :

Age stated in indenture to be conclusive.

Provided always that when any Child proposing to become an Apprentice as aforesaid states himself to be of such and such an age, and the Magistrate is satisfied that that is his age, and that is inserted as his age in the indenture of apprenticeship, such age shall be deemed to be his age for all the purposes of this Law.

8—It shall be lawful for any Master or Mistress or his or her Agent to make complaint, upon oath, against any Apprentice within the meaning of this Law before any Justice of the Peace of the Parish where such apprentice shall be employed, or for any misdemeanor, misconduct, ill behaviour, negligence or absence, of any such Apprentice; or if such Apprentice shall have absconded it shall be lawful for any Justice of the Peace of the Parish where such Apprentice shall be found, or where such Apprentice shall have been employed, and any such Justice is hereby empowered upon complaint thereof made upon oath by such Master, Mistress or Agent, to issue his warrant for apprehending every such Apprentice; and further it shall be lawful for any two Justices of such Parish to hear and determine the same complaints, and dismiss the same, or to punish the offender by abating the whole or any part of his or her wages or allowances, or otherwise by imprisonment for a reasonable time not exceeding three months.

Complaints
against Apprentices.

9—It shall be lawful for the principal Officer of any Public or Parochial Department, Institution or Workshop, to take Apprentices under this Law in his official capacity; and in such case the person exercising the office or duties of such Officer for the time being shall be deemed to be the Master under such contract of Apprenticeship to all intents and purposes.

Apprenticeship
to Public or
Parochial
Department.

10—It shall likewise be lawful for any Corporation or Company engaged in any Manufacture, Industry or Business, to take Apprentices under this Law; and in such case, the Manager, Secretary, or other principal Officer for the time being, of such Corporation or Company shall be deemed to be the Master under such contract of Apprenticeship.

Apprenticeship
to Corporations
and Companies.

11—All Indentures of Apprenticeship heretofore made between any principal Officer of any Public or Parochial Department, Institution or Workshop, in his official capacity, and

Existing Indentures
to Public
or Parochial
Departments
confirmed.

any other person or persons, shall be valid and binding on the persons purporting to be bound Apprentices thereunder and on the person exercising the office or duties of such Officer as aforesaid for the time being.

Disputes about wages, how to be settled,

12—All complaints, differences and disputes, which shall arise between any Master or Mistress and his or her Apprentice touching or concerning any wages or allowance which may be due to such Apprentice, shall be heard and determined by two or more Justices of the Peace of the Parish where such Apprentice shall be employed; and the said Justices are hereby empowered to examine, on oath, any such Master or Mistress, Apprentice, or any Witness or Witnesses, touching any such complaint, difference or dispute, and to summon such Master or Mistress to appear at a reasonable time to be named in such summons, and to make such order for payment of so much wages or such allowances to such Apprentice as according to the terms of his or her Indenture of Apprenticeship or contract shall appear to such Justices, under all the circumstances of the case, to be justly due, and to order the amount of such wages or allowances to be paid within such period as the said Justices shall think proper.

Complaints by Apprentices.

13—It shall and may be lawful for any two or more Justices of the Peace of any Parish assembled at any Special or Petty Sessions of the Peace, upon complaint made to them, upon oath, by or on behalf of any Apprentice against his or her Master or Mistress of any ill usage of such Apprentice by such Master or Mistress, (such Master or Mistress having been duly summoned to appear and answer such charge or complaint) to impose, upon conviction, any reasonable fine not exceeding the sum of Ten Pounds Sterling upon such Master or Mistress, as a punishment for such ill usage, together with the costs of the application (if they see fit).

● Justices may in certain cases

14—It shall be lawful for the Justices who shall hear and determine any complaint between any Master or Mistress and

his or her Apprentice under the provisions of this Law, in addition to any other order made on such complaint, to discharge such Apprentice of and from his or her service, and to direct his or her indenture or contract to be cancelled; and such discharge shall be given without fee, under the hand and seal of such Justices.

cancel inden-
ture.

15—If any Apprentice shall absent himself from the service of his Master or Mistress before the term of his apprenticeship shall expire, without sufficient cause, any such Apprentice shall at any time or times thereafter, when he shall be found and apprehended, be compelled, by order of any two Justices of the Peace of the Parish in which such Apprentice shall have contracted or in which he or she shall be found, to serve his or her Master or Mistress for so long a time as he or she shall have absented himself or herself from such service, unless he or she shall make satisfaction to his or her Master or Mistress for the loss he or she shall have sustained by such absence; and in case any Apprentice shall refuse to serve or make satisfaction as aforesaid, the Justices of the Peace making such order, or any other two Justices of the Peace, may direct by warrant under their hands and seals that the said Apprentice shall be imprisoned for any period not exceeding six months: *Provided always* that no Apprentice shall be compelled to do any service or make any compensation after the expiration of three years next after the end of the term for which such Apprentice contracted to serve, or after attaining his or her majority.

Apprentice ab-
senting himself
from duty.

16—It shall and may be lawful for the said Justices, in any case where they shall direct any Apprentice or Apprentices to be discharged under and by virtue of this Law, to take into consideration the circumstances under which such Apprentice or Apprentices shall be so discharged, and to make an order upon the Master or Mistress of such Apprentice or

Master may be
ordered to re-
fund premium.

Apprentices to refund all or any part of the premium or premiums which may have been or shall be paid upon the binding or placing out of such Apprentice or Apprentices as such Justices, in their discretion, shall see fit.

Application of penalties.

17—Every fine or penalty imposed under the Provisions of this Law upon any Master or Mistress may, at the discretion of the Justices imposing the same, be paid and applied to the use of the Apprentice as compensation for the injury he or she may have sustained, or be paid to the Collector of Taxes of the Parish in which such fine was imposed, to be applied to the use of the Poor of such Parish; and every fine, penalty or forfeiture, imposed upon any Apprentice may, in like manner, be paid to the Master or Mistress or to the use of the Poor of such Parish as aforesaid.

Proceedings not to be quashed for informality.

18—No order touching any of the matters in this Law contained, and no conviction of any offender under this Law, shall be quashed for want of form; and where any distress shall be made for any fine, penalty, or sum of money to be levied by virtue of this Law, the distress itself shall not be deemed to be unlawful, nor the party making the same be deemed a trespasser, on account of any defect or want of form in the summons, conviction, warrant of distress, or any other proceedings relating thereto; nor shall such party be deemed a trespasser on account of any irregularity which shall be afterwards done by the party distraining; but the person aggrieved by such irregularity shall and may recover full satisfaction for the special damage (if any) in an action upon the case; and no Plaintiff shall recover in any action for such irregularity as aforesaid if tender of sufficient amends shall have been made for such damage by or on behalf of the party distraining before such action brought.

Master may chastise Apprentice under 15.

19—It shall be lawful for any Master to chastise and correct any Apprentice being under the age of fifteen years

and bound to him by indenture under this Law, and to delegate to any Foreman or other person employed by him in a position of trust his said power of chastisement and correction, in the same way and to the same extent as the Father of such Apprentice might lawfully do the same.

20—All Indentures of Apprenticeship made under the Provisions of this Law shall be free of Stamp Duty, the Provisions of any other Law to the contrary notwithstanding.

Indenture of
Apprenticeship
free from Stamp
Duty.

JAMAICA—LAW 4 OF 1881.

A Law to further amend the Law of Evidence.

[8th February, 1881.]

BE it enacted by the Governor and Legislative Council of the Island of Jamaica, as follows: Preamble.

From and after the passing of this Law

the Act 7 Victoria, Chapter 5, for amending the Law of Evidence in certain cases, section 2, shall be read as if the words “except perjury or subornation of perjury” were omitted, and

7 Vic. c. 5, sec.
2, and 7 Vic.
c. 31, sec. 1,
amended:

the Act 7 Victoria, Chapter 31, for improving the Law of Evidence, section 1, shall be read as if the words “perjury and subornation of perjury” were omitted.

JAMAICA—LAW 5 OF 1881.

The Legacy Duty Law Amendment Law, 1881.

[8th February, 1881.]

Preamble.

WHEREAS it is expedient to amend The Legacy Duty Law, 1879:

Be it therefore enacted by the Governor and Legislative Council of the Island of Jamaica, as follows:

Definition of Kinship.

1—No person shall be considered as of kin to another within the meaning of The Legacy Duty Law, 1879, unless a parent or grandparent of the one is likewise a progenitor of the other.

Of "stranger in blood."

2—Any person not of kin to another within the above limitation shall be deemed to be a "stranger in blood" within the meaning of the said Law.

 JAMAICA—LAW 6 OF 1881.

A Law to Permit the Remuneration of Chairmen of Parochial Boards.*

[8th February, 1881.]

* Repealed by section 54 of Law 16 of 1885.

JAMAICA—LAW 7 OF 1881.

The Saint Thomas and Portland Bridges Loan Law,
1881.*

[8th February, 1881.]

WHEREAS it is desirable to enable the Governor from time to time to raise loans, in sums in the aggregate not exceeding one hundred thousand pounds, to meet the cost of bridging over the Yallahs and Morant Rivers in the Parish of Saint Thomas, and the Rio Grande, Buff Bay, Spanish and Swift Rivers, in the Parish of Portland :

Preamble.

Be it therefore enacted by the Governor and Legislative Council of the Island of Jamaica, as follows :

1—The Governor of Jamaica may from time to time, either in England or in Jamaica, raise by the issue of Debentures under this Law any sum or sums, not exceeding in the whole one hundred thousand pounds, at a rate of interest not exceeding four and a half pounds per cent. per annum, to be applied, subject to the approval of her Majesty's Secretary of State for the Colonies, in the erection and completion of Bridges over the several Rivers aforesaid, and constructing the approaches to such Bridges, and defraying the costs and expenses incident thereto.

Power to raise £100,000 by Debentures for bridging certain Rivers.

2—The principal moneys and interest secured under this Law are hereby charged upon and guaranteed by, and shall be payable out of, the General Revenues and Assets of the Government of Jamaica.

Loan charged on Island Revenues.

3—Every Debenture issued under this Law shall be for a sum not less than one hundred pounds sterling, and shall bear interest at a rate not exceeding four and a half pounds per cent. per annum, payable half-yearly.

Debentures, amount of principal and interest.

* Powers of the Governor extended by Law 33 of 1887.

Debentures,
how to be
signed.

4—The Debentures when issued in England shall be issued in London on behalf of the Government of Jamaica by the Crown Agents for the Colonies (in this Law referred to as the Crown Agents) and shall be signed by them on that behalf, and when issued in Jamaica shall be signed by the Colonial Secretary and Director of Roads and countersigned by the Treasurer of the Island of Jamaica.

Registry of De-
bentures.

5—Every Debenture issued in England shall before being issued be registered in a Register Book to be kept for that purpose at the Office in London of the Crown Agents, and every Debenture issued in Jamaica shall before being issued be registered in a Register Book to be kept for that purpose at the Public Treasury.

Coupons for
interest.

6—There shall be attached to every Debenture Coupons for the payment of the interest to become due in each half year upon the principal secured by the Debenture.

The Coupons shall be sufficient in number to provide for the payment of the interest for such period as the Governor, or the Crown Agents acting on behalf of the Government of Jamaica in England, may determine.

Form of Deben-
tures and Cou-
pons.

7—The Debentures and the Coupons thereto may be in such form as the Governor, or Crown Agents acting on his behalf in England, may direct or approve.

Transfer thereof
by delivery.

8—Every Debenture and Coupon, and the right to receive the principal and the interest secured or represented there by, shall be transferable by delivery.

Provisions for
payment of in-
terest, and cre-
ating sinking
funds for re-
demption of
principal.

9—So long as any of the Debentures remain outstanding the Governor shall, in each half year ending with the day on which the interest on the Debentures falls due, appropriate out of the General Revenues and Assets of this Colony a sum equal to one half year's interest on the whole of the Debentures previously issued, including any which may have been

redeemed, and remit such portion of that sum as shall be equal to one half year's interest on the whole of the Debentures previously issued in England, including any which may have been redeemed, to the Crown Agents at such time as will enable them to pay thereout the then current half year's interest on the then outstanding Debentures issued in England on the day when it falls due, and out of the remainder of that sum the Treasurer shall pay the then current half year's interest on the then outstanding Debentures issued in Jamaica on the day when it falls due, and the balance of that sum shall be invested by the Treasurer, under the direction of the Governor, towards the formation of a fund applicable, in manner hereinafter provided, to the redemption of the Debentures issued in Jamaica.

[From and after]* the day on which the first of the Debentures is issued, and so long thereafter as any of the Debentures remain outstanding, the Governor shall in each half year ending as aforesaid appropriate, out of the Revenues and Assets of this Colony, an additional sum equal to ten shillings sterling per cent. on the total nominal amount of all the Debentures issued on or before the first day of that half year, including any which may have been redeemed, and remit such portion of that sum as shall be equal to ten shillings sterling per cent. on the total nominal amount of all the Debentures issued in England on or before the first day of that half year, including any which may have been redeemed, to the Crown Agents, with the remittance hereinbefore mentioned, and the remainder of that sum shall be invested by the Treasurer, under the direction of the Governor, towards the formation of the fund hereinbefore mentioned applicable to the redemption of the Debentures issued in Jamaica.

10—The Crown Agents shall, subject to the approval of Her Majesty's Principal Secretary of State for the Colonies for the time being, place and keep the moneys so remitted to

Remittances to the Crown Agents, how to be applied.

* Words in brackets substituted by section 1 of Law 5 of 1888.

them, or so much thereof as may not be required for immediate payments, on deposit at interest in their names with some Bank or Banks in London or Westminster, and shall hold all such moneys and the accumulations thereon in trust to apply them, in the first place in payment of the interest for the current half year upon the Debentures for the time being issued in England and outstanding, and in the next place in the formation of a fund applicable, in manner hereinafter provided, to the redemption of the Debentures issued in England.

Interest when
and where payable.

11—The interest upon the principal secured by each Debenture shall run from the day named in that behalf in the Debenture, and shall be paid half yearly on the days named in that behalf in the Debenture, if issued in England at the Office in London of the Crown Agents, and if issued in Jamaica at the Treasury of the Island.

Application of
the Funds.

12—The funds applicable under the Provisions of this Law in England and Jamaica respectively to the redemption of Debentures shall be applied, in the first place in payment of all expenses of or incidental to the redemption of Debentures, including the charges of the Notary Public attending at any drawing thereof and the cost and expenses of all notices required by this Law to be given, and in the next place, subject to the aforesaid payments, in re-payment of the principal moneys for the time being secured by the Debentures.

Redemption of
Debentures.

13—The Debentures, if issued in England shall at the option of the Crown Agents, subject to the approval of Her Majesty's Principal Secretary of State for the Colonies for the time being, and if issued in Jamaica shall at the option of the Treasurer, subject to the direction of the Governor, be redeemed either by purchase in the open market or by annual drawings, and, subject to the aforesaid payments, the sums to be applied annually in England and Jamaica respectively to such redemption shall in each Country correspond as nearly as may

be to, but not exceed, the amount applicable therein under the Provisions of this Law to the redemption of Debentures

14—[From and after]* the day on which the first of the Debentures is issued, and so long thereafter as any of the Debentures remain outstanding and unsatisfied, the Crown Agents as to the Debentures issued in England, and the Treasurer if so directed by the Governor as to the Debentures issued in Jamaica, shall, in every year after the day on which the first of the Debentures is issued, (unless the whole of the money applicable in that year to the redemption of Debentures has been applied in the purchase thereof) appoint respectively a day in that year for the drawing by lot of the Debentures to be redeemed.

Appointment of day for drawings of Debentures to be redeemed.

15—If a day is appointed for drawing, the Crown Agents as to the Debentures issued in England shall give by advertisement in the “London Times” newspaper, and the Treasurer as to the Debentures issued in Jamaica shall give by advertisement in the “Jamaica Gazette” and in not less than two newspapers published in the Colony, not less than fifteen days’ previous notice, specifying the days on which and the hours and places at which the drawings will take place, and the nominal amount of the Debentures to be redeemed at those drawings respectively.

Notice of times for drawings.

16—On the day and at the hour and place so specified the Crown Agents and Treasurer respectively shall hold meetings, (at which the holder of any Debenture may if he think fit be present) and shall then, in the presence of such Debenture holders (if any) as may attend, and a Notary Public, draw by lot, out of the whole number of Debentures for the time being outstanding, Debentures of the specified nominal amount.

Drawing of Debentures to be redeemed.

17—The Crown Agents and Treasurer respectively shall thereupon declare the distinguishing numbers of the Debentures drawn for redemption, and shall as soon as may be, in

Appointment of time for payment of Debentures drawn for redemption, and notice thereof.

* Words in brackets substituted by sec. 2 of Law 5 of 1888.

case of Debentures issued in England by advertisement in the "London Times" newspaper, and in case of Debentures issued in Jamaica by advertisement in the "Jamaica Gazette" and in not less than two newspapers published in the Colony, specify those numbers and appoint a day, not being later as to each Debenture than the day on which the then current half-year's interest thereon is payable, on which the principal moneys secured by the Debentures so distinguished will be re-paid.

Payment of such Debentures.

18—On the day so appointed, the Crown Agents in respect of Debentures issued in England at their Office in London, and the Treasurer in respect of Debentures issued in Jamaica, shall on demand pay to the holders of the Debentures drawn for repayment the principal money secured by those Debentures, with all interest payable thereon up to that day.

Cesser of interest thereon.

19—From and after the day appointed for the re-payment of any Debenture all interest on the principal moneys secured thereby shall cease and determine, whether payment of the principal have or have not been demanded.

Cancellation of redeemed Debentures.

20—Upon the repayment of the principal moneys secured by the Debenture, the Debenture with all the Coupons thereunto belonging, if issued in England shall be delivered up to the Crown Agents, and if issued in Jamaica to the Treasurer, to be by them respectively cancelled and forwarded to the Government of Jamaica.

Any Debenture redeemed by purchase shall likewise be so cancelled and forwarded.

Cancelled Debentures not renewable.

21—No money applied in redemption of a Debenture shall be re-borrowed, and no Debenture shall be issued in respect of or in substitution for any cancelled Debenture.

Free of Stamp Duty.

22—All Debentures, documents or papers, made or given under this Law shall be free of Stamp Duty.

JAMAICA—LAW 8 OF 1881.

The Jamaica Railway Company Winding-up Law, 1881.*
 [8th February, 1881.]

JAMAICA—LAW 9 OF 1881.

The Escheat Law, 1881.†
 [16th March, 1881.]

WHEREAS it is expedient to simplify and regulate the Preamble.
 method of procedure in cases of Escheat:

Be it therefore enacted by the Governor and Legislative Council of the Island of Jamaica, as follows:

1—The several Acts in the First Schedule hereto shall be Repeal clause.
 and the same are hereby repealed.

2—Instead of the present proceeding by way of Escheat, a Procedure in
 Writ shall be issued, on the fiat of the Attorney General, out Escheat to be by
 of the Supreme Court or out of any District Court as the At- Writ on fiat of
 torney General in and by the said fiat may determine, directed the Attorney
 to the persons (if any) by name in possession of the lands General.
 and tenements to be escheated and to all persons claiming to
 be entitled to any estate or interest in the same.

3—Such Writ as aforesaid shall be in the Form given in Form of Writ.
 the Second Schedule to this Law.

4—The said Writ shall be served on the persons, if any, Service of Writ.
 named therein in the same way as any other Writ or Sum-
 mons issuing from the Court from which it issues, and in ad-
 dition thereto, in all cases, notice of the issuing thereof shall

* Omitted as spent.

† Law 6 of 1885, by its 10th section, incorporated with this Law.

- (a) be affixed to some house, building, tree or post, on some part of the land to which it refers,
- (b) be given in three successive numbers of the "Jamaica Gazette."

Where Inquisition to be held, if Writ issued out of a District Court,

5—When the Writ is ordered to issue out of the District Court, it shall issue out of the District Court of the District in which the lands and tenements to be escheated are situated, and the Inquisition hereinafter mentioned shall be held in such Court.

if issued out of the Supreme Court.

When the Writ issues out of the Supreme Court, such Inquisition shall be held in the Circuit Court for the Parish where the said lands are situated.

Power to include different parcels of land in one Writ.

6—Any number of different parcels of land may be included in the same proceedings so long as the lands to be escheated are (in case the proceedings are taken in the Supreme Court) within the Parish or Parishes for which the Circuit Court at which the Inquisition is to be held is held, and in case the proceedings are to be taken in a District Court so long as the different parcels are within the District over which that Court has jurisdiction.

As to lands in different Parishes, &c.

When the lands to be escheated are partly in one Parish or District and partly in another the proceedings may, so long as such lands are contiguous to each other, be taken in either Parish or District.

Time of holding Inquisitions.

7—The Inquisition shall be held at the Court holden on the day named in the Writ, subject to the following provisions :

- (a) Such day shall not be less than six weeks or more than six months from the date of the Writ ;
- (b) The Writ shall have been served on the persons (if any) in possession of the lands to be escheated at least twenty days before the holding of such Inquisition ; and

- (c) The several notices required to be given of the issuing of the said Writ by Section 4 of this Law shall have been given at least twenty days before the holding of the Inquisition.

8—It shall be lawful for any person named in the Writ aforesaid as in possession of the lands and tenements to be escheated, or (by leave of the Court to be granted either before or at the holding of the Inquisition) for any other person, to appear at the holding of such Inquisition and oppose the Escheat of the said lands. Such person is hereinafter referred to as the Defendant. Defence to proceedings in Escheat.

9—The Inquisition shall be held and taken as nearly as may be in the same way as if it were an action [for the recovery of land]* being tried in the Court in which the same is held and taken; and if judgment shall be given thereon for the Crown the Jury, or in case the Inquisition is held before the Court itself without a Jury, the Court shall assess the value of the lands and tenements escheated, and thereafter such proceeding shall be had and taken, if necessary, to give possession to the Crown, or to such person as may be named by the Governor in any letters of preference granted by him as if [the Crown or]† such person had succeeded in an action [for the recovery of land.]‡ Mode of taking and enforcing Inquisition.

Any such Judgment as aforesaid may be in the Form given in the Third Schedule to this Law, or to the like effect.§

10—After such Judgment has been given as aforesaid, the Judge before whom the same has been taken may give such directions as he may think fit as to notification of the said Notification of proceedings.

* Amended by sec. 1 of Law 28 of 1881, by substituting words in brackets

† Amended by section 2 of Law 28 of 1881, by inserting words in brackets.

‡ Amended by section 1 of Law 28 of 1881, by substituting words in brackets.

§ This 9th sec. is repealed by sec. 8 of Law 6 of 1885, so far as it provides that proceedings shall be had and taken to give possession to the person named by the Governor in any Letters of Preference. See the section.

proceedings in the "Gazette," or in [any newspaper or newspapers published in England or Elsewhere]* or otherwise.

Practice as to reserving questions, new trials, appeals, &c.

11—The ordinary practice of the Court applicable to an action [for the recovery of land]† shall be followed, as to reserving any question of Law for the opinion of the Court, as to granting a new trial, and as to appeals in the case of Inquisitions held in any District Court, or otherwise, with this modification that any person, whether he has or has not appeared as Defendant at the holding of the Inquisition, may at any time within twelve months after Judgment move the Supreme Court for an order to have the said Inquisition re-held; in such case the said Court may make such order on such terms as it may see fit.

Power to obtain re-holding of Inquisition within 12 months.

Final Judgment for the Crown.

12—At the expiration of twelve months after Judgment on any Inquisition has been given for the Crown it shall be lawful for the Attorney General, or for any person named in any letters of preference as aforesaid, in case that no application has been made as aforesaid for a new trial, or if made has not been granted, or if granted that the Inquisition held accordingly has again resulted in favour of the Crown, to move the Court in which the said Inquisition was held for final Judgment in his favour; and the said Court shall thereupon, if it shall be made to appear that any directions given as aforesaid as to notification of the proceedings have been complied with, give such final Judgment accordingly.

Effect of such Judgment.

13—On such Judgment being given the Crown shall have an indefeasible title to the lands and tenements in question, and in case letters of preference have issued it shall be lawful for the Governor to pass any grant of the said escheated lands under the Broad Seal of the Island, and such grant shall confer an indefeasible title on the person named therein, subject to such trusts and conditions as the Governor may direct therein.

* Words in brackets substituted by sec. 3 of Law 28 of 1881.

† Amended by section 1 of Law 28 of 1881 by inserting words in brackets.

14—There shall be paid by the person, if any, named in any letters of preference, the Court Fees mentioned in the Fourth Schedule hereto, in addition to the Stamp Duties already payable; but no other fees of Court shall be payable. Fees payable.

FIRST SCHEDULE.

33 Car. II, Cap. 22, Secs. 2 and 4.

6 Geo. II, Cap. 7.

31 Geo. II, Cap. 18.

56 Geo. III, Cap. 24.

SECOND SCHEDULE.

JAMAICA, SS.

VICTORIA, by the Grace of God, &c. &c.

To A. B. of _____, C.D. of _____, and all other persons claiming to be entitled to the lands and tenements hereinafter described.

WHEREAS it has been made to appear to us that A.B., Yeoman, late of _____, died seized in his demesne as of fee of and in all that piece or parcel of land, &c., and that the said A.B. being so seized died without heirs inheritable to him, whereby the said piece or parcel of land ought to be returned into our hands by Escheat. These are therefore to warn you, or such of you as deny that the said piece or parcel of land ought to be escheated as aforesaid, that proceedings will be taken to have the said piece or parcel of land declared escheated to us at a sitting of our Supreme Court to be holden at _____ on the _____ day of _____; (or at a sitting of our District Court for the District of _____ to be holden at _____ on the _____ day of _____;) and

JAMAICA—LAW 10 OF 1881.

The Sale of Drugs and Poisons Law, 1881.*

[16th March, 1881.]

WHEREAS it is expedient to regulate the sale of drugs and poisons in this Island :

Preamble.

Be it therefore enacted by the Governor and Legislative Council of the Island of Jamaica, as follows :

1—The Act of 15 Vic. Chap. 7 is hereby repealed ; but such repeal shall not affect the past operation of the said Law, or any consequences, penalty or proceeding, in respect of any offence committed against the said Law.

15 Vic. c. 7, repealed.

2—This Law shall come into operation on the first day of July, 1881.

Commencement of Law.

3—In this Law, unless the context otherwise requires, the following words and expressions shall have the following meanings assigned to them (that is to say) :

Interpretation clause.

“ Poison ” shall include poisonous substance, poisonous drug, or preparation containing a poison, and includes the articles contained in Schedule A to this Law.

“ Drug ” shall include medicine, compound medicine, or medicinal preparation.

“ License ” shall mean a license granted under this Law.

4—From and after the coming into operation of this Law it shall be unlawful for any person to sell, or keep open shop for retailing, dispensing or compounding, any drug or poison, unless such person has first obtained a license under the Provisions of this Law.†

Prohibition of sale, &c., of drugs or poisons without license.

* Law 11 of 1885, by its 8th section, incorporated with this Law.

† Amended by sec. 7 of Law 11 of 1885, by allowing any person to keep a shop with a duly licensed manager.

Penalty.

Any person offending against the Provisions of this section shall, on conviction thereof before any two Justices in a summary manner, forfeit and pay a sum not exceeding ten pounds.

Reservation of rights to sell certain medicines, drugs, &c., and to sell generally to licensed persons.

5—Nothing herein contained shall be taken to extend or apply to the sale by any person of any drug or poison to a person licensed under this Law, or to the right of any person in this Island to sell the following articles (that is to say) ;

1. Patent or proprietary or homœopathic medicines if sold in any box, bottle, vessel or parcel, and under wrapper or cover as imported into this Island, or as prepared by any person having a license in this Island; provided that such box, bottle, vessel or parcel, is properly secured and bears the seal, name or trade-mark, of the proprietor, inventor or manufacturer thereof, and directions for its use.
2. Mineral or artificial waters or the salts or other material employed in their preparation.
3. Single medicinal substances enumerated in Schedule B.
4. Any herb, vegetable, gum, oil or seed, except poisons, in its natural state, though the same may be employed in medicine.
5. Substances which though poisons are required for artistic, industrial, manufacturing or scientific purposes, subject however in this case to the regulations hereinafter contained concerning poisons.

Procedure to obtain license.

Examination.

6—Any person desiring to obtain a license under this Law may apply in writing for that purpose to the Superintending Medical Officer for the same; and such Officer shall thereupon either personally examine such applicant as to his knowledge of drugs and poisons, and his ability to prepare and make up prescriptions and medicines, and as to his fitness to be entrusted with the sale of drugs and poisons, or shall depute

any one or more persons licensed under this Law to conduct such examination.

In this last mentioned case the examination shall be conducted in accordance with Rules to be made by the Superintending Medical Officer and approved of by the Governor. Rules as to same.

7—Before proceeding to examine any such applicant as aforesaid it shall be lawful for the Superintending Medical Officer to demand and receive such sum not exceeding two pounds as may be approved by the Governor. [Except in the case of persons applying to be examined who have passed through a dispensing course at the Public Hospital of Kingston, who shall be admitted to examination without payment of any fee.]* Such sum shall be carried to the credit of the General Revenues which shall be liable for the cost of carrying out this Law. Preliminary fee.

8—The Superintending Medical Officer, if satisfied with the result of any such examination as aforesaid, shall grant a license under this Law to the applicant. Grant of license.

Such license shall be in the form given in Schedule C to this Act or to the like effect. Its form—
Schedule C.

9—Medical Practitioners registered under the Medical Laws of this Island shall be deemed to be duly licensed under this Law, without the necessity of their applying for or obtaining a license. Registered Medical Practitioner deemed to be licensed.

10—Any person possessing a diploma or certificate entitling him to practice as a Pharmaceutical Chemist, or as a Chemist and Druggist, or as an Apothecary, in any part of the United Kingdom, shall be entitled to receive a license under this Law without payment of any fee, on applying to the Superintending Medical Officer and producing to him, or to some person deputed by him for that purpose, his diploma or certificate, and satisfying him or such person as aforesaid that he is the person named in such diploma or certificate. Who are entitled to a license without fee, and how same to be obtained.

* Words in brackets inserted by sec. 3 of Law 11 of 1885.

Any person who on the coming into operation of this Law shall hold a certificate signed by two Fellows of the College of Physicians and Surgeons of Jamaica, in pursuance of and accordance with the Provisions of Section 17 of the Act 6 Victoria, Cap. 33, shall also be entitled, on application to the Superintending Medical Officer, to receive a license under this Law without payment of any fee.

Register of licenses and public notification thereof.

11—The Superintending Medical Officer shall keep a register of every license granted under this Law, and shall cause to be published in the “Jamaica Gazette” notification of every license so granted within fourteen days after granting the same, and shall also from time to time, at least once in every year, cause to be therein published a list of all persons holding such licenses.

Onus probandi of certain facts, on accused.

12—In any proceeding against any person for any offence against this Law the burden of proving any license shall lie upon the person accused, and any person shewn to have delivered to any other person any drug or poison shall be deemed to have sold the same, unless the contrary be proved.

Drug department of store to be closed in absence of licensed person.

13—No person having a license under this Law shall leave his shop or store, or that part thereof that may be kept for the sale and dispensing of drugs and poisons, open during his absence without leaving some person having a license under this Law in charge thereof and actually in attendance therein; and any person offending against the Provisions of this section shall be liable, on summary conviction of such offence, to a penalty not exceeding five pounds.

Prohibition as to stale, unwholesome or adulterated drugs, &c.

14—No person having or keeping open shop for the sale of drugs or medicines shall sell, or have or keep in his possession, any drug or medicine in a stale or unwholesome state, or in a state unfit for use, and no person shall sell or expose or offer for sale as unadulterated any drug or medicine that is adulterated.

Any person offending against the Provisions of this section shall, on conviction thereof in a summary way before two Justices, forfeit and pay any sum not exceeding ten pounds, in addition to and irrespectively of any penalty to which he may be liable in case he shall not have a license under this Law. Penalty.

15—It shall be lawful for the Justices by whom any person is convicted under the last preceding section to order the seizure and destruction of the stale, unwholesome, unfit or adulterated, drugs or medicines, in respect of the selling or having or keeping of which in his possession such person has been convicted. Power to seize and destroy such drugs, &c.

16—The Superintending Medical Officer, or any Registered Medical Practitioner authorized by him in writing in any case, may at all reasonable times, either by himself or attended by one or more Police Constables, enter the shop, store or house, of any person having a license under this Law, and inspect and search the same, and survey, prove and determine whether the drugs and medicines therein are or are not stale, unwholesome or unfit for use as such, and may take samples for further examination or analysis of any drugs or medicines that he may see reason to believe are not fresh, wholesome or fit for use, paying a fair price for the same. Power to enter, search for, inspect and analyze drugs, &c.

When any sample is so taken as aforesaid it shall be lawful for the licensed person aforesaid to require the Superintending Medical Officer, or Practitioner authorized by him as aforesaid, to put two other samples of any such drug or medicine as aforesaid into secure bottles or vessels, and to seal up or otherwise secure the same in such manner as the person having a license as aforesaid shall desire, and to have one of such samples sent to the Island Chemist for examination and report, and the other sample shall be left securely sealed as aforesaid with the person licensed as aforesaid, in order that he may have the same subjected to such independent Proceedings on taking samples for analysis.

examination or analysis as he may see fit, and the said Superintending Medical Officer or Medical Practitioner as aforesaid shall thereupon comply with such request.

The said Island Chemist shall make such examination or analysis of the sample sent to him as aforesaid as may be necessary to enable him to determine whether or not the same are stale, unwholesome, adulterated, or unfit for use as aforesaid, and shall send a certificate under his hand of the result of such examination or analysis to the Superintending Medical Officer, or Medical Practitioner as aforesaid from whom he has received the same; and in such certificate he shall describe the state of the bottle or vessel containing the sample aforesaid, and of the seals thereon or other fastenings thereto.

Certificate of
Island Chemist,
evidence.

17—In any proceeding taken under this Act the certificate of the Island Chemist duly signed by him shall, if it appear therefrom that the bottle or vessel containing the sample aforesaid had its seals or other fastenings uninjured at the time that he received the same, be prima facie evidence before the Justices, or in any Court of Justice, of the matters therein specified, and in the absence of any evidence to the contrary shall be sufficient evidence thereof.

18—*

The Sale of
Poisons Book
to be kept;

entries to be
made therein.

19—Every person selling or disposing of any poison [mentioned in the first part of Schedule A]† or keeping any [such]‡ poison for the purpose of sale, shall keep a book for the sole purpose of making the entries hereinafter mentioned; such book shall be called “The Sale of Poisons Book;” and every such person shall on any sale or delivery of any [such]‡ poison, before delivery thereof, make or cause to be made an entry of the name, address and calling, of the person to whom such

* Repealed by section 1 Law 11 of 1885.

† Words in brackets inserted by section 6 of Law 11 of 1881.

‡ Words in brackets inserted by section 6 of Law 11 of 1881.

delivery is made, and the name and quantity of the article delivered, and the date of such delivery, and either the name of the Medical Practitioner in pursuance of whose order or prescription the same has been delivered as aforesaid, or the signature and address of the witness to the sale as aforesaid, in accordance with the provisions of the last preceding section.

20—Every person who contravenes, or negligently suffers or allows any assistant or servant to contravene, any of the provisions of the two preceding sections shall be guilty of an offence against this Law, and shall be liable, on conviction thereof in a summary manner before two Justices of the Peace, to a penalty not exceeding ten pounds.

Penalty on offences against sections 18 and 19.

21—When any person having a license under this Law is convicted of any offence under this Law it shall be lawful for the Justices by whom such person is convicted, at the time of such conviction, by writing under their hands, to order the license of such person to be suspended for any period not exceeding six calendar months, and shall cause such suspension to be notified in the “Jamaica Gazette.”

Suspension of license.

During the period that any license has been ordered to be suspended as aforesaid the holder of such license shall, to all intents and purposes, be deemed not to have a license under this Law.

Effect of suspension.

SCHEDULE A.—PART I.*

Arsenic and its preparations.
 Prussic acid and its preparations.
 Cyanide of Potassium, and all metallic cyanides.
 Strychnine, and its preparations.
 Atropine, and its preparations, and all poisonous Vegetable Alkaloids
 and their salts.
 Aconite, and its preparations.
 Emetic Tartar.
 Corrosive Sublimate.
 Cantharides, and its preparations.
 Savin, and its oil.
 Ergot of Rye and its preparations.
 Croton oil.
 Nux Vomica, and its preparations.
 Elaterlum.
 Vermin killers that are preparations of Poisons which are enumerated
 above.

 SCHEDULE A.—PART II.

Chloroform.
 Belladonna, and its preparations.
 Essential Oil of Almonds, unless deprived of its Prussic Acid.
 Opium and its preparations.
 Preparations of Morphia.
 Preparations of Corrosive Sublimate.
 Hydrate of Chloral and its preparations.
 Sulphate of Copper.
 Sub-acetate of Copper.
 Red Oxide of Mercury, commonly known as Red Precipitate of Mer-
 cury.
 Ammoniated Mercury, commonly known as White Precipitate of Mer-
 cury.
 Carbolic Acid.
 Nitric Acid.
 Sulphuric Acid.
 Hydrochloric Acid.
 Oxalic Acid.
 Vermin Killers, compounds containing Poisons if not subject to the pro-
 visions in Part I.

* Original Schedule repealed by section 1 and this Schedule substituted by section 4 of Law 11 of 1885.

SCHEDULE B.

Assaffœtida.
Camphor.
Castor Oil.
Epsom Salts.
Linseed Meal.
Senna.
Rhubarb.
Carbonate of Magnesia.

SCHEDULE—C.

JAMAICA SS.

This is to Certify that A. B. of _____ is duly licensed
under The sale of Drugs and Poisons Law, 1881.

Given under my hand this _____ day of _____ A.D. 18

Signed, _____ A. B.,

Superintending Medical Officer.

JAMAICA—LAW 11 OF 1881.

The Prescription Law, 1881.*

[16th *March*, 1881.]

* Repealed by sec. 1 of Law 9 of 1882.

JAMAICA—LAW 12 OF 1881.

The Limitation of Actions (Land) Law, 1881.

[18th March, 1881.]

Preamble.

BE it enacted by the Governor and Legislative Council of the Island of Jamaica, as follows :

DEFINITION OF TERMS.

Meaning of the words in the Law.

“Land.”

1—In this Law—

“Land” shall extend to messuages and all other corporeal hereditaments whatsoever, and also to any share estate or interest in them, or any of them, whether the same shall be a freehold or chattel interest ;

“Rent.”

“Rent” shall extend to all annuities and periodical sums of money charged upon or payable out of any land ;

Person through whom another claims.

“The person through whom another person is said to claim” shall mean any person by, through or under, or by the act of whom, the person so claiming became entitled to the estate or interest claimed, as heir, issue in tail, tenant by the curtesy, tenant in dower, successor, executor, administrator, legatee, husband, appointee, devisee or otherwise ;

“Person.”
Number and Gender.

“Person” shall extend to a Body Politic or Corporate, and to a class of creditors or other persons, as well as to an individual.

2—*

When the right shall be deemed to have accrued.

3—The right to make an entry or distress or bring an action to recover any land or rent shall be deemed to have first accrued at such time as hereinafter is mentioned, that is to say :

In the case of an estate in possession ;

(a) When the person claiming such land or rent or some person through whom he claims shall, in

*Repealed by sec. 8 of Law 7 of 1888, on said Law coming into operation.

respect of the estate or interest claimed, have been in possession or in receipt of the profits of such land, or in receipt of such rent, and shall while entitled thereto have been dispossessed, or have discontinued such possession or receipt, then such right shall be deemed to have first accrued at the time of such dispossession or discontinuance of possession, or at the last time at which any such profits or rent were or was so received ;

on dispossession ;

(b) When the person claiming such land or rent shall claim the estate or interest of some deceased person who shall have continued in such possession or receipt in respect of the same estate or interest until the time of his death, and shall have been the last person entitled to such estate or interest who shall have been in such possession or receipt, then such right shall be deemed to have first accrued at the time of such death ;

Abatement or death ;

(c) When the person claiming such land or rent shall claim in respect of an estate or interest in possession granted, appointed or otherwise assured by any instrument (other than a will) to him, or some person through whom he claims, by a person, being in respect of the same estate or interest in the possession or receipt of the profits of the land, or in the receipt of the rent, and no person entitled under such instrument shall have been in such possession or receipt, then such right shall be deemed to have first accrued at the time at which the person claiming as aforesaid, or the person through whom he claims, became entitled to such possession or receipt by virtue of such instrument ;

Alienation ;

(d) When the estate or interest claimed shall have been an estate or interest in reversion or remainder, or other future estate or interest, and no person shall have obtained the possession or receipt of the profits of such land or the receipt of such rent in respect of

In case of future estates.

such estate or interest, then such right shall be deemed to have first accrued at the time at which such estate or interest became an estate or interest in possession ;

In case of forfeiture or breach of condition,

(c) When the person claiming such land or rent, or the person through whom he claims, shall have become entitled by reason of any forfeiture or breach of condition, then such right shall be deemed to have first accrued when such forfeiture was incurred, or such condition was broken.

If advantage of forfeiture is not taken by remainder-man, he shall have a new right when estate comes into possession.

4—*Provided always* that when any right to make an entry or distress, or to bring an action to recover any land or rent, by reason of any forfeiture or breach of condition, shall have first accrued in respect of any estate or interest in reversion or remainder, and the land or rent shall not have been recovered by virtue of such right, the right to make an entry or distress or bring an action to recover such land or rent shall be deemed to have first accrued, in respect of such estate or interest, at the time when the same shall have become an estate or interest in possession, as if no such forfeiture or breach of condition had happened.

5—*

Mortgagees of land may bring actions to recover the same within twenty years after last payment of any principal or interest.

6—It shall and may be lawful for any person entitled to or claiming under any mortgage of land to make an entry, or bring an action or suit to recover such land, at any time within twenty years next after the last payment of any part of the principal money or interest secured by such mortgage although more than twenty years may have elapsed since the time at which the right to make such entry or bring such action or suit shall have first accrued.†

* Repealed by sec. 8 of Law 7 of 1888, on said Law coming into operation.

† “Twelve years” to be read for “twenty years” by sec. 8 of Law 7 of 1888, on said Law coming into operation.

7—An Administrator claiming the estate or interest of the deceased person of whose chattels he shall have been appointed Administrator shall be deemed to claim as if there had been no interval of time between the death of such deceased person and the grant of the letters of administration.

An Administrator to claim as if he obtained the estate without interval.

8—When any person shall be in the possession or in the receipt of the profits of any land, or in the receipt of any rent, as tenant at will, the right of the person entitled subject thereto, or of the person through whom he claims, to make an entry or distress, or bring an action for the recovery of such land or rent, shall be deemed to have first accrued either at the determination of such tenancy, or at the expiration of one year next after the commencement of such tenancy, at which time such tenancy shall be deemed to have determined; *Provided always* that no mortgagor or *cestuique trust* shall be deemed to be a tenant at will, within the meaning of this clause, to his mortgagee or trustee.

In the case of a tenant at will, the right shall be deemed to have accrued at the end of one year.

9—When any person shall be in possession or in receipt of the profits of any land, or in receipt of any rent, as tenant from year to year, or other period, without any lease in writing, the right of the person entitled subject thereto, or of the person through whom he claims, to make an entry or distress, or bring an action to recover such land or rent, shall be deemed to have first accrued at the determination of the first of such years or other periods, or at the last time when any rent payable in respect of such tenancy shall have been received, (which shall last happen).

No person, after a tenancy from year to year, to have any right but from the end of the first year or last payment.

10—When any person shall be in the possession or in receipt of the profits of any land, or in receipt of any rent, by virtue of a lease in writing by which a rent amounting to the yearly sum of twenty shillings or upwards shall be reserved, and the rent reserved by such lease shall have been received by some person wrongfully claiming to be entitled to such land or rent in reversion immediately expectant upon the determination of such lease, and no payment in respect of the rent

When rent amounting to 20s. reserved by a lease in writing, shall have been wrongfully received, no right to accrue on the determination of the lease.

reserved by such lease shall afterwards have been made to the person rightfully entitled thereto, the right of the person entitled to such land or rent subject to such lease, or of the person through whom he claims, to make an entry or distress, or to bring an action, after the determination of such lease, shall be deemed to have first accrued at the time at which the rent reserved by such lease was first so received by the person wrongfully claiming as aforesaid; And no such right shall be deemed to have first accrued upon the determination of such lease to the person rightfully entitled.

A mere entry not to be deemed possession.

11—No person shall be deemed to have been in possession of any land merely by reason of having made an entry thereon.

No right to be preserved by continual claim.

12—No continual or other claim upon or near any land shall preserve any right of making an entry or distress or of bringing an action.

Possession of one coparcener, &c., not to be the possession of the other.

13—When any one or more of several persons entitled to any land or rent as coparceners, joint tenants or tenants in common, shall have been in possession or receipt of the entirety, or more than his or their undivided share or shares, of such land or of the profits thereof, or of such rent, for his or their own benefit, or for the benefit of any person or persons other than the person or persons entitled to the other share or shares of the same land or rent, such possession or receipt shall not be deemed to have been the possession or receipt of or by such last mentioned person or persons or any of them.

Possession of a younger brother not possession of the heir.

14—When a younger brother or other relation of the person entitled as heir to the possession or receipt of the profits of any land, or to the receipt of any rent, shall enter into the possession or receipt thereof, such possession or receipt shall not be deemed to be the possession or receipt of or by the person entitled as heir.

15—*Provided always* That when any acknowledgment of the title of the person entitled to any land or rent shall have been given to him or his agent, in writing signed by the person in possession or in receipt of the profits of such land, or in receipt of such rent, then such possession or receipt of or by the person by whom such acknowledgment shall have been given shall be deemed to have been the possession or receipt of or by the person to whom or to whose agent such acknowledgment shall have been given at the time of giving the same; And the right of such last mentioned person, or any person claiming through him, to make an entry or distress, or bring an action to recover such land or rent, shall be deemed to have first accrued at and not before the time at which such acknowledgment, or the last of such acknowledgments if more than one, was given.

Acknowledgment in writing equivalent to possession or receipt of rent.

16—*Provided also* that when no such acknowledgment as aforesaid shall have been given before the commencement of this Law, and the possession or receipt of the profits of the land, or the receipt of the rent, shall not at the time of the commencement of this Law have been adverse to the right or title of the person claiming to be entitled thereto, then such person or the person claiming through him may, notwithstanding the period of twenty years hereinbefore limited shall have expired, make an entry or distress or bring an action to recover such land or interest at any time within five years next after the commencement of this Law.

Where possession is not adverse at the time of passing the Act, the right shall not be barred until after five years.

DISABILITIES.

17—*

18—The time within which any such entry shall be made, or any such action or suit may be brought as aforesaid, shall not in any case after the commencement of this Law be extended or enlarged by reason of the absence beyond seas during all or any part of that time of the person having the right

No time to be allowed, for absence beyond seas.

* Repealed by sec. 8 of Law 7 of 1888, on said Law coming into operation.

to make such entry, or to bring such action or suit, or of any person through whom he claims.

19—*

No further time to be allowed for a succession of disabilities.

20—*Provided always* that when any person shall be under any of the disabilities hereinbefore mentioned at the time at which his right to make an entry or distress, or bring an action to recover any land or rent, shall have first accrued, and shall depart this life without having ceased to be under any such disability, no time to make an entry or distress, or to bring an action to recover such land or rent, beyond the said period of twenty years next after the right of such person to make an entry or distress, or to bring an action to recover such land or rent, shall have first accrued, or the said period of ten years next after the time at which such person shall have died, shall be allowed by reason of any disability of any other person.

WHERE RIGHT TO ESTATE IN POSSESSION BARRED.

When the right to an estate in possession is barred, the right of the same person to future estates shall also be barred.

21—When the right of any person to make an entry or distress, or bring an action to recover any land or rent to which he may have been entitled for an estate or interest in possession, shall have been barred by the determination of the period hereinbefore limited which shall be applicable in such case, and such person shall at any time during the said period have been entitled to any other estate, interest, right or possibility, in reversion, remainder or otherwise, in or to the same land or rent, no entry, distress or action shall be made or brought by such person, or any person claiming through him, to recover such land or rent, in respect of such other estate, interest, right or possibility, unless in the meantime such land or rent shall have been recovered by some person entitled to an estate, interest or right which shall have been limited or taken effect after or in defeasance of such estate or interest in possession.

* Repealed by section 8 of Law 7 of 1888 on said Law coming into operation.

TENANT IN TAIL.

22—When the right of a tenant in tail of any land or rent to make an entry or distress, or to bring an action to recover the same, shall have been barred by reason of the same not having been made or brought within the time hereinbefore limited which shall be applicable in such case, no such entry, distress or action shall be made or brought by any person claiming an estate, interest or right which such tenant in tail might lawfully have barred.

Where tenant in tail is barred remainder-men shall not recover.

23—When a tenant in tail of any land or rent entitled to recover the same shall have died before the expiration of the period hereinbefore limited which shall be applicable in such case for making an entry or distress, or bringing an action to recover such land or rent, no person claiming any estate interest or right which such tenant in tail might lawfully have barred shall make an entry or distress, or bring an action to recover such land or rent, but within the period during which if such tenant in tail had so long continued to live he might have made such entry or distress or brought such action.

Possession adverse to a tenant in tail shall run on against the remainder-men.

24—*

SUITS IN EQUITY.

25—After the commencement of this Law no person claiming any land or rent in Equity shall bring any suit to recover the same but within the period during which by virtue of the Provisions hereinbefore contained he might have made an entry or distress, or brought an action to recover the same respectively, if he had been entitled at Law to such estate interest or right in or to the same as he shall claim therein in Equity.

Limitations as to suits in Equity.

26—*Provided always* That when any land or rent shall be vested in a trustee upon any express trust, the right of the cestuique trust, or any person claiming through him, to bring

In cases of express trust, the right not to accrue until conveyance.

*Repealed by section 8 of Law 7 of 1888 on said Law coming into operation.

a suit against the trustee, or any person claiming through him, to recover such land or rent, shall be deemed to have first accrued at and not before the time at which such land or rent shall have been conveyed to a purchaser for valuable consideration, and shall then be deemed to have accrued only as against such purchaser and any person claiming through him.

As to cases of fraud.

27—In every case of a concealed fraud, the right of any person to bring a suit in Equity for the recovery of any land or rent of which he, or any person through whom he claims, may have been deprived by such fraud, shall be deemed to have first accrued at and not before the time at which such fraud shall, or with reasonable diligence might, have been first known or discovered; *Provided* that nothing in this clause contained shall enable any owner of lands or rents to have a suit in Equity for the recovery of such lands or rents, or for setting aside any conveyance of such lands or rents on account of fraud, against any *bonâ fide* purchaser for valuable consideration who has not assisted in the commission of such fraud and who at the time that he made the purchase did not know, and had no reason to believe, that any such fraud had been committed.

Saving the jurisdiction of Equity.

28—Nothing in this Law shall interfere with any rule or jurisdiction of any Court exercising equitable jurisdiction in refusing relief on the ground of acquiescence, or otherwise, to any person whose right to bring a suit may not be barred by virtue of this Law.

29—*

EXTINGUISHMENT OF RIGHT.

At the end of the period of limitation the right to be extinguished.

30—At the determination of the period limited by this Law to any person for making an entry or distress, or bringing any action or suit, the right and title of such person to the

*Repealed by sec. 8 of Law 7 of 1888 on said Law coming into operation.

land or rent, for the recovery whereof such entry, distress action or suit respectively might have been made or brought within such period, shall be extinguished.

RECEIPT OF RENT.

31—The receipt of rent payable by any tenant from year to year, or other lessee, shall, as against such lessee, or any person claiming under him, (but subject to the lease) be deemed to be the receipt of the profits of the land for the purposes of this Law.

Receipt of rent deemed receipt of profits.

WHAT SHALL NOT DEFEAT RIGHT OF ENTRY.

32—No descent cast, discontinuance or warranty, which may happen or be made after the commencement of this Law shall toll or defeat any right of entry or action for the recovery of land.

No descent, &c., to bar right of entry.

MONEY CHARGED UPON LAND, &c.

33—*

34—After the commencement of this Law no action suit or other proceeding shall be brought to recover any sum of money or legacy charged upon or payable out of any land or rent, at Law or in Equity, and secured by any express trust, or to recover any arrears of rent or of interest in respect of any sum of money or legacy so charged or payable and so secured, or any damages in respect of such arrears, except within the time within which the same would be recoverable if there were not any such trust.

Time for recovering charges and arrears of interest not to be enlarged by express trusts for raising same.

35—After the commencement of this Law no arrears of dower, nor any damages on account of such arrears, shall be recovered or obtained by any action or suit for a longer period than six years next before the commencement of such action or suit.

No arrears of dower to be recovered for more than six years.

*Repealed by section 8 of Law 7 of 1888 on such Law coming into operation.

No arrears of rent or interest to be recovered for more than six years.

36—After the commencement of this Law no arrears of rent, or of interest in respect of any sum of money charged upon or payable out of any land or rent, or in respect of any legacy, or any damages in respect of such arrears of rent or interest, shall be recovered by any distress, action or suit, but within six years next after the same respectively shall have become due, or next after an acknowledgment of the same in writing shall have been given to the person entitled thereto, or his agent, signed by the person by whom the same was payable, or his agent; *Provided nevertheless* that where any prior mortgagee or other incumbrancer shall have been in possession of any land, or in the receipt of the profits thereof, within one year next before an action or suit shall be brought by any person entitled to a subsequent mortgage or other incumbrance on the same land, the person entitled to such subsequent mortgage or incumbrance may recover in such action or suit the arrears of interest which shall have become due during the whole time that such prior mortgagee or incumbrancer was in such possession or receipt as aforesaid, although such time may have exceeded the said term of six years.

Act not to affect 4 Geo. 2, c. 4, or 14 Geo. 3, c. 5.

37—Nothing in this Law shall affect 4 George II, Chapter 4, or 14 George III, Chapter 5.

Commencement of Law.

38—This Law shall commence on the first day of July, 1881.

JAMAICA—LAW 13 OF 1881.

The Registration Law, 1881.*

[31st *March*, 1881.]

WHEREAS it is expedient to repeal the Births and Deaths Registration Law, 1877, and to make other provision in lieu thereof: Preamble.

Be it therefore enacted by the Governor and Legislative Council of the Island of Jamaica, as follows :

1—The Births and Deaths Registration Law, 1877, shall be and the same is hereby repealed; Law 19 of 1877, repealed.

Provided always that such repeal shall not affect the validity of any act or thing done under or in pursuance of the said Law ;

Provided also that the Officers and Offices heretofore appointed under and in pursuance of the said Law shall, so far as the same are required to be appointed by this Law, be deemed and taken to all intents and purposes to be Officers and Offices appointed under and in pursuance of this Law. Provisoes as to existing officers and offices.

2—As soon as may be after the coming into operation of this Law, the several Superintendent Registrars and Registrars appointed under and in pursuance of the said Law of 1877, and all other persons having in their custody or possession any Registers Books or other records kept under and in pursuance of the said Law, shall forthwith send the same to the Registrar General. Registers, &c., under Law 19 of 1877, to be sent to Registrar General.

The Registrar General shall make provision for the safe custody of the same, and as respects the Registers, shall cause who shall have them indexed and bound.

* Law 2 of 1885, by its 8th section, incorporated with this Law and extended, with qualifications, as amended by Law 8 of 1892, and Law 2 of 1885, to the Cayman Islands by section 1 of Law 12 of 1885.

them to be properly indexed, and shall have them bound up into one or more volumes as he shall deem expedient.

How far entries therein evidence.

All entries in the said Registers, and all certified copies of the same, shall be admissible as evidence of the Birth or Death to which the same relate, subject to the provisions of the said Law of 1877 as if the same had not been repealed.

Interpretation clause.
Registrar General.

3—In this Law, unless inconsistent with the context,—

The term “Registrar General” shall mean the Registrar General of Births and Deaths for the time being appointed under this Law, and in case of the illness, absence or incapacity, of the Registrar General shall also mean and include the Assistant Registrar General for the time being appointed or to be appointed under this Law.

Registrar.

The term “Registrar” in connection with any Birth or Death or other event shall, unless the contrary is expressed, be deemed to refer to the Registrar for the District within which such Birth, Death or other event, took place.

Register.

The term “Register” shall be deemed to refer to the “General Register of Births” or the “General Register of Deaths” as the case may be.

Public Institution.

The term “Public Institution” shall mean a prison, lock-up, workhouse, lunatic asylum, hospital, and any prescribed public or charitable institution.

House.

The term “House” shall include a public institution as above defined.

Occupier.

The term “Occupier” shall include the Governor, Keeper, Master, Matron, Superintendent, or other Chief Resident Officer, of any Public Institution, and where a house is let in separate apartments, or lodgings

includes any person residing in such house who is the person under whom such lodgings or separate apartments are immediately held, or his agent; and in the case of Births and Deaths among the indentured or other Indian immigrant labourers resident on any plantation or estate, the proprietor (if resident) or the overseer or manager for the time being of such plantation or estate shall be deemed to be the "occupier" for the purposes of this Law of the house where such Birth or Death happens.

- The term "Relative" shall include a relative by marriage. Relative.
- The term "General Search" shall mean a search during any number of successive hours, not exceeding six, without stating the object of the search. General Search.
- The term "Particular Search" shall mean a search over any period not exceeding five years for any given entry. Particular Search.
- The term "Court of Summary Jurisdiction" shall mean two Justices of the Peace, or any Judge or Justice of the Peace having the powers of two Justices. Court of Summary Jurisdiction.
- The term "Appointed Fee" shall mean the fees appointed in Schedule Two to this Law. Appointed Fee.
- The term "Registration-form and [counterfoil]" shall mean the form and counterfoil thereto contained in the book described in section forty of this Law. Registration-form and counterfoil.

THE REGISTRAR GENERAL.

4—It shall be lawful for the Governor to appoint a fit person to be the Registrar General of Births and Deaths in Jamaica, who shall hold office during the pleasure of the Governor and be removable by him, and to appoint an office to be the Appointments of Registrar General and of General Register Office.

office of the Registrar General and the General Register office for keeping a Register of all Births and Deaths in this Island.

His Salary. 5—It shall be lawful for the Governor to appoint from time to time the salary of the Registrar General.

Appointment, removal and salaries of Clerks, &c., for General Register Office. 6—The Governor, or the Registrar General subject to the approval of the Governor, may from time to time appoint such Officers, Clerks and Servants, as he may deem necessary for carrying on the business of the General Register Office, and may at pleasure remove any of them, and may fix the salaries to be paid to such Officers, Clerks and Servants.

Payment of Salaries, &c. 7—The salaries of the Officers, Clerks and Servants, and all such salaries and all other expenses of carrying this Law into execution not herein otherwise provided for, shall be paid out of the General Revenue; and the salary appointed for the Registrar General shall be deemed to include the remuneration for all duties which he may be at any time required to perform.

Assistant to the Registrar General, his appointment, powers, duties, &c. 8—The Registrar General shall have power, subject to the approval of the Governor, to appoint, by writing under his hand, a fit person to act as his Assistant in case of his illness or absence; and every such Assistant while so acting shall have all the powers and duties of the Registrar General, and be subject to all the provisions and penalties declared by this Law, except that such Assistant shall not have power to make or declare any General Rule, or to rescind or alter any order, regulation or approval, signified by the Registrar General, or made by the Registrar General in writing under his hand, or to dismiss any person from any Office holden during the pleasure of the Registrar General.

Power to make Regulations for government office, and of 9—The Governor, or the Registrar General with the approval of the Governor, shall from time to time make Regulations for the management of the General Register Office, and

for the discharge of the duties of the Registrar General, Officers, Clerks and Servants, of the said office, and of the Registrars, and their Deputies hereinafter mentioned, and from time to time may add to, rescind, or modify the same, so that such Regulations be not contrary to the Provisions of this Law: And the Regulations so made and approved shall be binding on such Registrar General, Officers, Clerks and Servants, of the said office, and on the Registrars, and their Deputies respectively.

all persons employed under this Law.

10—All fees received by or on account of the Registrar General under the Provisions of this Law shall be accounted for and paid by the Registrar General, at such times as the Governor shall from time to time direct, into the Public Treasury.

Fees of Registrar General to be paid into Treasury.

11—The Registrar General shall from time to time cause printed notices to be placed on the outside of the several churches and chapel doors, or in other public and conspicuous places within the respective registration districts, which said notices shall specify the several acts required to be done for the purpose of registering any Birth or Death under the Provisions of this Law.

Publication of acts required to be done in registering Births and Deaths.

REGISTRATION OF BIRTHS.

12—In the case of every child born alive after the coming into operation of this Law, it shall be the duty of the father and mother of the child, and in default of the father and mother of the occupier of the house in which to his knowledge the child is born, and of each person present at the birth, and of the person having charge of the child, to give to the Registrar, within forty-two days next after such Birth, information of the particulars required to be registered concerning such Birth, and indicated in Form A of Schedule 1 to this Law, and in the presence of the Registrar to sign the Registration-form and counterfoil.

Whose duty it is to inform Registrar of Birth and procure registration—
Time limit.

Power of Registrar to require persons to attend and give information as to Birth not registered within time.

13—Where a Birth has, from the default of the parents or other persons required to give information concerning it, not been duly registered, the Registrar may, at any time after the end of forty-two days from such Birth, by notice in writing, require any of the persons required by this Law to give information concerning such Birth to attend personally at the Registrar's Office, or at any other place appointed by the Registrar within his District, within such time (not less than seven days after the receipt of such notice, and not more than three months from the date of the Birth) as may be specified in such notice, and to give information to the best of such person's knowledge and belief of the particulars required to be registered concerning such Birth, and to sign the Registration-form and counterfoil in the presence of the Registrar, and it shall be the duty of such person, unless the Birth is registered before the expiration of the time specified in such requisition, to comply with such requisition.

Whose duty it is to inform as to Birth of a new-born child found exposed—
Time limit.

14—In case any living new-born child is found exposed, it shall be the duty of any person finding such child, and of any person in whose charge such child may be placed, to give to the best of his knowledge and belief to the Registrar, within seven days after the finding of such child, such information of the particulars required to be registered concerning the Birth of such child as the informant possesses, and in the presence of the Registrar to sign the Registration-form and counterfoil.

Duty of Registrar as to Births and registering same.

15—It shall be the duty of the Registrar to inform himself carefully of every Birth which happens within his District, and upon receiving personally from the informant, at any time within three months from the date of the Birth of any child or the finding of any living new-born child, information of the particulars required to be registered concerning the Birth of such child, forthwith in the prescribed form and manner to register the Birth and the said particulars (if not previously registered), without fee or reward from the

informant, except that if in pursuance of a written requisition he registers the same at the residence of the person making such requisition, or at the house in which the Birth took place, he shall, unless the Birth took place in a public institution, be entitled to the appointed fee.

16—After the expiration of three months next after the Birth of any child a Registrar shall not register such Birth except as in this section provided; that is to say, in case the Birth of any child has not been registered in accordance with this Law the Registrar may, after three and not later than twelve months next after the Birth, by notice in writing, require any of the persons required by this Law to give information concerning the Birth to attend personally at the Register Office within such time (not less than seven days after the receipt of the notice, and not more than twelve months after the date of the Birth) as may be specified in the notice, and make before him and some Justice of the Peace, or in default of such Justice some other respectable witness, a solemn declaration, according to the best of the declarant's knowledge and belief, of the particulars required to be registered concerning the Birth, and sign the Registration-form and counterfoil in the presence of the Registrar and Justice or other witness; and upon any of the said persons attending before a Registrar and Justice or other witness, whether in pursuance of a requisition or not, and making such a declaration as aforesaid, and giving information concerning the Birth, the Registrar shall then and there in the presence of such Justice or witness register the Birth according to the information of the declarant, and the Justice or witness before whom the declaration is made shall, as well as the Registrar and declarant, sign the entry of the Birth.

Registration of
a Birth after
three months.

After the expiration of twelve months next after the Birth of any child that Birth shall not be registered, except with the written authority of the Registrar General for registering the same, and except in accordance with the prescribed rules, and

After 12¹/₂
months.

the fact of such authority having been given shall be entered on the Registration-form and counterfoil.

Penalty.

Every person who registers or causes to be registered the Birth of any child in contravention of this section shall be liable to a penalty not exceeding ten pounds.

How a person who has removed from the proper District may give information.

17—Any person required by this Law to give information concerning a Birth who removes before such Birth is registered out of the District in which such Birth has taken place may, within three months after such Birth, give the information by making and signing in the presence of the Registrar of the District in which he resides a declaration in writing of the particulars required to be registered concerning such Birth; and such Registrar, on payment of the appointed fee, shall receive and attest the declaration and send the same to the Registrar of the District in which the Birth took place; and the last mentioned Registrar shall in the prescribed manner enter the Birth on the Registration-form and counterfoil, and the entry so made shall be deemed, for the purposes of this Law, to have been signed by the person who signed the declaration.

A person making a declaration in pursuance of this section in the case of any Birth shall be deemed to have complied with the Provisions of this Law as to giving information concerning that Birth, and with any requisition of the Registrar made under this Law within the said three months to attend and give information concerning that Birth.

18—*

Registration of illegitimate child.

In the case of an illegitimate child, no person shall as father of such child be required to give information under this Law concerning the birth of such child, and the Registrar shall not enter on the Registration Form and counterfoil the name of any person as father of such child unless at the joint request of the mother and of the person acknowledging himself to be the father of such child, and such person shall in such case sign the Registration Form and counterfoil together with the mother,

* Section substituted by sec. 1 of Law 8 of 1882.

19—When the Birth of any child has been registered and the name (if any) by which it was registered is altered, or if it was registered without a name when a name is given to it, the parent or guardian of such child, or other person procuring such name to be altered or given may, within twelve months next after the registration of the Birth, deliver to the Registrar such certificate as hereinafter mentioned; and the Registrar on receipt of such certificate, and on payment of the appointed fee, shall forthwith, if he still have in his possession the Registration Form Book containing the counterfoil of the registration of such child, without any erasure of the original entry, enter on such counterfoil the name mentioned in the certificate as having been given to the child, and shall state on the certificate the fact of such entry having been made, and shall send the certificate to the Registrar General, who shall thereupon, without any erasure of the original entry, enter into the General Register Book of Births, at the place where the Birth of such child is registered, the name mentioned in the certificate as having been given to the child, and shall write upon such certificate the fact of such entry having been made, and if the Registration Form Book containing the counterfoil of the registration of such child is in his possession shall do such acts and things as are hereinbefore required to be done by the Registrar in cases where such Book is in his possession. And the Registrar General shall, without any erasure, cause the Index Book, in cases where the Birth of such child is already indexed to be altered accordingly.

Registry of name or altered name of child given since first registration.

The certificate shall be in one of the Forms C or D in the first Schedule to this Law, or as near thereto as circumstances admit, and shall be signed by the Minister or person who performed the rite of Baptism upon which the Name was given or altered, or if the child is not baptized shall be signed by the father, mother or guardian of the child, or other person procuring the name of the child to be given or altered.

Certificates, Forms C or D.

Fee for certificate.

Every Minister or person who performs the rite of baptism shall deliver the certificate required by this section within two days of demand being made, on payment of a fee not exceeding One Shilling.

Births at sea.

The Provisions of this section shall apply with the prescribed modifications in the case of Births at sea of which a return is sent to the Registrar General.

Registrar's certificate of registration.
Fee therefor.

20—A Registrar shall, upon demand made at the time of registering any Birth by the person giving the information concerning the Birth, upon payment of a fee not exceeding threepence, deliver to such person a certificate under his hand, in the prescribed form, of having registered that Birth.

REGISTRATION OF DEATHS.

Death and cause of Death to be registered.

21—The Death of every person dying in Jamaica after the coming into operation of this Law, and the cause of such Death, shall be registered by the Registrar in the manner directed by this Law.

Whose duty it is to give information and procure registry of any Death in a house—

22—When a person dies in any house it shall be the duty of the nearest relatives of the deceased present at the Death or in attendance during the last illness of the deceased, and in default of such relatives of every other relative of the deceased dwelling or being in the same Registrar's District as the deceased, and, in default of such relatives, of each person present at the Death, and of the occupier of the house in which to his knowledge the death took place, and in default of the persons hereinbefore in this section mentioned of each inmate of such house, and of the person causing the body of the deceased person to be buried, to give to the best of his knowledge and belief to the Registrar, within the five days next following the day of such Death, information of the particulars required to be registered concerning such Death, and in the presence of the Registrar to sign the Registration-form and counterfoil.

Time limit.

23—Where a person dies in a place which is not a house, or a dead body is found elsewhere than in a house, it shall be the duty of every relative of such deceased person having knowledge of any of the particulars required to be registered concerning the Death, and in default of such relative of every person present at the Death, and of any person finding, and of any person taking charge of the body, and of the person causing the body to be buried, to give to the Registrar, within the five days next after the Death or the finding, such information of the particulars required to be registered concerning the Death as the informant possesses, and in the presence of the Registrar to sign the Registration-form and counterfoil.

Whose duty it is to give information of any Death, or of any body found, elsewhere than in a house—

Time limit.

24—If a person required to give information concerning any Death sends to the Registrar a written notice of the occurrence of the Death, accompanied by such medical certificate of the cause of the Death as is required by this Law to be delivered to a Registrar, the information of the particulars required by this Law to be registered concerning the Death need not be given within the said five days but shall, notwithstanding such notice, be given within fourteen days next after the day of the Death by the person giving such notice, or some other person required by this Law to give the information.

Extension of time if written notice, &c., sent.

25—Where any Death has, from the default of the persons required to give information concerning it, not been registered, or notice has not been given under the Provisions of the preceding section, the Registrar may, at any time after the expiration of five days and within twelve months from the day of such death or from the finding of the dead body elsewhere than in a house, by notice in writing require any person required by this Law to give information concerning such Death to attend personally at the Registrar's Office, or at any other place appointed by the Registrar within his District, within such time (not less than seven days after the receipt

Powers of Registrar to require persons to attend and give information as to Death not registered in time.

of the notice, nor more than twelve months after the Death or finding of the dead body) as may be specified in the notice, and to give the said information to the best of the informant's knowledge and belief, and to sign the Registration-form and counterfoil in the presence of the Registrar; and it shall be the duty of such person, unless the Death is registered before the expiration of the time specified in the requisition, to comply with the requisition.

Duty of Registrar as to Deaths and registering them.

26—It shall be the duty of the Registrar to inform himself carefully of every Death which happens within his District, and upon receiving personally from the informant, at any time within twelve months after the date of any Death or of the finding of any dead body, information of the particulars required to be registered concerning the Death from any person required by this Law to give the same, forthwith in the prescribed form and manner to register the Death and the said particulars, (if not previously registered) without a fee or reward from the informant, except that if in pursuance of a written requisition he registers the same at the residence of the person making such requisition or at the house where the deceased died he shall, unless the Death took place in a Public Institution, be entitled to the appointed fee.

Registration of a Death after 12 months.

27—After the expiration of twelve months next after any Death or after the finding of any dead body elsewhere than in a house, that Death shall not be registered except with the written authority of the Registrar General for registering the same, and except in accordance with the prescribed Rules, and the fact of such authority having been given shall be entered on the Registration-form and counterfoil.

Penalty.

Every person who registers or causes to be registered any death in contravention of this section shall be liable to a penalty not exceeding ten pounds.

On Coroner's Inquest Jury to inquire into

28—When an Inquest is held on any Death or dead body the Jury shall inquire of the particulars required to be registered

concerning the Death, and the Coroner shall send to the Registrar, within five days after the finding of the Jury is given, a certificate under his hand giving information concerning the Death, and specifying any finding of the Jury with respect to the said particulars and to the cause of Death, and specifying the time and place at which the Inquest was held; and the Registrar shall, if the Death has not been previously registered, register the same and enter on both the form and the counterfoil the date of the Inquest, the name of the Coroner or other Officer holding the same, and the verdict of the Jury; and he shall then attach the said certificate to the said form and send them in due course to the Registrar General.

particulars and Coroner to certify as to Inquest and finding. Registration thereon.

If the Death has been previously registered, and the Registration Form Book containing the counterfoil of such registration is still in his possession, the Registrar shall enter on such counterfoil the above particulars and send the certificate to the Registrar General.

The Registrar General in any such case shall, in addition to the things by this Law required to be done in ordinary cases, cause the above-mentioned particulars touching the Inquest to be entered on the Register and shall cause the said certificate to be put away with the Registration-form in such place as may be provided.

Where an Inquest is held on any Death or dead body no person shall, with respect to such Death or dead body, be liable to attend on a requisition of a Registrar, or be subject to any penalty for failing to give any information in pursuance of any other Provision of this Law.

BURIALS.

29—The Registrar, upon registering any Death, or upon receiving a written requisition to attend at a house to register a Death, or upon receiving such written notice of the occurrence of a Death accompanied by a medical certificate as is

Registrar's certificate of registry or notice of Death.

before provided by this Law, shall forthwith or as soon after as he is required give, without fee or reward, either to the person giving information concerning the Death or sending the requisition or notice, or to the undertaker or other person having charge of the funeral of the deceased, a certificate under his hand that he has registered or received notice of the Death, as the case may be.

Delivery there-
of to the person
who buries.

Every such certificate of the Registrar shall be delivered to the person who buries or performs any funeral or religious service for the burial of the body of the deceased, and any person to whom such certificate was given by the Registrar who fails so to deliver or cause to be delivered the same shall be liable to a penalty not exceeding two pounds.

Notice of burial
when no such
certificate de-
livered.

The person who buries or performs any funeral or religious service for the burial of any dead body as to which no certificate under this section is delivered to him shall, within seven days after the burial, give notice thereof in writing to the Registrar, and if he fail so to do shall be liable to a penalty not exceeding ten pounds.

As to burial of
still-born
children.

30—A person shall not wilfully bury or procure to be buried the body of any deceased child as if it were still-born.

A person who has control over or ordinarily buries bodies in any burial ground shall not permit to be buried in such burial ground the body of any deceased child as if it were still born, and shall not permit to be buried or bury in such burial ground any still-born child, before there is delivered to him either—

- (a.) A written certificate that such child was not born alive, signed by a registered Medical Practitioner who was in attendance at the Birth or has examined the body of such child, or
- (b.) A declaration, signed by some person who would if the child had been born alive have been required

by this Law to give information concerning the Birth, to the effect that no registered Medical Practitioner was present at the Birth, or that his certificate cannot be obtained, and that the child was not born alive, or

- (c.) An order in writing for the burial given by a Coroner or other officer duly authorized to give the same under any Law regulating the giving of such order.

Any person who acts in contravention of this section shall be liable to a penalty not exceeding ten pounds.

31—Where there is in the coffin in which any deceased person is brought for burial the body of any other deceased person, or the body of any still-born child, the undertaker or other person who has charge of the funeral shall deliver to the person who buries or performs any funeral or religious service for the burial of such body or bodies notice in writing, signed by such undertaker or other person, and stating to the best of his knowledge and belief with respect to each such body the following particulars :

As to burial of two bodies in one coffin.

- (a.) If the body is the body of a deceased person, the name, sex and place of abode, of the said deceased person ;
- (b.) If the body has been found exposed and the name and place of abode are unknown, the fact of the body having been so found and of the said particulars being unknown ; and
- (c.) If the body is that of a deceased child without a name or a still-born child, the name and place of abode of the father, or if it is illegitimate of the mother of such child.

Every person who fails to comply with the requirements of this section shall be liable to a penalty not exceeding ten pounds.

CERTIFICATE OF CAUSE OF DEATH.

As to certificate
of cause of
Death.

32—With respect to certificates of the cause of Death the following provisions shall have effect :

Forms thereof
to be furnished.

1. The Registrar General shall from time to time furnish to every Registrar printed forms of certificates of cause of Death by registered Medical Practitioners, and every Registrar shall furnish such forms gratis to any registered Medical Practitioner residing or practising in such Registrar's District.

Certificates to
be given by
medical men
who attended
the deceased.

2. In case of the Death of any person who has been attended during his last illness by a registered Medical Practitioner that Practitioner shall sign, and give to some person required by this Law to give information concerning the Death, a certificate stating to the best of his knowledge and belief the cause of Death, and such person shall upon giving information concerning the death, or giving notice of the Death, deliver that certificate to the Registrar, and the cause of death as stated in that certificate shall be entered in the Register, together with the name of the certifying Medical Practitioner.

Filled up in
plain English.

The cause of Death shall in such certificate be stated as nearly as may be in plain English.

Certificate of
Coroner's Jury.

3. Where an Inquest is held on the Death of any deceased person a medical certificate of the cause of Death need not be given to the Registrar, but the certificate of the finding of the Jury furnished by the Coroner shall be sufficient.

Certificate in
cases of post
mortem exam-
inations.

4. Where a report of any post mortem examination is sent to the Coroner of any District under and in pursuance of Law 46 of 1869, and no Inquest is subsequently held touching the death of the person to whom such report relates, the Coroner shall send a copy of such report,

certified under his hand, to the Registrar of the District in which such person died; and such report shall be treated by the Registrar as equivalent to the certificate touching the cause of death previously mentioned.

If any person to whom a medical certificate is given by a registered Medical Practitioner in pursuance of this section fails to deliver that certificate to the Registrar, he shall be liable to a penalty not exceeding two pounds. Penalty.

33—In the case of Births or Deaths on board any ship moored in port or harbour or other water within the limits of the Colony, the Master or Chief Officer shall be bound to report such Birth or Death in like manner, and subject to the like penalties in case of disobedience, as is required of the occupier of a house on shore, and the Master or Chief Officer of any colonial craft shall also in like manner, and subject to the like penalties as aforesaid, report in like manner every Birth or Death on board of any such craft, whether moored or on any coasting or other voyage within the Colony. Report of Births and Deaths on board ships or coasting vessels.

REGISTRARS.

34—The Governor shall divide each Parish of this Island into such Districts as he shall think fit; and every such District shall be called by a distinct name, and shall be a Registrar's District; and the Governor, or the Registrar General with the sanction of the Governor, may from time to time if it seem to him fit, alter the Districts of Registrars, by the alteration of the boundaries of Districts, by the formation of new Districts, or by the union of Districts, and may take or cause to be taken all measures which seem to him to be necessary for carrying such alteration into effect, and such alteration shall be made and measures taken accordingly; and every such division of a Parish or change in the District of a Registrar shall be published in the "Jamaica Gazette," and by advertisement or otherwise as the Registrar General may direct as being in his opinion best calculated for giving Registrar's Districts; their formation and alteration.

Notification thereof.

information to all persons in the Parishes or Districts concerned.

Appointment,
&c., of Regis-
trars.

35—The Governor, or the Registrar General with the approval of the Governor, shall appoint fit persons, with such qualifications as the Governor may by any General Rule declare to be necessary, to be Registrars of Births and Deaths within each Registrar's District in this Island, and in every case of vacancy in the office of Registrar shall forthwith fill up the vacancy; and every Registrar shall hold his office during the pleasure of the Governor, and be removable by him.

Appointment
and duties, &c.,
of Deputies of
Registrars.

36—Every Registrar shall, subject to the approval of the Governor, appoint by writing under his hand a fit person to act as his Deputy in case of the illness or unavoidable absence of such Registrar; and every such Deputy while so acting shall have all the powers and duties, and be subject to all the penalties, herein declared concerning Registrars, and in case of the death or resignation of the Registrar shall act as Registrar until another Registrar is appointed, and every Registrar shall be civilly responsible for the acts and omissions of his Deputy; every such Deputy shall hold his office during the pleasure of the Registrar by whom he is appointed, but shall be removable from his office by the Registrar General.

Registrar to
reside or have
his office within
his District,

37—Every Registrar and Deputy Registrar shall either dwell in or have a known office within the District of which he is Registrar or Deputy Registrar.

to appoint Re-
gistration Sta-
tions.

Every Registrar shall, if so directed by the Registrar General, appoint within or contiguous to his District a Station or Stations as may be directed by the Registrar General; every such Station shall, for the purposes of the Provisions of this Law with respect to the attendance of persons and registration of Births and Deaths at the office of the Registrar, be deemed to be his office.

Every Registrar and Deputy Registrar shall attend at his dwelling house or office, and at each such Station, on the days and at the hours approved by the Registrar General, for the purpose of Registering Births and Deaths.

To attend thereat.

Every Registrar shall cause to be placed, in some conspicuous place on or near the outer door of the dwelling house or office which he has within his District, his name, with the addition of Registrar for the District for which he is Registrar, and the hours of his attendance as approved by the Registrar General; and a list of such Registrars in any Parish, with their residences, shall be kept at the office of the Municipal Board of such Parish, and at each Police Station, and at each Post Office within such Parish.

Notification of his name and office.

38—Every Registrar, when and as required by or under the authority of any Law for the time being in force, or of any General or special order to be made by the Governor, shall transmit by post or otherwise a return, certified under the hand of such Registrar to be a true return, of such of the particulars registered by him concerning any Birth or Death as may be specified in any requisition addressed to him by any Public Officer or Government Department by or under any such authority.

Registrar to furnish certified returns as required.

The Officer or Department may, by any such requisition, supply a form for the purpose of the return, and in that case the return shall be made in the form so supplied.

The Registrar making such return shall be entitled to a fee of twopence, and to a further fee of twopence for every Birth or Death entered in such Return, which fee shall be paid by the Authority requiring the Return.

Fee therefor.

39—Every Registrar appointed under this Law shall be freed and exempted from serving on any Jury or Inquest.

Exemption from Jury service.

40—The Registrar General shall cause to be provided for the use of the Registrars such number of books, herein called

Register books and forms to be provided.

Particulars as to same and the keeping thereof.

Registration-Form Books, for registering Births and Deaths respectively, and of forms, as shall be necessary for the execution of this Law. Each page of such books shall contain one form attached to a counterfoil as shewn in the Schedule hereto, and the said form and counterfoil shall have such matter printed thereon as is indicated in the said Schedule. Each form thus constituting a separate page in the said book shall together with its counterfoil be numbered progressively from the beginning to the end of the book, beginning with number one, and shall moreover have, before or after such number, letters or figures to distinguish the book to which they respectively belong. Each form and counterfoil shall be printed on one side only.

How Births and Deaths to be registered.

41—The registration of any Birth or Death under the Provisions of this Law shall be effected by the Registrar filling up, on one of the forms contained on one page of the said Book, and on the counterfoil thereof, the information required by this Law to be given respecting a Birth or Death and indicated in the Schedule hereto, and by procuring the said form and counterfoil to be signed in his presence in cases where it is by Law required to be signed.

Transmission monthly of Registration-forms as filled up.

42—Within the first three days of every calendar month, the Registrar shall separate from the counterfoils aforesaid the Registration-forms that have been filled up during the preceding month, and send the same by post to the Registrar General, who shall forthwith cause the same to be copied into a General Register Book of Births or Deaths, as the case may be, to be called respectively “The General Register of Births” and “The General Register of Deaths,” and shall then cause the said forms to be filed and safely preserved in his office in such manner as may be approved of by the Governor.*

Record thereof in General Registers.

43—Every District Registrar shall keep safely the Births and Deaths Registration-Form Books supplied to him for the

Custody of Registration-Form

*Partially repealed by sec. 1 of Law 2 of 1885.

purposes of this Law until every place of entry therein is filled, or until he ceases to be a Registrar of Births and Deaths, and shall then return them to the Registrar General.

Books by District Registrars.

44—The Registrar General shall make such examination of the said Registration-Form Books as may appear to be necessary, and shall then deposit the same for safe custody in such place other than his office as may be approved of by the Governor.

Examination and custody thereof, by Registrar General.

45—In every case in which any Registrar shall die, or be removed from or otherwise cease to hold his office, all register boxes, keys, books, documents and papers, in his possession as such Registrar, or which shall come into the possession of his representatives, shall be given up as soon as conveniently may be to his successor in office; and if any person shall refuse to give up any such box, key, book, document or paper, in such case as aforesaid, it shall be lawful for any Justice of the Peace for the Parish where such person shall be or reside, upon application made for that purpose, to issue a warrant under his hand and seal for bringing such person before any Court of Summary Jurisdiction for the said Parish, and upon such person appearing or not being found it shall be lawful for such Court to hear and determine the matter in a summary way; and if it shall appear to the Court that any such box, key, book, document or paper, is in the custody or power of any such person, and that he has refused or wilfully neglected to deliver the same to the person in whose custody the same ought to be, the said Court shall commit such offender to the common gaol, or any prison within such Parish, there to remain without bail until he shall have delivered up the same, or until satisfaction shall have been given in respect thereof; and the said Court may grant a warrant to search for any such box, key, book, document or paper, as in the case of stolen goods, in any dwelling house or other premises in which any credible witness shall prove upon oath before the said Court that there is reasonable cause to suspect the

Transfer of books, &c., to successor in office of Registrar, how enforced,

same to be ; and the same when found shall be delivered to the person in whose custody it ought to be. ,

CORRECTION OF ERRORS.

How errors to
be corrected,

46—With regard to the correction of errors in Registers of Births and Deaths and in Registration-Form Books it shall be enacted as follows :

1. No alteration in any such book shall be made except as authorized by this Law.
2. Any clerical error which may from time to time be discovered in any such book may be corrected by any person authorized in that behalf by the Registrar General, subject to the prescribed Rules.
3. An error of fact or substance in any such book may be corrected by entry in the margin (without any alteration of original entry) by the officer having the custody of such book, upon payment of the appointed fee, and upon production to him by the person requiring such error to be corrected of a statutory declaration, setting forth the nature of the error and the true facts of the case, and made by two persons required by this Law to give information concerning the Birth or Death with reference to which the error has been made, or in default of such persons then by two credible persons having knowledge of the truth of the case.
4. Where an error of fact or substance (other than an error relating to the cause of Death) occurs in the information given by a Coroner's certificate concerning a Death or dead body upon which he has held an Inquest, the Coroner, if satisfied by evidence on oath or statutory declaration that such error exists, may certify under his hand to the officer having the custody of the Register, or other book in which such information is entered, the nature of

the error and the true facts of the case as ascertained by him on such evidence; and the error may thereupon be corrected by such officer in the Register or book by entering in the margin (without any alteration of the original entry) the facts as so certified by the Coroner.

47—The Registrar General shall once in every year transmit to the Governor a general report of the working of the Department, and as to Births and Deaths registered during the foregoing year, in such form, and dealing with such particulars, and comprising such analytical and other tables, and at such date, as the Governor shall from time to time prescribe; and every such annual general report shall be laid before the Legislative Council.

Registrar General to report annually to the Governor.

48—The Registrar General shall cause indexes of all Registers kept by him to be made and kept in the General Register Office; and every person shall, subject to such Rules as shall from time to time be made by the Registrar General with the approval of the Governor, and on payment of the appointed fee, be entitled to search the said indexes between the hours of ten in the morning and four in the afternoon of every day, except Sundays, Christmas Day and Good Friday, and such other days as the Registrar General subject to the approval of the Governor may appoint, and to have a certified copy of any entry in the said Registers.

Indexes to Registers in General Register Office. Searching and office copies.

49—Every Registrar shall make out an account four times in every year, on such days and for such periods as shall from time to time be appointed by the Registrar General, of the number of Births and Deaths which he shall have registered in pursuance of the Provisions of this Law, and shall forward the same to the Registrar General, who, if satisfied with the correctness of such account, shall pay to the said Registrar at the rate of one shilling for every entry of Birth or Death included in such account; Provided that no fee shall be paid for any entry that has not been made in accordance with the instructions of the Registrar General.

Registrars to make quarterly returns to Registrar General.

Seal of office ;
its use.

50—The Registrar General shall cause to be made a seal of the General Register Office, and shall cause to be sealed or stamped therewith all certified copies of entries given in the said office; and every certified copy of an entry purporting to be sealed or stamped with the seal of the said General Register Office (which seal it shall not be necessary to prove), and to be signed by the Registrar General shall be admissible subject to the Provisions of the next section as evidence of the Birth or Death to which the same relates, without any further or other proof of such entry, and no certified copy purporting to be given in the said office shall be of any force or effect which is not sealed or stamped as aforesaid.

How far certi-
fied copies
evidence.

51—An entry of a Birth or Death in a Registration-Form Book shall not be given in evidence of such Birth or Death unless such entry purports to be signed by some person professing to be the informant, and such person purports to be such a person as is required by Law at the date of such entry to give to the Registrar information concerning such Birth or Death, or unless such entry purports to have been made upon a certificate from a Coroner or from some other person duly authorized to give the same.

When from any such entry as aforesaid it appears that more than three months intervened between the day of the Birth and the day of the registration of the Birth of any child, such entry shall not be evidence of such Birth unless the same purports,—

(a.) if it appear that not more than twelve months have so intervened, to be signed by the witnesses by this Law required to witness the entry as well as by the Registrar; or

(b.) if more than twelve months have so intervened, to have been made with the authority of the Registrar General and in accordance with the prescribed Rules.

Where more than twelve months have intervened between the day of a Death or the finding of a dead body and the day of the registration of the Death or the finding of such body, the entry made of the Death in any Registration-Form Book under this Law shall not be evidence of such Death unless such entry purports to have been made with the authority of the Registrar General and in accordance with the prescribed Rules.

How far entries to be evidence of any Birth or Death.

In the case of a certified copy of an entry in any Register under this Law, such entry shall be assumed to be accurately taken from a Registration-Form in manner required by this Law ; but such copy shall not be given in evidence as aforesaid unless it purports to be a copy of an entry taken from a Registration-Form signed or made as above stated.

52—Certified copies of Registers under this Law shall be exempt from all Stamp Duty.

Exemption from Stamp Duty,

53—All expenses of carrying this Law into execution not herein otherwise provided for shall be paid by the Treasurer out of the General Revenues.

Expenses of carrying out this Law,

54—Every Registrar who refuses or without reasonable cause omits to register any Birth or Death, or particulars concerning which information has been tendered to him by an informant and which he ought to register, and every person having the custody of any Register book of Births and Deaths who carelessly loses or injures or allows the injury of the same, shall be liable to a penalty not exceeding fifty pounds.

Penalties on refusal or omission to register, or losing or injuring Register books.

55—Every person required by this Law to give information concerning any Birth or Death, or any living new-born child, or any dead body, who wilfully refuses to answer any question put to him by the Registrar relating to the particulars required to be registered concerning such Birth or Death, or fails to comply with any requisition of the Registrar made in pursuance of this Law, and every person who refuses or fails

Penalties on omissions to give information or certificate required by this Law.

without reasonable excuse to give or send any certificate in accordance with the Provisions of this Law, shall be liable to a penalty not exceeding forty shillings for each offence; and the parent of any child who fails to give information concerning the Birth of such child as required by this Law shall be liable to a like penalty; and a person required by this Law to give information concerning a Death in the first instance and not merely in default of some other person shall, if such information as is required by this Law is not duly given, be liable to the same penalty.

Offences in respect of false statements or documents, &c.

56—Any person who commits any of the following offences, that is to say,

- (1.) Wilfully makes any false answer to any question put to him by a Registrar relating to the particulars required to be registered concerning any Birth or Death, or wilfully gives to a Registrar any false information concerning any Birth or Death, or the cause of any Death, or
- (2.) Wilfully makes any false certificate or declaration under or for the purposes of this Law, or forges or falsifies any such certificate or declaration, or any order under this Law, or knowing any such certificate, declaration or order, to be false or forged uses the same as true, or gives or sends the same as true to any person, or
- (3.) Wilfully makes, gives or uses, any false statement or representation as to a child born alive having been still born, or as to the body of a deceased person or a still born child in any coffin, or falsely pretends that any child born alive was still born, or
- (4.) Makes any false statement with intent to have the same entered in any [Registration-Form],*

shall, for each offence, be liable on summary conviction to a penalty not exceeding ten pounds, and on conviction on indictment to imprisonment for a term not exceeding two years, or to penal servitude for a term not exceeding seven years.

* Amended by sec. 7 of Law 2 of 1885 by substituting words in brackets.

When a person is sentenced to imprisonment for any term for any offence in this Law mentioned, the Court in their discretion may direct that he be kept to hard labour during the whole or any part of the term, and in addition to hard labour or in lieu thereof that he be kept in solitary confinement for such period or periods as the Law for the time being permits, during the whole or any part of the term.

57—No penalty shall be exacted in any case when it shall appear to the satisfaction of the Court adjudicating upon the same that the person failing to comply with the Provisions of this Law in relation to the giving notices or information under the same has not wilfully been guilty of such failure, but that such failure has been occasioned by unavoidable accident, and where he had used every reasonable endeavour towards compliance with such Provisions.

Accidental or unavoidable failures to comply with Law.

58—All fines, forfeitures and penalties, imposed by this Law may, except where otherwise directed, be recovered on summary conviction before a Court of Summary Jurisdiction in manner directed by the Summary Jurisdiction Acts, and when so recovered shall be paid into the Treasury in such manner as the Governor may from time to time direct, and be carried to the General Revenue of the Island.

Penalties, in what Courts, and how recoverable and applicable.

Where the Court of Summary Jurisdiction, before whom a person is charged summarily with an offence under this Law which is also punishable on indictment, think that proceedings ought to be taken against such person by indictment, they may adjourn the case to enable such proceedings to be taken.

It shall be lawful for District Courts to try any indictable offence against this Law.

59—It shall be lawful for any Registrar, subject to the prescribed Rules, to prosecute any person guilty of any offence under this Law committed within the District of such

Prosecution by Registrar.

Registrar, and the costs incurred by the Registrar in such prosecution which are not otherwise by Law provided for shall be defrayed out of the Public Treasury.

Time limit of prosecution on indictment.

60—A prosecution on indictment for an offence under this Law shall be commenced within three years after the commission of such offence.

Forms in Schedule incorporated.

61—The Forms in the first Schedule to this Law, or Forms as nearly resembling the same as circumstances admit, shall be used in all cases in which they are applicable, and when so used shall be valid in Law.

Powers to alter forms, and make and alter regulations

62—It shall be lawful for the Governor, or the Registrar General with the sanction of the Governor, by order to alter from time to time all or any of the Forms contained in the first Schedule to this Law, or in any order under this section, in such manner as may appear best for carrying this Law into effect, or to prescribe new Forms for that purpose, and from time to time to make Regulations prescribing any matters authorized by this Law to be prescribed, and to revoke and alter such Regulations.

Any order made in pursuance of this section shall be published in the "Jamaica Gazette," and shall be laid before the Legislative Council, if the Legislative Council is sitting, within fourteen days after the issue of the same, or if the Legislative Council is not then sitting within fourteen days after the commencement of the then next Session.

Every Form when altered in pursuance of this section shall have the same effect as if it had been contained in a Schedule to this Law, and every Regulation made in pursuance of this section shall, while in force, have the same effect as if it were enacted in this Law.

When Law to be brought into operation.

63—This Act shall come into operation on such day as the Governor shall fix by notice in the "Jamaica Gazette,"

SCHEDULE I. FORM A.
Birth in the District of _____ *Parish of* _____

A. 1

Date and Place of Birth.	Name (if any).	Sex.	Name and Surname and Dwelling Place of Father.	Name and Surname and Maiden Surname of Mother.	Rank or Profession of Father.	Signature, Qualification & Residence of Informant.	When Registered.	Baptismal Name if added after Registration of Birth & Date.

Signed by the said _____
 in presence of _____
 Registrar of Births and Deaths _____ District, Parish of _____

A. 1. *Birth in the District of* _____

Parish of _____

Date and Place of Birth.	Name (if any).	Sex.	Name and Surname and Dwelling Place of Father.	Name and Surname and Maiden Surname of Mother.	Rank or Profession of Father.	Signature, Qualification & Residence of Informant.	When Registered.	Baptismal Name if added after Registration of Birth & Date.

Signed by the said _____
 in presence of _____
 Registrar of Births and Deaths _____ District, Parish of _____

FORM B.

A. 1. *Death in the District of*

Parish of

Date and Place of Death.	Name & Surname.	Sex.	Condition.	Age last Birthday	Rank, Profession or Occupation.	Certified cause of Death and duration of illness.	Signature, Qualification & Residence of Informant.	When Registered.

Signed by the said _____
 in presence of _____
 Registrar of Births and Deaths _____ District, Parish of _____

A. 1. *Death in the District of*

Parish of

Date and Place of Death.	Name & Surname.	Sex.	Condition.	Age last Birthday	Rank, Profession or Occupation.	Certified cause of Death and duration of illness.	Signature, Qualification & Residence of Informant.	When Registered.

Signed by the said _____
 in the presence of _____
 Registrar of Births and Deaths _____ District, Parish of _____

FORM C.

FORM CERTIFYING NAME GIVEN IN BAPTISM.

I of in the Parish of do hereby
 certify that on the day of 18 I baptized
 by the name of a male child produced to me
 by as the of and declared by
 the said to have been born at in the
 Parish of on the day of 18
 Witness my hand this day of 18

Signed by Officiating Minister.

FORM D.

FORM CERTIFYING NAME GIVEN NOT IN BAPTISM.

I do hereby certify that the male child
 born on the day of at in the Parish
 of to and his wife, (*or as the case may
 be*) and registered in the District of on the
 day of 18 has (without being baptized) received the
 name of
 Witness my hand this day of 18

FORM E.

I Registrar General of Births and Deaths for
 the Island of Jamaica do hereby certify that this is a true
 copy of the General Register of Births (*or* Deaths) for the
 said Island.

Witness my hand this day of one
 thousand eight hundred and

(L.S.)

Registrar General.

SCHEDULE TWO.

FEES TO REGISTRARS.

For registering a Birth or Death when required to do so at the residence of the person signing the requisition, or at the house where the child was born or person died, not being a public institution, one shilling, to be paid by the informant.

Upon the registration of a Birth when the child is more than three months old if it is not more than twelve months old, to the Registrar (unless the delay is occasioned by his failure to issue a requisition or otherwise by his default), one shilling, and if it is more than twelve months old and is registered with the authority of the Registrar General, to the Registrar (unless the delay is occasioned by his failure to issue a requisition or otherwise by his default), two shillings, to be paid by the informant or declarant.

Upon the registration of a Death with the authority of the Registrar General after the expiration of twelve months, to the Registrar (unless the delay is occasioned by his failure to issue a requisition or by his default), two shillings, to be paid by the informant or declarant.

For taking, attesting and transmitting, a declaration made by an informant respecting a Birth in another district, to the Registrar attesting the declaration, two shillings, to be paid by the informant.

For entering the baptismal or other name of child upon certificate produced after registry of Birth, to Registrar, one shilling, to be paid by the person procuring the name to be entered.

Correction of error of fact in Register or Registration-Form Book, two shillings and sixpence, to be paid by the person requiring the error to be corrected to the officer required to correct the same.

For every search, to the Registrar General, to be paid by the applicant for the search, if it is a general search, five shillings, if it is a particular search, one shilling.

For a certified copy of any entry given by the Registrar General, two shillings and sixpence to the Registrar General, to be paid by the applicant.

For every single certificate given by the Registrar General, one shilling, to be paid by the applicant.

JAMAICA—LAW 14 OF 1881.

The Agricultural Produce Buyers' Law, 1881.*

[31st March, 1881.]

JAMAICA—LAW 15 OF 1881.

A Law further to Regulate the Relief of the Poor. †

[31st March, 1881.]

*Repealed by Law 15 of 1889.

†Repealed by sec. 1 of Law 6 of 1886.

JAMAICA—LAW 16 OF 1881.

The Maintenance Law, 1881.*

[31st March, 1881.]

Preamble.

WHEREAS it is expedient to provide for the maintenance of children, and of old and infirm persons unable to support themselves, by the parents, children, and certain other relatives of such children or persons :

Be it enacted by the Governor and Legislative Council of the Island of Jamaica, as follows :

Repeal of Law
31 of 1869.

1—Law 31 of 1869 shall be and the same is hereby repealed; provided always that such repeal shall not affect any order that may heretofore have been made under the provisions of such Law.

Duty of man to
maintain cer-
tain children.

2—Every man is hereby required to maintain his own children, and also

every child, whether born in wedlock or not, which his wife may have living at the time of her marriage with him; and also

if he cohabits with any woman, every child which such woman may have living at the time of the commencement of such cohabitation, and also

the legitimate children of any child that his wife may have by him during his marriage, or of any child of which he may have been duly adjudged to be the father under any Law that may be passed to provide for the maintenance of illegitimate children, in the event of the parents of such children failing to maintain them,

*Law 3 of 1887, by its 5th sec., incorporated with this Law.

so long as such children respectively shall be unable by reason of tender years or bodily or mental infirmity to maintain themselves.

3—Ever widow and unmarried woman is hereby required to maintain her own children, legitimate, or illegitimate, and every woman having any children which any man under the Provisions of the next preceding section is primarily bound to maintain is hereby required to maintain such children in the event of such man failing to perform his obligation, and every woman is hereby required to maintain the legitimate children of any child that she may have had in the event of the parents of such children and of any man primarily bound under the Provisions of the next preceding section to maintain such children failing to do so, so long as such children respectively shall be, by reason of tender years or bodily or mental infirmity, unable to maintain themselves.

Duty of woman to maintain certain children.

4—Every person born in wedlock is hereby required to maintain his or her father and mother, grandfathers and grandmothers; and every person not born in wedlock is hereby required to maintain his or her mother, and also the man (if any) with whom his mother openly cohabited at the time of his or her birth, provided that such man recognized and treated such person as his child during his or her infancy, in case such father or mother or other person as aforesaid, or all or any of such persons, shall be unable by reason of old age or bodily or mental infirmity to maintain himself, herself or themselves.

Duty of children to maintain parents.

5—Any person entitled to be maintained by any other person or persons under this Law, and any person having the actual care and custody of any child so entitled, may, in case the person or persons by whom such first mentioned person or such child is entitled to be maintained or some or one of them shall fail to maintain such person or child, make a complaint before any Justice of the Peace, who shall thereupon enquire

Method of compelling performance of duties imposed by this Law.

into the case, and if it shall appear to them that the complainant, or the child on whose behalf the complaint is made is entitled to be maintained by the person or persons complained against, and that such person or persons have neglected to comply with the requirements of this Law, he shall summon such last mentioned person or persons to appear before two Justices for the Parish wherein such first mentioned person or child lives, at a time and place to be named in such summons, to answer the matter of such complaint.

Municipal Board or its Almoner may apply.

6—In case it shall be necessary for the Municipal Board of any Parish to give any relief, out of the funds available in the hands of such Board for the relief of the poor, to any person entitled under this Law to be maintained by some other person or persons, it shall be lawful for such Board, or for the Almoner or other Officer appointed by such Board to administer or distribute the said funds, and such Board or Almoner or other Officer as aforesaid is hereby required to make complaint before any Justice on behalf of the person relieved; and thereupon such Justice shall proceed in the same way as if such last mentioned person had himself made such complaint.

Manner of proceeding on summons.

7—At the time and place named in the summons the Justices, on the appearance of the party summoned, or on being satisfied by affidavit that such summons was served on such party, shall proceed to enquire into the case; and if they shall be satisfied that the party complaining, or on whose behalf complaint is made as aforesaid, is entitled under this Law to be maintained by the party or parties complained against, and that such party or parties had or have neglected his or their duty in that respect, they shall proceed to enquire into the means of the party or parties complained against, and if satisfied that he or they or any of them are of ability to maintain or contribute to the maintenance of the party complaining, or on whose behalf complaint is made as aforesaid, they shall proceed to make an order (to be called

an Order of Maintenance) against such party or parties, ordering him or them to pay either to the party complaining, or to some person approved by them and to be named in the order, such periodical sum as, having regard to the means of the party or parties complained against and all the circumstances of the case, they shall think just.

Provided always that no person shall be entitled to receive more in the aggregate than five shillings a week from any party or parties required by this Law to maintain him.

Provided also that if the complaint has been made under section 6 of this Law by or on behalf of a Municipal Board it shall further be lawful for the Justices in the said Order to order the party or parties complained against, if the Justices shall see fit, to pay to some person to be named in the order, beyond the periodical sum aforesaid, a sum not exceeding five shillings a week for every week that such Board has given relief as aforesaid and not exceeding the amount of the relief given.

8—Any Order of Maintenance made under this Law shall in the case of a child be made to hold good until such child attains the age of fourteen years, and in the case of any other person for such period as may be named in the order; *Provided always* that any order may be renewed at any time by any two Justices having jurisdiction to make an order; *Provided also* that when the person to be maintained is unable to maintain himself by reason of old age, or by reason of an illness or infirmity which is likely to be permanent, it shall be lawful for the Justices to make an Order of Maintenance for the rest of the natural life of such person.

Duration of order of maintenance.

Proviso.

Proviso.

9—Any person on whom any order has been made under this Law may at any time apply to any two Justices, having jurisdiction to make such an order, to cancel the same; and if he shall then satisfy such Justices that the person whom

Order may be cancelled in certain cases.

by such order he was ordered to maintain is no longer unable as aforesaid to maintain himself such Justices shall cancel the said order.

Burden of proof. 10—For the purposes of this Law every child under fourteen years of age shall be deemed unable to maintain himself or herself by reason of tender years, unless the contrary be shewn.

11—*

JAMAICA—LAW 17 OF 1881.

The Shipwrecked Colonial Seamen Law, 1875, Extension Law, 1881.

[31st *March*, 1881.]

Preamble.

WHEREAS it is desirable to extend the provisions of Law 21 of 1875, and for that purpose to repeal the Shipwrecked Colonial Seamen Law, 1880, and to re-enact the same with amendments :

Be it therefore enacted by the Governor and Legislative Council of the Island of Jamaica, as follows:

Law 2 of 1880
repealed.

1—The Shipwrecked Colonial Seamen Law, 1880, is hereby repealed; but such repeal shall not affect the consequences of any act or omission that has already taken place, nor any right, liability, or right of procedure civil or criminal, nor any proceedings civil or criminal commenced or to be commenced, in respect of any such act or omission.

Law 21 of 1875
incorporated.

2—Law 21 of 1875 and this Law shall be read and taken together as one Law.

* Repealed by section 6 of Law 3 of 1887.

3—It shall be lawful for “The Shipwrecked Fishermen and Mariners Royal Benevolent Society,” in their discretion, to relieve and send home any Colonial Seaman in the United Kingdom in distress by reason of his having been shipwrecked, discharged or left behind from any Colonial Ship, or by reason of his having received any hurt or injury in the service of such ship, whenever the Society is satisfied that such seaman cannot find means to provide for himself by working his passage.

Power to the Society named to relieve Colonial Seamen in distress in the United Kingdom.

4—If any Colonial Seaman is discharged or left behind at any place out of this Island without full compliance on the part of the master with all the provisions in that behalf contained in The Merchant Shipping Act, 1854, or any Act or Acts amending the same, (proof of which compliance shall lie on the master or registered owner hereinafter mentioned) or if any such seaman receives any hurt or injury in the service of the Colonial Ship in which he last served, and becomes distressed, and is relieved and sent home under the provisions of this Law, all expenses incurred by the Society on behalf of any such seaman under this Law shall be a charge upon the ship in which such seaman last served, and shall be paid to the Society by the Master or registered owner thereof.

Liability of owner, master and ship, for expenses in respect of distressed Colonial Seamen in certain cases, incurred by the Society,

If any moneys are paid by the Island Treasurer to the Board of Trade, or to any Governor, Consular Officer or Merchants, or to the master of any ship, under the said Law of 1875, in respect of any seaman discharged or left behind as aforesaid, or who has received any hurt as aforesaid, the same shall in like manner be a charge upon the ship in which such seaman last served, and shall be paid to the Island Treasurer, on demand, by the master or registered owner thereof.

and for payments by the Treasurer under Law 21 of 1875.

5—All expenses incurred by the Society in respect of any Colonial Seaman under this Law shall, if payable under the provisions of the preceding section by the master or registered owner of the ship in which such seaman last served, be

How and by whom expenses incurred by the Society to be paid,

forthwith paid to the Society by such master or owner on demand, but if not forthwith paid by them, whether the same shall have been demanded of them or not, or if not payable by them under the provisions of this Law, shall be paid out of the Public Revenues of this Island by the Treasurer on the order of the Governor, on presentation by or on behalf of the Society of a written claim for such expenses, accompanied by a certificate setting forth the various matters referred to in section seven of this Law.

How moneys paid by the Treasurer to be recovered, and from whom.

6—All moneys paid by the Treasurer under this Law, or the said Law of 1875, for or in respect of expenses incurred on behalf of any Colonial Seaman may, in case the same are payable under the provisions of this Law by the master or registered owner of the ship in which such seaman last served, be recovered, either from the master or from the registered owner for the time being of the said ship, by action in the Supreme or any District Court, at the instance of the Attorney General of this Island, for moneys paid out of the Treasury of this Island on account of such master or owner, or in the same way as other debts due to Her Majesty would be recoverable.

Certificate to accompany Society's claim as to several specified matters.

7—The said Society shall accompany each claim for expenses incurred by them in relieving and sending home any distressed Colonial Seaman as aforesaid with a certificate under the Seal of the said Society containing the following particulars :

1. The name and country of the seaman relieved or sent home ;
2. The name of the Colonial Vessel in which he last served ;
3. A statement that such seaman was in distress in the United Kingdom by reason of his having been shipwrecked discharged or left behind from the said ship,

or of his having received some hurt or injury in the service thereof; and

4. A statement of the expenses incurred as aforesaid.

8—In any such action the certificate aforesaid shall be accepted as sufficient evidence of the said several matters so therein certified; and as to moneys paid by the Treasurer under the said Law of 1875, production of the bill of disbursements, certificate or declaration, to be furnished as therein provided shall be sufficient evidence of the several matters therein set forth.

Certificates under this Law and Law 21 of 1875 to be received as evidence.

JAMAICA—LAW 18 OF 1881.

The Public Water Supply Law, 1873, Amendment Law, 1881.*

[31st March, 1881.]

JAMAICA—LAW 1 OF 1881.

The Pilotage Law Amendment Law, 1881.

[31st March, 1881.]

WHEREAS it is expedient to re-confer on Pilots means Preamble.
of collecting their fees similar to those formerly provided by The Pilotage Law, 1873, and to define the term “Drogher engaged in the Coasting Trade” as used in The Pilotage Laws, 1873 and 1879 :

* Repealed by section 1 of Law 28 of 1889.

Be it therefore enacted by the Governor and Legislative Council of the Island of Jamaica, as follows :

Pilotage Fees recoverable from the master, consignee, or agent of vessel.

1—All pilotage fees and charges under The Pilotage Laws, 1873 and 1879, may be recovered, by action in the Supreme or District Court, against either the master, consignee or agent, of the vessel in respect of which such fees or charges became payable :

Provided that as against any consignee or agent the action must be brought within three months from the time at which such fees or charges became payable.

Vessel not to be cleared until Pilotage fees lodged if so required.

2—When any Pilot shall, under section 10 of The Pilot Law Amendment Law, 1879, have required his pilotage fees in respect of any outward bound ship to be lodged with the Harbour Master, or with the Collector or Chief Officer of Customs of the port, and shall have given to the Collector or other Chief Officer of Customs written notice that he has made such requirement, such ship shall not be cleared out of the Customs unless and until either

such fees have been paid to the officer making the clearance (and such officer is hereby empowered to receive such fees on behalf of the Harbour Master, if any) or

the master of the vessel produces a certificate under the hand of the Harbour Master to the effect that such fees have been paid to him.

“Drogher” defined.

3—The term “Drogher engaged in the Coasting Trade” as used in The Pilotage Laws, 1873 and 1879, means a coasting ship as defined by The Customs Consolidation Law, 1877, engaged solely in the coasting trade as therein defined.

JAMAICA—LAW 20 OF 1881.

The Kingston Assessment and Street Survey Law, 1881.*

[31st *March*, 1881.]

WHEREAS it has become necessary to repair, improve and reconstruct, the roads streets and lanes of the City of Kingston, and to provide for the drainage thereof, and as preliminary thereto to make surveys thereof, and it is also desirable to ascertain forthwith and from time to time the true annual value of the house property of Kingston:

Preamble.

Be it therefore enacted by the Governor and Legislative Council of the Island of Jamaica, as follows :

1—In this Law, unless the context requires a different construction,

Interpretation clause.

The expression “ house property ” shall include every dwelling-house, shop, store, wharf, warehouse, office or place of business, within the * * * † Parish of Kingston, together with the out-offices, yards and curtilages, attached thereto respectively.

“ The Municipal Board ” means the Municipal Board of the Parish of Kingston.

“ Court of Summary Jurisdiction ” means two Justices of the Peace of the Parish of Kingston, or any Justice or Judge having in Kingston aforesaid the powers of two Justices.

2—It shall be lawful for the Parochial Road Commissioners of the Parish of Kingston

Special powers vested in the Parochial Road Commissioners of Kingston.

* Law 34 of 1882, by its 1st sec., and Law 25 of 1886 by its 1st sec. incorporated with this Law.

† Amended by sec. 3 of Law 25 of 1886 by omitting words,

- (a.) To cause complete estimates, plans and specifications, to be prepared of the repairs, improvements and reconstruction, of the streets of Kingston, including provision for the requisite drainage of Kingston.
- (b.) To submit such estimates, plans and specifications, when prepared to their satisfaction, to the Governor for consideration and approval by him in Privy Council, and for the information and guidance of the Legislative Council.

Appointment
and dismissal of
Assessors.

3—On or before the first day of April in the year 1881 * * *
* it shall be lawful for the Governor to appoint one person, and for the Municipal Board of the Parish of Kingston to appoint two persons, to be Assessors under this Law.

Any Assessor may be dismissed by the authority which appointed him.

In case of the death, dismissal, resignation, absence or other inability, of any Assessor, another person may be appointed in his place by the authority which appointed him.

Duties of Assessors.

4—It shall be the duty of the Assessors within three months after their appointment

- (a.) To ascertain and assess the true annual value of all house property.
- (b.) To make out a true and correct roll, in the Form set out in the Schedule A hereto, of all house property, placing the Streets, Roads and Lanes, in alphabetical order, and the house property in each consecutively according to its number or position, and setting forth all other particulars required to be filled up in that Schedule, and to return such roll duly signed and sworn to by them to the Municipal Board; and

* Amended by sec. 3 of Law 25 of 1886 by omitting words.

(e.)*

5—The assessment of the true annual value of house property shall be based, Bases of assessment.

- (a.) On the actual rental of the property when it is wholly occupied at a rental not subject to the objections indicated in the second part of this section ;
- (b.) In all cases in which the property is unoccupied, or not wholly occupied by a tenant at a rental, or where the rental cannot be ascertained, or where there is reasonable ground to believe that the rental has from special circumstances or the relationship of the parties been mutually fixed at an under value or made subject to other considerations, or that the alleged rental is not the true rental, then on the full and just yearly rent at which the property is really and *bonâ fide* worth to be let.

6—The Assessors are empowered, Powers of Assessors.

- (a.) To make all such enquiries and obtain such information as they may deem necessary or proper to enable them to ascertain the actual rental or value of any house property ;
- (b.) To enter upon and survey any house property after first giving to the occupier thereof, or leaving conspicuously posted up on the same, at least three days previous notice of the day and hour when such entry and survey will be made.

7—The Municipal Board shall give notice, by publication in the "Jamaica Gazette," of the return to the Board of the Roll or of any assessment or re-assessment, and such Roll, assessment and re-assessment shall be open to public inspection. Notification of returns of assessment.

* Repealed by sec. 2 of Law 34 of 1882.

Appeal from assessment to the Judge of the City of Kingston Court, and procedure as to same, and powers of the Judge thereon.

8—The Municipal Board or any party feeling aggrieved by any assessment may, at any time within fourteen days after the publication in the “Jamaica Gazette” of the return to the Board of the Roll, or of any assessment or re-assessment, appeal against any such assessment by lodging with the Clerk of the City of Kingston Court a notice of appeal, specifying the house property the assessment of which is complained of, and the name of the person ratable in respect thereof; the said Clerk shall thereupon enter, in a book to be kept for this purpose in his office, a note of the nature of such appeal, and distinguish the same by a number; and thereupon a notice embodying the matter of such appeal and bearing the number of the note aforesaid, shall be issued by the Clerk of the said Court under the seal of the Court, directed, in case the Municipal Board is the appellant to the person ratable in respect of the house property against whose assessment such Board is appealing, or in case the party appealing is other than the Municipal Board directed to the Municipal Board.

The party to whom such notice is directed shall be and is hereinafter referred to as the respondent.

Such notice shall be served on the respondent eight days at least before the day on which the Court shall be holden at which the appeal is to be heard, and delivery of such notice to the respondent, or in such other manner as shall be specified in the rules now or hereafter to be in force concerning the service of summonses in the District Courts, shall be deemed good service.

The notice aforesaid shall warn the respondent that the appeal will be heard in the said Court on a day to be named therein, and that he should appear at the said Court on the day named if he wishes to be heard in answer to such appeal.

On the hearing of such appeal the Municipal Board may be represented and its case conducted by its Clerk, or any assessor, or any other person appointed by the Board for such purpose, as the Board shall direct. The appellant shall begin,

and evidence on oath against and in favor of the assessment may be given and received, and the Judge of the City of Kingston Court may affirm or disallow any assessment, and may increase or decrease and fix the assessed annual value of the house property in question, and the decision of the Judge of the City of Kingston Court shall be final.

The appellant shall at the time of lodging the notice of appeal pay to the Clerk of the said Court the fee payable to the Bailiff for service of the same, and also a hearing fee of sixpence in the pound on the amount of the assessment: and such hearing fee shall be refunded if the appellant substantially succeeds in his appeal.

The Clerk of the City of Kingston Court shall, within seven days after judgment upon any such appeal, transmit the result of the appeal to the Clerk of the Municipal Board, who shall note on the Assessment Roll the fact of the appeal and its results, together with the date of the judgment.

9—The Municipal Board, subject to the approval of the Governor, shall fix the sum of money to be paid as remuneration to the several Assessors, as well in respect of the general [septennial]* assessment as of any assessments specially directed.

Remuneration
of Assessors.

10—The expenses incurred in making and completing the estimates, plans, specifications and first assessments aforesaid, shall, until a loan is raised for the reconstruction of the Kingston Streets, be paid by the Treasurer out of General Revenue, and debited in his books to a special account to be called "The Kingston Streets Reconstruction Advance Account," and shall be refunded with interest at five per cent. to the General Revenue out of any loan to be hereafter raised for the reconstruction of the Kingston Streets.

Payment of ex-
penses of survey
and first assess-
ment.

11—†

* Amended by section 3 of Law 25 of 1886 by substituting word in brackets.

† Repealed by sec. 3 of Law 25 of 1886.

SCHEDULE (A.) *
KINGSTON ASSESSMENT ROLL, 18

Name of Street, Road or Lane.	Name or Number of House.	Name of Occupier.	By what Claim of Right.	Annual Value.	How Ascertained.	Grounds for not As- sessing on Rental when it is not so Assessed.
King Street	No. 1	John Smith	As Tenant	£ s. d. 30 0 0	By Tenant's De- claration.	.....
Windward Road ...	2, &c.	John Jones	As Owner	50 0 0	.....	Not Rented.
Water Lane	No. 1	James Smith	In charge for Owner	10 0 0	.....	Ditto. Tenant is landlord's son, and the value of the free- hold is estimated at £1,000, while the alleged rent is £20. Tenant refuses to state amount of rent. Tenant only occupies part of the Property.

We, the Assessors appointed under the Kingston Assessment Laws Amendment Law, 1886, make oath and say that the above contains to the best of our knowledge and belief, a true, full, and just account [of all Household property in the Parish of Kingston, ratable to the relief of the Poor or of the above Household property referred to us for special assessment as *the case may be*] and of all particulars relating thereto required by that Law to be set forth in the Assessment Roll thereby provided for.

(To be signed by the three Assessors, and sworn to by them respectively before a Justice of the Peace of the Parish of Kingston.)

* Schedule substituted by section 9 of Law 25 of 1886.

JAMAICA—LAW 21 OF 1881.

The Agricultural Loans Law, 1881.*

[9th April, 1881.]

JAMAICA—LAW 22 OF 1881.

A Law to amend the Customs Consolidation Law 18 of 1877.

[9th April, 1881.]

WHEREAS it is desirable to amend the 100th section of the Customs Consolidation Law 18 of 1877: Preamble.

Be it enacted by the Governor and Legislative Council of the Island of Jamaica, as follows:

1—The shipment and putting off for shipment of goods the produce of this Island shall be exempt from the operation of so much of the 100th section of the said Law as requires the due entry and clearance of such goods prior to the shipment thereof.

100th section of Law 18 of 1877 modified as to Island produce.

2—The Agent or Consignee of every ship in which it is intended to export goods the produce of this Island shall, before any cargo is taken on board such ship, deposit with the Collector a sum sufficient to cover the duty on the said goods, or enter into Bond in the Form annexed to this Law, with one sufficient surety, in a sum equal to three times the duty thereon, for the due payment on clearance of the ship of such duties as may be demandable upon the cargo taken on board of her.

Consignee of ship may deposit export duty or enter into bond for payment thereof on clearance.

* Repealed by section 1 of Law 6 of 1887.

SCHEDULE.

BOND TO BE GIVEN BY THE EXPORTER OF GOODS, UNDER LAW OF
1881.

(1) The Agent or Consignee of the Vessel and a Surety, Names, Residence and Occupation, at full length.

(2) Treble the amount of duty due on the exportation to be set down in words, not in figures.

KNOW ALL MEN BY THESE PRESENTS, That we (1)

are held and firmly bound unto our Sovereign Lady VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith, in the sum of (2)

of good and lawful Money of JAMAICA, to be paid to our said Lady the Queen, Her Heirs and Successors: To which Payment well and truly to be made we bind ourselves, and each of us by himself, for and in the whole, our Heirs, Executors and Administrators, and every of them, firmly by these presents. Sealed with our Seals. Dated this day of in the Year of the Reign of Her said Majesty and in the Year of our Lord One Thousand Eight Hundred and Eighty

(3) Agent or Consignee.

(4) Vessel's and Master's Name.

WHEREAS the above bounden (3)

hath given notice of his intention to export in the Ship (4)
Master,

(5) Goods intended to be exported, specifying marks, numbers and description.

(6) One, two, or more places, as the case may be.

(5)

(6) from the situate at in the port of under the Provisions and Regulations of an Act of the Legislature of this Island, made and passed in the year of the Reign of Her Majesty, QUEEN VICTORIA, entitled

(7) Agent or Consignee.

Now, THE CONDITION of this Obligation is such that if the said (7) shall, prior to the Clearance of the said Vessel, duly make Entry of such Cargo and pay the Export Duty thereon, then this Obligation to be void, otherwise to be and remain in full force and virtue.

Signed, Sealed and Delivered.

JAMAICA—LAW 23 OF 1881.

The Supplementary Appropriation Law, 1880-81.*

[9th April, 1881.]

JAMAICA—LAW 24 OF 1881.

The Harbours Consolidation Law Amendment Law, 1881.

[9th April, 1881].

WHEREAS it is desirable to amend the Harbours Con- Preamble.
solidation Law Amendment Law, 1873:

Be it therefore enacted by the Governor and Legislative Council of the Island of Jamaica, as follows:

1—Section 25 of Law 36 of 1873 is hereby repealed; But Section 25 of
such repeal shall not affect the consequences of any act or Law 36 of 1873
omission that has already taken place, nor any right, liability, repealed.
or right of procedure, civil or criminal, commenced or to be
commenced in respect of any such act or omission.

2—If any vessel shall be sunk or stranded in any harbour, Powers of Har-
or shall be aground, or laid by or neglected as unfit for sea bour Master to
service, upon the shore or shoal water, or within the limits deal with ves-
of any harbour, it shall be lawful for the Harbour Master sels stranded or
forthwith to take possession of the same, with its tackling and neglected in
apparel, equipage, and all things found therein, on behalf of harbour.
the Crown, and to retain possession of the same for the space
of fourteen days, unless in the meantime the owner, consignee,
or captain thereof shall enter into a Bond with two sureties,
to the satisfaction of the Harbour Master, to remove the
same out of the limits of such Harbour, or to such part

* Omitted as spent.

thereof as the Harbour Master shall think fit, within such time as the Harbour Master shall fix; and at the expiration of such period of fourteen days, in case no such Bond is entered into, it shall be lawful for the Harbour Master at the expense of the Colony, and with the sanction of the Governor, to remove such vessel, its tackling and apparel, equipage and things aforesaid, out of the limits of such Harbour, or to such part thereof as the Harbour Master shall think fit; and the expenses of removing such vessel as aforesaid shall be repaid by the owner of the same, and the Harbour Master may detain such vessel, with its tackling, apparel, equipage and things aforesaid, for securing the expenses, and on non-payment of such expenses on demand to the owner, if the owner is known and in Jamaica, or if unknown or not in Jamaica, or if he cannot be found, without any demand, may sell such vessel, its tackling, apparel, equipage and things aforesaid, or any part thereof, paying the proceeds of such sale into the Treasury; and if such Bond shall have been entered into, but the said vessel shall not have been removed in accordance with the condition of the same, the Harbour Master may both proceed to enforce the same, and he shall also have the same powers as to removal and disposal of the vessel, with its tackling, apparel, equipage and things aforesaid, and as to recovering the expenses thereof, as if no such Bond had been given.

Application of
proceeds of sale.

3—The proceeds of any such sale shall be applied, first in payment of all expenses of or incidental to such sale, and of and incident to the taking and keeping possession and charge and removing of such vessel; and the owners shall be entitled to any residue of the proceeds after payment of all the charges aforesaid.

Coasting vessels
defined.

4—The term “Coasting Vessels” in Law 36 of 1873, and in the Schedule B thereto, means coasting ships as defined by section 135 of the Customs Consolidation Law, 1877, engaged solely in the coasting trade of this Island as therein defined.

JAMAICA—LAW 25 OF 1881.

The Sand Cay Light House (Turks Islands) Loan Law,
1881.

[9th April, 1881.]

WHEREAS it is desirable that a Light House should be Preamble.
erected at Sand Cay, one of the Turks and Caicos
Islands, and that assistance should be afforded for that object
by a loan from the Treasury of this Island :

Be it therefore enacted by the Governor and Legislative
Council of the Island of Jamaica, as follows :

1—From and after the coming into operation of an Ordinance of the Legislative Board of the Turks and Caicos Islands as hereinafter provided, it shall be lawful for the Treasurer of this Island, on the warrant of the Governor, from time to time to pay such sum and sums of money, not exceeding in all the sum of £5,000, by way of Loan to the Public Treasury of the Turks and Caicos Islands, as may be required for the erecting of the Light House on the Sand Cay aforesaid, and carrying out the works necessary or proper in and about the same, and in connection therewith. Loan of £5,000 to Turks Island authorized provisionally.

2—All advances so made shall bear interest at a rate not exceeding five per centum per annum, to be fixed by the Governor, from the respective dates when the same shall be made. Interest on moneys lent.

3—The Treasurer shall open an account in his books, to be called "The Sand Cay Light House Account," to which he shall debit all sums advanced and interest as aforesaid, and credit all sums received from the Treasurer or other Officer having charge of the Public Funds of the Turks and Caicos Islands on account thereof. How accounts as to same to be kept.

4—It shall be lawful for the Governor to borrow such sums as may be required for the purposes of this Law from Power to borrow same from Savings Bank,

and as to redemption of such loan.

the Savings Bank of this Colony, by the issue of Debentures bearing interest at the rate of four pounds ten shillings per cent. per annum, and to apply any moneys raised under Law 19 of 1880 in redemption of such debentures as if the same were debentures issued under one of the Laws mentioned in the Schedule to that Law.

Loan to be charged on revenues of Turks Island by an Ordinance of Turks Island specifying times and manner of repayment.

5—No money shall be advanced under this Law until after an Ordinance shall have been duly passed by the Legislative Board of the Turks and Caicos Islands, and come into force, pledging the revenues of the Turks and Caicos Islands for the payment of the interest and principal, as a first charge on the said revenues, in manner following, (that is to say)—for the payment annually, from a date to be fixed by the Governor, to the Treasurer of this Island, so long as any of the money to be advanced hereunder shall remain unpaid, of such sum by way of payment of interest and towards repayment of principal, not exceeding seven pounds per centum on the amount of the whole sum borrowed, as the Governor in Privy Council may from time to time determine.

JAMAICA—LAW 26 OF 1881.

A Law to Grant Temporary Aid to the Revenue.*

[22nd November, 1881.]

*Omitted as spent.

JAMAICA—LAW 27 OF 1881.

The Turks and Caicos Islands and the Cayman Islands
Divorce Law, 1881.

[5th December, 1881.]

WHEREAS it is expedient to extend the Jurisdiction of Preamble.
the Supreme Court of Judicature as a Court for
divorce and matrimonial causes to the Turks and Caicos Is-
lands, and to the Cayman Islands :

Be it therefore enacted by the Governor and Legislative
Council of the Island of Jamaica :

1—From and after the passing of this Law, the jurisdiction and powers of the Supreme Court of Judicature in divorce and matrimonial causes shall extend to the Turks and Caicos Islands, and to the Cayman Islands, as if the said Islands formed part of the Island of Jamaica.

Jurisdiction of
Supreme Court
in divorce and
matrimonial
causes extended
to Turks, Caicos
and Cayman Is-
lands.

JAMAICA—LAW 28 OF 1881.

The Escheat Law, 1881, Amendment Law, 1881.

[5th December, 1881.]

WHEREAS it is expedient to amend The Escheat Law, Preamble.
1881 :

Be it therefore enacted by the Governor and Legislative
Council of the Island of Jamaica :

1—Sections nine and eleven of the said Law are hereby amended by substituting the words “for the recovery of land” for the words “of ejectment” whenever the latter words occur.

Amendment of
Law 9 of 1881,
sections 9 and
11.

Section 9 further amended.

2—Section nine of the said Law is further amended by inserting the words “the Crown or” in the tenth line after the words “as if” and before the words “such person.”

Section 10 amended.

3—Section ten of the said Law is hereby amended by omitting the words “the English papers,” and by substituting for the same the words “any newspaper or newspapers published in England or elsewhere.”

JAMAICA—LAW 29 OF 1881.

The Agricultural Loans Law, 1881, Amendment Law, 1881.*

[5th December, 1881.]

JAMAICA—LAW 30 OF 1881.

A Law to enable the abolition of the Office of Churchwardens.

[23rd December, 1881.]

Preamble.

WHEREAS the continuance of the appointment of Churchwardens under Law 8 of 1866, section 43, is necessary only in respect of those Parishes in which there is Church property still remaining not vested in the Incorporated Lay Body of the Church of England in Jamaica under Law 30 of 1870, section 6, and it is desirable to provide for the vesting of all property vested in the Churchwardens of any such Parish in the Municipal Board of that Parish:

* Omitted, the Law which it amends, Law 21 of 1881, having been repealed.

Be it therefore enacted by the Governor and Legislative Council of the Island of Jamaica, as follows :

1—It shall be lawful for the Governor, in his discretion, to cease to appoint Churchwardens for any Parish in which all the Churches of the Communion of the Church of England shall have become vested in the Incorporated Lay Body of the Church of England in Jamaica under or by virtue of Law 30 of 1870, or under or by virtue of any other Law or otherwise.

Power to the Governor to cease to appoint Churchwardens in certain Parishes.

A notification by command of the Governor published in the "Jamaica Gazette" that all the Churches in any Parish have become so vested shall be conclusive evidence thereof for the purposes of this Law, but not for any other purpose.

Evidence of the vesting of Churches in the Lay Body.

2—It shall be lawful for the Governor, at any time after notification that he elects to cease to appoint Churchwardens for any Parish,

Power to the Governor to vest Parochial property, other than Church property, in the Municipal Board of the Parish;

by an order to vest in the Municipal Board of such Parish, by its corporate name, all the property theretofore held by or vested in the Churchwardens of such Parish under or by virtue of Law 8 of 1866, sections 54 and 55, the same not being property in which the Church of England or any authority thereof hath any estate or interest, to be held by such Municipal Board for the like purposes, and subject to the like trusts and conditions, if any, as the same had theretofore been subject to, and

by an order, or by several orders from time to time, to vest in the Incorporated Lay Body of the Church of England in Jamaica, their successors and assigns, any property held by the Churchwardens of such Parish in or to which the Church of England, or any authority thereof, may be interested or entitled for any present, future, contingent, or other estate or interest whatsoever,

And Church property in the Lay Body.

Publication of
cessor to ap-
point Church-
wardens.

3—Every notification of the election to cease further to appoint Churchwardens for any such Parish shall be published in the "Jamaica Gazette."

Publication of
vesting orders.

4—Every vesting order made under this Law shall also be published in the "Jamaica Gazette," and shall be conclusive evidence of the property having vested as stated in such order.

JAMAICA—LAW 31 OF 1881.

The Appropriation Law, 1881-82.*

[23rd December, 1881.]

JAMAICA—LAW 32 OF 1881.

The Jury Law Amendment Law, 1881.

[23rd December, 1881.]

Preamble.

WHEREAS it is expedient to amend Law 48 of 1869 entitled "A Law to Regulate Juries:"

Be it therefore enacted by the Governor and Legislative Council of the Island of Jamaica, as follows:

Juries *de medietate linguæ* abolished.

1—From and after the passing of this Law an alien shall not be entitled to be tried by a jury *de medietate linguæ*, but shall be triable in the same manner as if he were a natural born subject.

* Omitted as spent.

2—The above Provision shall extend to the Turks and Caicos Islands and the Cayman Islands.

Also in Turks and Caicos and Cayman Islands.

3—The Clerk of the Municipal Board in each Parish, in preparing the list of persons qualified and liable to serve on Juries required to be prepared by section 3 of Law 48 of 1869, shall write, opposite to the name of each person within the Parish who is the occupier of any dwelling house, shop, store, wharf, warehouse, office or place of business, of the value of £50 a year or upwards, and who is rated accordingly to the relief of the poor, the words “£50 householder;” and the Clerk of the Supreme Court shall and he is hereby required and directed, under the penalty provided by section 5 of Law 48 of 1869, to enter into the book required to be kept by him under the provisions of the said section, as amended by section 28 of Law 35 of 1872, a separate list, to be called the “Special Jury List” for each Parish, of the names in alphabetical order as well of persons noted as above provided as “£50 householders” as of Justices of the Peace as required by the above-mentioned section; and the said lists shall be deemed to be the Special Jury Lists for the different Parishes respectively for the ensuing year to all intents and purposes.

£50 householders to be indicated on Jury Lists and included in special Jury Lists.

4—Nothing in the preceding section shall be deemed to exempt persons noted as above provided as “£50 householders” from having their names inscribed in the Common Jury List, or from serving on Common Juries.

£50 householders not exempt from service as Common Jurors.

JAMAICA—LAW 33 OF 1881.

The Dower Law, 1881.

[23rd December, 1881.]

BE it enacted by the Governor and Legislative Council of the Island of Jamaica, as follows: Preamble.

LAW 33, 1881.

' defined. 1—The word "Land" as used in this Law shall extend to all messuages and other hereditaments, whether corporeal or incorporeal, which are now liable to dower, and to any share thereof.

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neficiaily
ted at his 2—When a husband shall die beneficially entitled to any land for an interest which shall not entitle his widow to dower out of the same at Law, and such interest, whether wholly equitable or partly legal and partly equitable, shall be an estate of inheritance in possession, or equal to an estate of inheritance in possession, (other than an estate in joint tenancy,) then his widow shall be entitled in equity to dower out of the same land.

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o. 3—When a husband shall have been entitled to a right of entry or action in any land, and his widow would be entitled to dower out of the same if he had recovered possession thereof, she shall be entitled to dower out of the same although her husband shall not have recovered possession thereof, provided that such dower be sued for or obtained within the period during which such right of entry or action might be enforced.

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band. 4—No widow shall be entitled to dower out of any land which shall have been absolutely disposed of by her husband in his life time, or by his will.

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ost 5—All partial estates and interests, and all charges created by any disposition or will of a husband, and all debts, incumbrances, contracts and engagements, to which his land shall be subject or liable, shall be valid and effectual as against the right of his widow to dower.

barred
laration
l. 6—A widow shall not be entitled to dower out of any land of her husband when in the deed by which such land was conveyed to him, or by any deed executed by him, it shall be declared that his widow shall not be entitled to dower out of such land.

7—A widow shall not be entitled to dower out of any land of which her husband shall die wholly or partially intestate when, by the will of her husband, he shall declare his intention that she shall not be entitled to dower out of such land, or out of any of his land.

Dower barred by declaration in husband's will.

8—The right of a widow to dower shall be subject to any conditions, restrictions or directions, which shall be declared by the will of her husband.

Dower subject to conditions, &c., declared by will.

9—Where a husband shall devise any land out of which his widow would be entitled to dower if the same were not so devised, or any estate or interest therein, to or for the benefit of his widow, such widow shall not be entitled to dower out of or in any land of her said husband, unless a contrary intention shall be declared by his will.

Effect of devise to widow upon her dower rights.

10—No gift or bequest made by any husband to or for the benefit of his widow of or out of his personal estate, or of or out of any of his land not liable to dower, shall defeat or prejudice her right to dower, unless a contrary intention shall be declared by his will.

Effect of bequest in favor of widow upon her dower rights.

11—Provided always that nothing in this Law contained shall prevent any Court of equitable jurisdiction from enforcing any covenant or agreement entered into by or on the part of any husband not to bar the right of his widow to dower out of his lands, or any of them.

As to contracts not to bar dower.

12—Nothing in this Law contained shall interfere with any rule of equity, or of any Ecclesiastical Court, by which legacies bequeathed to widows in satisfaction of dower are entitled to priority over other legacies.

As to priority of legacies in satisfaction of dower.

13—No widow shall hereafter be entitled to dower *ad ostium ecclesiae*, or dower *ex assensu patris*.

Certain dower rights abolished.

14—Nothing in this Law shall extend to the dower of any widow who shall have been married before the passing of this

Reservation of acquired rights, and as to past transactions.

Law out of any lands of which her husband was seized * * * and out of which she had a prospective right to dower at the time of the passing of this Law; nor shall anything herein extend to give to any will, deed, contract, engagement or charge, executed, entered into or created before the passing of this Law, any force or effect which the same would not have had if this Law had not been passed.

JAMAICA—LAW 34 OF 1881.

The Reformatories and Industrial Schools Law, 1881.

[31st December, 1881.]

Preamble.

WHEREAS it is expedient to consolidate and amend the Laws relating to Reformatories and Industrial Schools :

Be it enacted by the Governor and Legislative Council of the Island of Jamaica, as follows :

Repeal of Acts in First Schedule.

1—The Acts and Laws enumerated in the First Schedule to this Act shall be and the same are hereby repealed :

Provided always that such repeal shall not affect the past operation of the Acts and Laws hereby repealed, or any right or title acquired thereunder, or any penalties or liabilities incurred under the same, or any right of procedure in respect thereof.

Interpretation.

2—The following words and expressions as used in this Law shall, unless the context requires them to be construed differently, have the following significations :

“ Government Industrial School.”

The expression “ Government Industrial School ” shall mean an Industrial School established under section four of this Law.

* Amended by sec. 1 of Law 3 of 1884 by striking out words.

The expression "Certified Industrial School" shall mean an Industrial School certified under section five of this Law. "Certified Industrial School."

The expression "Industrial School" shall mean indifferently a Government Industrial School or a certified Industrial School, as above explained. "Industrial School."

The word "School" shall mean an Industrial School. "School."

The expression "Criminal Children" shall mean children apparently above the age of ten, and below the age of sixteen, duly convicted of any crime punishable with penal servitude, or imprisonment with hard labour without the option of a fine. "Criminal Children."

"Superintendent" shall mean the person for the time being having the chief care and management of any Reformatory or School. "Superintendent."

3—From and after the passing of this Law, and until the Governor shall otherwise order by notice to be published in the "Jamaica Gazette," the Reformatory at Stony Hill shall be, and be deemed to be to all intents and purposes, a Reformatory for Boys within the meaning of this Law. Reformatory at Stony Hill to be a Reformatory for Boys for purposes of this Law.

As soon as may be after the passing of this Law, when funds shall be provided for the purpose by the Legislative Council, it shall be lawful for the Governor to procure, or cause to be erected, suitable buildings and premises, separate and distinct from the said Institution at Stony Hill, to be a Reformatory for Girls, and to appoint a Superintendent and proper officers and servants to take charge of, manage and superintend the same. Power to Governor to erect separate Reformatory for Girls.

As soon as such Reformatory for Girls and whenever from time to time any other suitable buildings and premises shall have been provided for the reception, maintenance, education and detention, of criminal children sent thither under the Power to Governor to declare premises a Reformatory for Boys or Girls as the case may be.

Provisions of this Law, and a Superintendent and proper officers and servants appointed to take charge of manage and superintend the same to the satisfaction of the Governor, it shall be lawful for the Governor, by order published in the "Jamaica Gazette," to declare the same, and the same shall thenceforth be, and be deemed to be to all intents and purposes, a Reformatory for Boys or Girls, as the case may be, for the purposes of this Law : Provided always that until such Reformatory for Girls shall have been established as aforesaid all Girls ordered under the Provisions of this Law to be detained in a Reformatory shall be taken to the said Reformatory at Stony Hill.

Power to Governor to establish Industrial Schools in neighbourhood of Kingston and Montego Bay.

4—As soon as may be after the passing of this Law, and when funds for the purpose shall be provided by the Legislative Council, it shall be lawful for the Governor to procure or cause to be erected in some convenient place in the neighbourhood of Kingston, and also in the neighbourhood of Montego Bay, suitable buildings and premises to form Industrial Schools for Boys respectively, and also suitable buildings and premises to form Industrial Schools for Girls respectively, not being in either case criminal children within the meaning of this Law, and to appoint a Superintendent for each such School, and proper officers and servants to take charge of, manage and superintend the same.

Power to Governor to declare the same a Government Industrial School.

As soon as from time to time any suitable building and premises shall have been provided as aforesaid for the reception, maintenance, education and detention, of children other than criminal children sent thither under the Provisions of this Law, and a Superintendent and proper officers and servants appointed to take charge of manage and superintend the same to the satisfaction of the Governor, it shall be lawful for the Governor, by order published in the "Jamaica Gazette," to declare the same, and the same shall thenceforth be, and be deemed to have been established as and to be to all intents and purposes, a Government Industrial School for Boys or Girls, as the case may be, for the purposes of this Law.

The Industrial Schools established as aforesaid in the neighbourhood of Kingston shall be the Industrial Schools for the Parishes of Kingston, Saint Ann, Clarendon, Saint Catherine, Saint Mary, Saint Andrew, Portland and Saint Thomas; and the Schools established as aforesaid in the neighbourhood of Montego Bay shall be the Industrial Schools for the Parishes of Hanover, Westmoreland, Saint James, Saint Elizabeth, Trelawny and Manchester.

School of Kingston to be School for certain parishes and School at Montego Bay for certain other parishes.

Until such School shall have been established for Boys in the neighbourhood of Kingston as aforesaid all Boys who would, under the Provisions of this Law, have to be sent to such School (if established) shall be sent to the Reformatory at Stony Hill; and until an Industrial School for Girls has been established in the neighbourhood of Kingston all Girls liable, under the Provisions of this Law, to be sent to such School (if established) shall also be sent to the Reformatory at Stony Hill; and until a Reformatory for Boys shall have been established in the neighbourhood of Montego Bay all Boys liable, under the Provisions of this Law, to be sent to such School shall be sent to the Industrial School for Boys in the neighbourhood of Kingston, or (until such School is established) to the Reformatory at Stony Hill; and until a Reformatory for Girls shall have been established in the neighbourhood of Montego Bay as aforesaid all Girls liable, under the Provisions of this Law, to be sent to such School (if established) shall be sent to the Industrial School for Girls established in the neighbourhood of Kingston, or (until such School is established) to the Reformatory at Stony Hill.

Temporary provisions.

Until Industrial Schools have been established as aforesaid the Reformatory at Stony Hill shall be deemed to be also an Industrial School for both Boys and Girls within the meaning of this Law for the purposes of this section.

5—It shall be lawful for the Governor, on the application of the Managers of any School in which industrial training

Power to Governor on application of

Managers to
certify Indus-
trial Schools.

is provided, and in which children are lodged, clothed and fed, as well as taught, to have such School certified under this Law, to direct the Inspector of Reformatories and Industrial Schools to examine into the condition of the School, and its fitness for the reception of children to be sent there under this Law, and to report to him thereon, and the Inspector shall examine and report accordingly.

The Governor in Privy Council, if satisfied with such report, may certify that the School is fit for the reception of children to be sent there under this Law, and thereupon the School shall be deemed an Industrial School for the purposes of this Law: Provided always that it shall be lawful for the Governor, at any time, to withdraw such certificate.

Provided also that it shall be lawful for the Managers at any time to resign such certificate, on giving the Governor six months' notice of their intention to do so.

When any such certificate has been granted, withdrawn or resigned, notice thereof shall be published in the "Jamaica Gazette."

Any certificate granted as aforesaid shall state the number and sex of the children for which it is certified.

CLASSES OF CHILDREN TO BE DETAINED IN REFORMATORIES AND INDUSTRIAL SCHOOLS RESPECTIVELY.

Children between 10 and 16 convicted of certain offences may be sent to Reformatory.

6—Where a child apparently [not exceeding fourteen years of age]* but above the age of ten shall be convicted on indictment, or in a summary manner, of any offence punishable with penal servitude, or imprisonment with hard labour without the option of a fine, it shall be lawful for the Court or Justices before whom such child is tried, instead of any sentence of penal servitude or imprisonment, to order such child to be sent to a Reformatory, there to be detained until he or she shall have attained the age of sixteen years.

* Words in brackets substituted by sec. 1 of Law 19 of 1889.

7—Any person may, and every Police Constable shall on being required to do so by any person, bring before two Justices any child apparently [not exceeding fourteen years of age]* that comes within any of the following descriptions, viz :

Classes of children to be sent to Industrial School.

That is found begging or receiving alms (whether actually or under the pretext of selling or offering for sale any thing,) or being in any street or public place for the purpose of so begging or receiving alms ;

That is found wandering and not having any home or settled place of abode, or proper guardianship or visible means of subsistence ;

That is found destitute, either being an orphan, or having a surviving parent who is undergoing penal servitude or imprisonment ;

That frequents the company of reputed thieves ;

That is habitually left by its parents or guardians without proper supervision, or means of subsistence, or treated by them with cruelty.

And it shall be lawful for any Justice, on it being made to appear to him that any child as aforesaid not brought before him comes within any of the foregoing descriptions, to issue his warrant, directed to any Police Constable or Constables, (in which warrant such child may be described by name or otherwise,) empowering and directing him or them to take such child and bring it before any two Justices.

8—Any member of a Municipal Board may, and any person appointed by any Municipal Board to administer or distribute the fund set apart for the relief of the poor shall, in like manner bring before two Justices any child apparently

Power to Municipal Boards to bring certain children before Justices.

* Words in brackets substituted by section 1 of Law 19 of 1889.

[not exceeding fourteen years of age]* whom such member or person aforesaid may have found to be in such destitute circumstances that he is, and is likely to be, a charge on the funds set apart for the relief of the poor for his maintenance and support.

Power to Justices to send children to Industrial School,

9—When any child shall be brought before any Justices as aforesaid such Justices shall enquire into the case, and if satisfied that the child is under the said age, and comes within one or other of the foregoing descriptions, and that it is expedient to deal with him under this Law, they may order him to be sent to and detained in an Industrial School.

or to remand case for further enquiry.

In case such Justices shall deem it expedient to remand such child for further enquiry, it shall be lawful for them to remand him from time to time to any convenient place of security they may choose to name in the order of remand.

Justices may send to a School any child at the instance of its parent who cannot control the same ;

10—Where the parent, or step-parent or guardian, of a child apparently under the age of fourteen years, represents to two Justices that he is unable to control the child, and that he desires that the child be sent to an Industrial School under this Law, the Justices, if satisfied on enquiry it is expedient to deal with the child under this Law, may order him to be sent to an Industrial School.

in such case to make order on parent for contribution.

The Justices shall, at the same time, examine the parent or other person making application as aforesaid as to the contribution he can afford to make towards the maintenance of such child in the Industrial School, and shall, at the time of making the order aforesaid, make an order ordering such parent or other person to make such weekly payment towards the maintenance of such child, not exceeding the sum of five shillings per week, as may in their judgment be within the ability of such parent or other person.

Any sum ordered to be paid as aforesaid shall be payable and recoverable, and shall be applied, in the same way as any

* Words in brackets substituted by section of 2 of Law 19 of 1889.

sum of money ordered to be paid under section twenty-nine of this Law.

11—When a child apparently under the age of ten years shall be charged with any offence punishable with penal servitude, or imprisonment with hard labour without the option of a fine, it shall be lawful for the Justices before whom such child is charged, if satisfied of the guilt of such child, and that it is expedient to send such child to an Industrial School instead of committing such child for trial or convicting him, to order such child to be sent to and detained in an Industrial School.

Power to send certain criminal children under ten to Industrial School.

12—Whenever any child is ordered to be detained in a Reformatory the Clerk of the Court or Justices making the order of detention shall cause notice thereof to be forthwith given to the Collector or Assistant Collector of Taxes for the Parish; and whenever any child is ordered to be detained in an Industrial School the same officer shall cause notice thereof to be forthwith given to the Clerk of the Municipal Board of the Parish.

Notice to be given to certain officers when child is sent to Reformatory or School.

Such Collector or Clerk as aforesaid shall forthwith cause enquiries to be made as to whether there is any person liable by Law to maintain such child; and if any such person shall be found the said Collector or Clerk shall at once take proceedings against him under section twenty-nine of this Law.

13—The order of the Court or Justices sending a child to a Reformatory or an Industrial School (referred to in this Law as the Order of Detention) shall be in writing, signed by the Court or Justices, and shall be in one or other of the forms given in the second Schedule to this Law, or to the like effect, as the case may be.

Form of order of detention.

The production of such Order, or a certified copy thereof, shall be sufficient evidence of the authority to detain such

Effect of order.

child in such Reformatory or School until such child shall attain the age of sixteen years.

Reception of child by Managers of Certified School to be deemed an undertaking by them.

The reception of the child by the Managers of any School certified under section five of this Law shall be deemed to be an undertaking by them to teach, train, clothe, lodge and feed, him until he shall arrive at the age of sixteen years, or until the withdrawal or resignation of the certificate of the School takes effect, or until the contribution of money under section twenty-seven of this Law towards the custody and maintenance of the children detained in School is discontinued, whichever shall first happen.

Justices in order of detention to state age of child.

14—In any Order made as aforesaid the Court or Justices shall, to the best of their ability, state the age that they consider and adjudge the child named therein to be, and thereupon such child shall for all the purposes of this Law be deemed conclusively to be of the age that he is so adjudged to be.

MANAGEMENT OF REFORMATORY AND SCHOOLS.

Reformatories and Schools to be subject to Regulations.

15—All Reformatories and all Government Industrial Schools shall be subject to such Rules and Regulations as the Governor may from time to time make respecting the same; and all Certified Industrial Schools shall be subject to such Rules and Regulations as the Managers thereof shall from time to time, with the consent and approval of the Governor, make; and provision shall be made by such Regulations (*inter alia*) for the punishment, corporal and otherwise, of the children detained in any such Reformatory or School, and for the maintenance of proper discipline therein.

Governor to appoint Inspector of Reformatories and Schools.

16—It shall be lawful for the Governor to appoint some fit and proper person to be Inspector of Reformatories and Industrial Schools, who shall hold office during pleasure; and such Inspector is hereby empowered and required from time to time, whenever he shall deem fit,

1. To visit and inspect all such Reformatories and Schools as may be established or certified under this or any other Law of this Island ;
2. To examine any persons holding any office or receiving any salary or emolument therein, and any children sentenced or otherwise taken thereto under any Law ;
3. To call for and examine all books, papers and documents, in any way relating thereto ;
4. To enquire into all matters touching any child sentenced or taken to any Reformatory or School, or otherwise under the charge of the Superintendent of any Reformatory or School, or touching any person employed therein, either alone or in the presence of any other persons whom such Inspector may select for the purpose.

17—The Inspector of Reformatories and Industrial Schools shall, once at least in each year, make a report in writing to the Governor touching the state and condition of all Reformatories and Industrial Schools in the Island.

Inspector to make annual report.

18—The Governor shall appoint for each Reformatory and Government Industrial School under this Law a Board of Visitors, any two of whom shall form a quorum, and who shall have in respect of the Reformatory or School of which they are the Visitors the same powers as are conferred on the Inspector of Reformatories and Industrial Schools, and shall from time to time report to the Governor upon the state of such Reformatory or School.

Governor to appoint Board of Visitors to Reformatories and Schools.

19—A Minister of the Religious Persuasion specified in the Order of Detention as that to which the child appears to belong may visit the child at the Reformatory or School, on such days and at such times as are from time to time fixed by Regulations made by the Governor, for the purpose of instructing him in religion.

Minister of Religion may visit children.

Children may be let out on license.

20—The Superintendent of any Reformatory or School may, at any time after any child has been detained therein for twelve months, by license under his hand, permit him to live with any trustworthy and respectable person, named in the license, who may be willing to receive and take charge of him, and to enter into arrangements, with or without security, to the satisfaction of such Superintendent to provide such child with proper food, medical attendance, clothing and lodging and wages.

Duration of license.

Any license so granted shall not be in force for more than twelve months, but may at any time before its expiration be renewed for a further period not exceeding twelve months to commence from the expiration of the previous period, and so from time to time until the child is entitled to be released from the Reformatory or School.

License may be revoked.

Any such license may also be revoked at any time by the Superintendent of the Reformatory or School, by writing under his hand, and thereupon the child to whom the license related may be required by him, by writing under his hand, to return to the Reformatory or School.

Child out on license escaping.

A child escaping from the person with whom he is placed under a license, or refusing to return to the Reformatory or School on the revocation of his license, or at the expiration of the time allowed thereby, shall be deemed to have escaped from the Reformatory or School.

Superintendent of Reformatory or School may apprentice children.

21—The Superintendent of any Reformatory or School may, at any time after a child has been one year therein, if he has conducted himself well during such time, bind him apprentice to any trade, calling or service, and every such binding shall be valid and effectual to all intents and purposes: Provided that no child be bound apprentice under this section, except by his or her own consent, for a period that shall expire after he or she has attained the age of eighteen years.

22—Any male child not having been apprenticed as aforesaid shall, for a period of two years after he shall have ceased to be an inmate of any Reformatory, be deemed to be under the supervision of the Superintendent of such Reformatory, and shall report to such Superintendent the place of his residence and the nature of his occupation, and if he shall change the same any change thereof.

Child ren not apprenticed to report themselves to Superintendent of Reformatory for two years after leaving.

And in case he shall omit to comply with this Provision, or shall fail to satisfy the said Superintendent that he is earning an honest livelihood, it shall be lawful for such Superintendent to summons him before any District Court Judge, and if it shall appear to such Judge that he has failed to comply with the above Provision, or that he is not earning an honest livelihood, it shall be lawful for the said Judge to commit him to prison as a vagrant with hard labor for a period not exceeding three months.

Penalty.

OFFENCES AT SCHOOL.

23—If any child ordered to be detained in any Reformatory or Industrial School being above ten years of age, and whether lodging in the Reformatory or School or not, wilfully persists in refusing or neglecting to conform to the Rules of the School or Reformatory so that the maintenance of proper discipline at such Reformatory or School is thereby endangered, he shall be guilty of an offence against this Law, and on summary conviction thereof before two Justices shall be liable,

Child who wilfully refuses or neglects to conform to Rules.

if already ordered to be detained in a Reformatory, to be imprisoned with or without hard labour for any term not less than fourteen days or exceeding three months,
or

Penalty.

if ordered to be detained in an Industrial School, to be detained in lieu thereof in a Reformatory for the residue of his term of detention.

Child escaping
from Reforma-
tory or School.

24—If any child ordered to be detained in any Reformatory or School, whether lodging in the School itself or not, escapes from the Reformatory or School, or from the custody of the person with whom he is licensed to live, he shall be guilty of an offence against this Law, and may at any time before the expiration of his period of detention be apprehended without warrant, and

may, if already ordered to be detained in a Reformatory, on summary conviction of the said offence before two Justices, be ordered to be imprisoned with or without hard labour for any term not less than fourteen days or exceeding three months, and if a male with or without whipping; or

if ordered to be detained in an Industrial School may, if above ten years of age, be ordered to be detained in a Reformatory for the residue of his term of detention, and

if below ten years of age may, on conviction before any Justice, be sent back to the Industrial School from which he has escaped as aforesaid.

Whipping.

25—Whenever whipping shall be awarded under this Law the conviction shall specify the number of strokes, not exceeding twelve in the case of a child under fourteen, nor twenty in any other case; and the punishment shall be inflicted with a light rod or cane.

Miscellaneous
offences.

26—If any person does any of the following things, that is to say,—

1. Knowingly assists, directly or indirectly, any child ordered to be detained in any Reformatory or Industrial School, to escape therefrom ;
2. Directly or indirectly induces any such child to escape ;

3. Knowingly harbours or conceals a child who has so escaped, or prevents him from returning to such Reformatory or School, or knowingly assists in so doing,

every such person shall be guilty of an offence against this Law, and shall on summary conviction thereof be liable to a penalty not exceeding twenty pounds, or at the discretion of the Justices to be imprisoned with or without hard labour for any period not exceeding two months. Penalty.

EXPENSES OF REFORMATORIES AND INDUSTRIAL SCHOOLS.

27—The expenses of all Reformatories and Government Industrial Schools, including the salaries of the managing officers and servants thereof, and the maintenance and clothing of the children therein, and of their conveyance thereto, and all other incidental expenses of and in relation to the same, shall be defrayed in the first instance by the Treasurer out of the Public Revenue of this Island. Expenses of Reformatories and Government Industrial Schools to be paid out of General Revenue.

All similar expenses in connection with Certified Schools shall be borne in the first instance by the Managers thereof respectively : Provided always that the Treasurers shall pay to such Managers such sum, per week, as shall be fixed from time to time by the Governor in Privy Council, in respect of each child that shall have been sent and shall be detained there under the Provisions of this Law : Provided always that the Treasurer shall be entitled to be reimbursed any money he may have paid under this section in the manner and to the extent hereinafter provided. Of Certified Schools by Managers ;

Provision in certain cases for re-imbusement.

28—The Treasurer shall be re-imbursed any money he may have paid as aforesaid, in respect of any child detained in any Industrial School, at a rate to be from time to time fixed by the Governor in Privy Council, per week, by the Municipal Board of the Parish from which such child shall have been sent, out of the funds applicable to the relief of the poor for such Parish. Treasurer to be re-imbursed in certain cases by Municipal Board.

Parents of children liable to make reimbursement.

29—The parent, step-parent or other person, for the time being legally liable to maintain any child who may be detained in any Reformatory or Industrial School shall, if of sufficient ability, contribute to his maintenance and support therein a sum not exceeding five shillings a week.

Manner of procedure.

With respect to any child detained in any Reformatory or School, it shall be lawful,

for any Collector or Assistant Collector of Taxes, or for any person authorized in writing by him, or

for the Clerk or any member of the Municipal Board of any Parish, or any officer appointed by such Board to administer or distribute relief to the poor, in case such Board is liable to make any contribution under the Provisions of the next preceding section in respect of such child, or

for the Superintendent of any Reformatory or School in which such child is detained, at any time during the detention of such child,

to lay a complaint before two Justices having jurisdiction at the place where the parent, step-parent or other person liable to maintain such child lives, and thereupon the said Justices may, on summons to the parent, step-parent or other person liable as aforesaid, examine into his or her liability and ability to make contribution in respect of such child as aforesaid, and may if they think fit make an order on him or her for the payment to the person making the complaint as aforesaid, or to some other person to be named in the order, of such weekly sum, not exceeding five shillings per week, as to them seems reasonable, during the whole or any part of the period for which such child shall be detained in the said Reformatory or School.

It shall be lawful for the said Justices, or any other two Justices of the said Parish, from time to time to vary any order made as aforesaid.

Any sum paid under any order as aforesaid shall, if received by the Collector General, be credited by him to the particular Reformatory or School where the child in respect of whom it is paid is detained, and if received by any Municipal Board or officer thereof as aforesaid shall be carried to the fund at the disposal of such Municipal Board for the relief of the poor.

The Governor may in his discretion remit the whole or any part of any sum ordered to be paid as aforesaid.

MISCELLANEOUS.

30—Proper provision shall be made in every Reformatory and School for keeping children of opposite sexes wholly distinct and separate. Provision to be made for keeping sexes apart.

31—When any child shall be ordered to be detained in a Reformatory he shall with all convenient speed be taken, if there be more than one Reformatory, to the nearest Reformatory; and when any child shall be ordered to be detained in an Industrial School he shall (subject to the temporary Provisions contained in section four) be taken to the Government Industrial School for the Parish: Provided that if there is a Certified Industrial School within a hundred miles of the place where the order is made to detain him in a School, and nearer than the Government Industrial School for the Parish as aforesaid, he shall be sent to such Certified School, and shall be received therein if there be room for him, and if not he shall be taken to the Government Industrial School for the Parish; and whenever more than one Reformatory or School constituted or certified under this Law shall be in operation, it shall be lawful for the Governor to transfer any child or children from any Reformatory to any other, and from any School to any other, as he may from time to time think fit. Child to be taken to the nearest Reformatory or School.
Proviso.

Governor to appoint proper servants, &c.

32—The Governor shall appoint all necessary and proper officers and servants to manage and take care of any Reformatory or Government Industrial School under this Law, and such officers and servants shall hold office during the pleasure of the Governor: Provided always that, until the Governor shall otherwise order, the Superintendent and other officers and servants at the Reformatory at Stony Hill shall continue to hold their appointments as if the said Reformatory had been constituted under this Law at the time of their appointment.

Children at Stony Hill to be kept there.

33—The children at present in the said Reformatory at Stony Hill shall be kept therein, as though they had been sent thither under this Law, until they shall respectively arrive at the age of sixteen years.

Proviso.

Provided always that as soon as an Industrial School is duly established or certified pursuant to the Provisions of sections four or five of this Law, there shall be withdrawn from the said Reformatory and placed in such School

all children that may be in such Reformatory at the time of the passing of this Law, other than those who have been directed to be taken there under section sixteen of the Industrial Schools Act, 1857, and section two of the Reformatories Law, 1869, and also

all children that may have been since the passing of this Law ordered to be detained in an Industrial School.

Children to be kept in Reformatory School till 16 but not after.

34—Subject to the Provisions of the two following sections any child sent to the Reformatory or School shall be detained there until he arrives at the age of sixteen.

No child shall be detained in a Reformatory or in an Industrial School after he shall have reached the age of sixteen, unless with his own consent in writing.

35—Proper provision shall be made for returning such children as may be entitled to be released from any Reformatory or School to his or her own Parish or friends, in case he or she shall not have been apprenticed as aforesaid; and for this purpose it shall be lawful for the Superintendent of any Reformatory or School to release any child therefrom at, or to detain him or her therein for, any period not exceeding six weeks before or after he or she is entitled to be released, should he be enabled thereby to avail himself of a favourable opportunity of sending such child to his or her Parish or friends.

Children to be returned to their own Parish or friends.

36—The Governor may at any time order any child ordered to be detained in any Reformatory or School to be discharged therefrom, either absolutely or on such conditions as the Governor may approve, and the child shall be discharged accordingly.

Governor may release from Reformatory or School.

37—A Coroner's Inquest shall in every case be held whenever any child detained in a Reformatory or School shall die.

Inquest on death of a detained child.

38—No summons, notice or order, made for the purpose of carrying into effect the purposes of this Law, shall be invalidated for want of form only; and the Forms in the Second Schedule to this Law annexed, or forms to the like effect, may be used in the cases to which they refer, with such variations as circumstances may require.

No summons, &c., void for want of form.

39—The production of the warrant or order for the detention of a child in a Reformatory or Industrial School, with a statement indorsed thereon or annexed thereto, purporting to be signed by the Superintendent of such Reformatory or School, to the effect that the child named therein was duly received into and is at the date of the signing thereof detained in the Reformatory or School, or has been otherwise dealt with according to Law, shall in all proceedings relating to such child be evidence of the identity of, and of the due detention of, the child named in the warrant or order,

Production of warrant, &c., to be evidence in certain cases.

Certified copies
of Rules, &c., to
be evidence.

40—A copy of the Rules of any Reformatory or Government Industrial School purporting to be signed by the Governor, and a copy of the Rules of any Certified Industrial School purporting to be signed by the Managers thereof, and to be signed by the Governor in token of his consent to and approval of the same, shall be received in evidence in any legal proceeding.

FIRST SCHEDULE.

An Act passed in the twenty-first year of the reign of Her present Majesty, Chapter forty-one.

An Act passed in the twenty-second year of the reign of Her present Majesty, Chapter thirty-two.

An Act passed in the twenty-fifth year of the reign of Her present Majesty, Chapter two.

Law 11 of 1869.

Law 30 of 1872.

Law 15 of 1877.

SECOND SCHEDULE.

FORM A.

ORDER OF DETENTION IN A REFORMATORY.

Jamaica ss.

To the Constable of
the Reformatory at

and to the Superintendent of
in the Parish of

WHEREAS A. B. late of
years, to wit of the age of
convicted before the undersigned (one of the Judges of the
Supreme Court *or* a Judge of District Courts *or* two or more
of Her Majesty's Justices of the Peace in and for the Parish

of *as the case may be* of an offence punishable with penal servitude (*or* imprisonment with hard labor without the option of a fine) to wit, that he did, &c., (*here state the offence*) and it was thereupon adjudged that the said A. B. should, instead of being sentenced to penal servitude or imprisonment, for his said offence be sent to a Reformatory, there to be detained until he should arrive at the age of sixteen years.

These are therefore to command you the said Constable of to take the said A.B. and him safely convey to the Reformatory at aforesaid, and there to deliver him to the Superintendent thereof, together with this precept, and we do hereby command you the said Superintendent to receive the said A.B. into the said Reformatory at , and to detain him therein until he shall arrive at the age of sixteen years, and for so doing this shall be your warrant. We consider the said A. B. and we hereby adjudge him to be of the age of years, and the said A. B. ap- appears to belong to the religious denomination.

Given under my hand (*or* our hands) and seals this
 day of 18 .

FORM B.

ORDER OF DETENTION IN AN INDUSTRIAL SCHOOL.

Jamaica ss.

To the Constable of and to the Superintendent of
 the Industrial School at
 in the Parish of

WHEREAS A.B. late of under the
 age of sixteen years, to wit of the age of
 years, was this day duly brought before us the undersigned
 two of Her Majesty's Justices of the Peace for the Parish

of _____ and it was made to appear to us that the said A. B. (*here state the facts to bring the child within one of the descriptions given in sections 7, 8 or 11 of the Law*) and that it was expedient to deal with him under the Reformatories and Industrial Schools Law, and to order him to be sent to and detained in an Industrial School until he should arrive at the age of sixteen years.

These are therefore to command you (*then proceed as in Form A.*)

Given under &c.

JAMAICA—LAW 35 OF 1881.*

The Rum Duty Law Amendment Law, 1881.

[31st December, 1881.]

Preamble.

WHEREAS it is desirable to amend Law 10 of 1878: Be it enacted by the Governor and Legislative Council of the Island of Jamaica, as follows :

Law 10 of 1878
incorporated
with this Law.

1—This Law and Law 10 of 1878 as hereby amended shall be read together as one Law, and may be cited together as “The Rum Duty Laws, 1878-1881.”

Repeal of cer-
tain sections of
that Law.

2—Sections 10, 11, 13, 16, 20, 22, 26, 32, 33, 34, 35, 37, 40, 41, 44, 49, 51 and 91, of Law 10 of 1878 (the Rum Duty Law) are hereby repealed; but such repeal shall not affect the consequences of any act or omission that has already taken place, nor any right, liability, or right of procedure, civil or criminal, nor any proceedings civil or criminal commenced, or to be commenced, in respect of any such act or omission.

* Incorporated with Law 11 of 1889 by the 3rd sec. of that Law.

3—

[Substitutes a new section in lieu of section 10 of Law 10 of 1878, which see.]

4—

[Substitutes a new section in lieu of section 11 of Law 10 of 1878, which see.]

5—

[Substitutes a new section in lieu of section 13 of Law 10 of 1878, which see.]

6—

[Substitutes a new section in lieu of section 16 of Law 10 of 1878, which see.]

7—

[Substitutes a new section in lieu of section 20 of Law 10 of 1878, which see.]

8—

[Substitutes a new section in lieu of section 22 of Law 10 of 1878, which see.]

9—

[Substitutes a new section in lieu of section 26 of Law 10 of 1878, which see.]

10—

[Substitutes a new section in lieu of section 32 of Law 10 of 1878, which see.]

11—

[Substitutes a new section in lieu of section 33 of Law 10 of 1878, which see.]

12—

[Substitutes a new section in lieu of section 34 of Law 10 of 1878, which see.]

13—

[Substitutes a new section in lieu of section 35 of Law 10 of 1878, which see.]

14—

[Repealed by sec. 1 of Law 11 of 1889, on said Law coming into operation.]

15—

[Substitutes a new section in lieu of section 40 of Law 10 of 1878, which see.]

16—

[Substitutes a new section in lieu of section 41 of Law 10 of 1878, which see.]

17—

[Substitutes a new section in lieu of section 49 of Law 10 of 1878, which see.]

18—

[Substitutes a new section in lieu of section 51 of Law 10 of 1878, which see.]

Obliteration or removal of marks on casks, restricted.

19—It shall not be lawful to obliterate or remove from any casks intended for exportation the estate's marks and numbers required to be placed thereon by sections 12 and 21 of Law 10 of 1878, except on the written authority of the Collector and in the presence of a Revenue Officer. The marks and numbers substituted for those of the estate shall be endorsed on the E certificate for the purpose of identification.

Storing rum on wharves or barquadier.

20—Every wharf and barquadier used for storing rum shall be secured to the satisfaction of the Collector, and all rum kept thereon shall be stored in such a manner that each cask or vessel containing such rum can be safely and conveniently taken account of.

Illegal possession of rum.

21—Every person who,

- a. not being a person authorized by The Rum Duty Laws 1878-1881 to have in his custody or possession rum whereon the full duties have not been paid, shall have in his custody or possession any rum in any quantity whatsoever the full duties whereon have not been duly paid, or
- b. shall have in his custody or possession any rum which shall have been distilled at any other than a duly licensed distillery, or
- c. shall have in his custody or possession any rum in course of removal required by Law to be attended by a proper permit or certificate which is not so attended,

Penalty therefor.

shall for each and every such offence forfeit and pay a sum not exceeding One Hundred Pounds and not less than Twenty

Pounds, and the said rum, together with the casks or vessels containing the same, shall be forfeited and may be seized by any Revenue Officer.

In any proceeding under this section it shall not be necessary for the prosecution to prove affirmatively that the rum found in the custody or possession of the defendant is rum the full duties whereon have not been duly paid, or which has been distilled at any other than a duly licensed distillery, or if found in course of removal that it is rum which by Law requires to be accompanied by a permit or certificate for its removal, but it shall be sufficient to prove that the said rum was found in the custody or possession of the defendant under circumstances which justify a reasonable suspicion that it falls under one or other of the above heads, and thereupon, on proof to the satisfaction of the Justices of such circumstances of suspicion as aforesaid, the said rum shall be deemed to fall under one or other of the above heads, unless the defendant shall prove either that the full duties on such rum have been duly paid, or that such rum was bought by or for such defendant and received from a licensed distiller or some person licensed to sell rum, or that the same in course of removal was attended with a proper permit or certificate, or shall otherwise rebut the presumption arising from the circumstances of suspicion aforesaid.

Onus probandi shifted in certain cases.

22—It shall be lawful for any Justice of the Peace, Revenue Officer, Police Officer or Rural Headman, to stop and detain any person who shall be found, or shall be reasonably suspected of, unlawfully removing or carrying any rum, and to search for and examine any cask, keg or other vessel, that such person may have in his possession, and if he shall find that such person is carrying any rum to examine the same, and to ascertain the quantity and strength thereof, and to demand the production of any permit or certificate accompanying the same. And if the person found as aforesaid removing or carrying the said rum shall not produce any

Power to arrest on suspicion of illegal removal of rum, and procedure thereon.

permit or certificate as aforesaid on being required so to do, or fails to satisfy the Justice of the Peace, Revenue or Police Officer, or Rural Headman aforesaid, that he is lawfully removing the said rum, it shall be lawful for such Officer as aforesaid, without warrant, to arrest such person, and to seize the said rum together with the casks or vessels containing the same, and to take him, it and them before a Justice of the Peace, and such Justice may, if he see reasonable cause, order such person to be detained in some convenient prison, or in the custody of the Constabulary Force, a reasonable time to prepare the necessary informations, convictions and warrants of commitment, and at the expiration of such time to be brought before any Judge or two Justices who may then hear and determine the matter : Provided that such Justice shall have power to release any person so detained, on reasonable bail for the appearance of such person at such time or place as shall be appointed by such Justice for hearing the case.

23—

[Substitutes a new section in lieu of section 91 of Law 10 of 1878, which see.]

JAMAICA—LAW 36 OF 1881.

The Kingston Police Law, 1881.*

[31st December, 1881.]

Preamble.

WHEREAS it is desirable to make more efficient provision for the Police and Government of Kingston, and regulating the traffic thereof :

Be it enacted by the Governor and Legislative Council of the Island of Jamaica, as follows :

*Law 12 of 1887, by its 11th section, incorporated with this Law.

1—In this Law, unless the context otherwise requires, the expression Interpretation clause.

“Law” includes Acts, and sections of Acts and Laws.

“Kingston” includes the entire Parish of Kingston.

“Streets” includes lanes and any thoroughfares.

“Regulations” includes alterations and revocations of Regulations.

“The Municipal Board” means the Municipal Board of the Parish of Kingston.

“Prescribed” means directed, authorized or provided for, by the Regulations for the time being in force under this Law.

“Hackney Carriage”* means any carriage for the conveyance of passengers which plies for hire in Kingston.

“The Custos” means the Custos or person for the time being exercising the functions of Custos of Kingston.

“The Collector of Taxes” means the Collector of Taxes of Kingston for the time being.

“Inspector” means the Inspector or other Constabulary Officer for the time being in command of the Constabulary in Kingston.†

2—The Laws specified in Schedule A to this Law are hereby repealed, to the extent therein specified, so far as they relate to or affect Kingston: Repeal clause
Schedule A.

Provided that such repeal shall not affect

- (a) The past operation of any Law hereby repealed; or
- (b) Any right, privilege, obligation or liability, acquired, accrued or incurred, under any Law hereby repealed.

* As to meaning of “Hackney Carriage” see section 1 of Law 39 of 1888.

† In this section “The Municipal Board” and “The Custos” to be read respectively as the Corporation of the Mayor and Council of Kingston, and the Mayor or person for the time being exercising the functions of Mayor of Kingston, by section 1 of Law 12 of 1887.

MUNICIPAL REGULATIONS.

Power to make
Regulations as
to matters in
Schedule B.

3—The Municipal Board may from time to time make, alter or revoke, Regulations in relation to all or any of the matters mentioned or included in Schedule B hereto.

Such Regulations may specify a maximum penalty for the contravention thereof respectively not exceeding fifty pounds or six months imprisonment, with or without hard labor, for any one offence.*

Such Regulations shall be subject to the approval of the Governor in Privy Council who may allow, disallow, alter and add to, such Regulations or any of them.

Publication
thereof.

Such Regulations shall respectively come into force on such day as the Governor shall appoint by notice in the "Jamaica Gazette," and shall be published in such manner, at such times, and in such special localities, as he shall from time to time direct.

In default of and in addition to any such direction as to the publication of all or any of such Regulations, all Regulations for the time being in force under this Law shall be kept exhibited in the office of the Municipal Board, and open for general inspection, during office hours.

Temporary
Regulations on
special occasions.

4—The Custos may, on any special occasion when he has reason to anticipate a greater crowd than usual to assemble at a given place, make temporary Regulations to be observed by all persons with respect to the following matters :

1. With respect to the route to be taken by all carts, carriages or other vehicles, going to or past or coming from such place, with power to prohibit any cart, carriage or vehicle, from coming into any street or part of a street for the purpose only of passing to its destination in some other street or part of a street.

*Amended by section 2 of Law 12 of 1887, by reducing maximum penalty and term of imprisonment to twenty pounds and three months respectively.

2. With respect to the line to be kept by persons riding or driving to, from or past such place.
3. With a view to the exclusion of persons from any street or part of a street.

Notice shall be given of the making of any such temporary Regulation, by affixing a printed copy or copies thereof to some conspicuous part of the office of the Municipal Board, and to such other convenient places throughout the City as the Custos may direct.

No such temporary Regulation shall be of any force or effect for more than six days.

In any proceeding to be taken under this section, production of a printed paper purporting to be a copy of a temporary Regulation made under this section, with proof that at least forty-eight hours before it was to come into operation a similar printed paper was affixed to some conspicuous part of the office of the Municipal Board, and to some other place within the City, shall be sufficient proof of the due making and publication of such Regulation.

5—The Regulations made under Law 8 of 1866, section 51, and still in force at the time of the passing of this Law, shall continue in force until and except in so far as they shall be revoked, altered or added to, in accordance with this Law, and they shall be deemed and construed to be Regulations under this Law :

Existing Regulations continued in force.

Provided that any fixed penalty thereby imposed shall be construed only as a maximum penalty.

Penalties thereunder.

6—The Municipal Board may from time to time, in accordance with Law 2 of 1873, section 1, define the limits within which the several Regulations shall be in force.

Local limitation within which Regulations in force.

All Regulations not so limited shall be in force throughout Kingston: [Provided that Regulations as to Hackney Carriages may extend beyond Kingston as hereinafter provided.]*

HACKNEY CARRIAGES.

Regulations as to hackney carriages.

7--Regulations in relation to hackney carriages may provide for all or any of the following purposes, that is to say :

1. For the due registration of owners of hackney carriages.
2. For regulating the conditions on which certificates of competency shall be granted to persons desirous of being licensed as drivers of hackney carriages, and the conditions upon which such licenses may be suspended, revoked or transferred, and the badges to be worn by licensed drivers, and the marks and particulars to be shown on licensed hackney carriages.
3. For providing for and regulating the inspection of carriages proposed to be licensed as hackney carriages, and of licensed hackney carriages, and the horses, harness, and other appliances, to be used therewith respectively, and for granting certificates of fitness for such hackney carriages, and for prescribing the conditions on which any license granted in respect of any hackney carriage may be revoked, suspended, or transferred, and for securing that every hackney carriage shall be properly horsed and harnessed, and kept in a proper state of repair and cleanliness.
4. For providing remedies to hackney carriage owners or drivers against persons who having ridden in the same refuse or neglect to pay the lawful fare.†
5. For fixing the stands of hackney carriages, and the distances to which they may be compelled to take passengers.
6. For fixing the rates or fares, as well for time as distance, to be paid for hackney carriages; and for

* Words in brackets added by section 4 of Law 12 of 1887.

† Sub-sections 1 to 4 substituted for sub-sections 1 to 3 by section 5 of Law 12 of 1887.—[As four sub-sections have been substituted for three I have altered the numbering of the remaining sub-sections to make them run consecutively.—Ed.]

securing the due and constant publication of all hackney carriage fares in every hackney carriage.

7. For securing the safe custody and re-delivery of any property accidentally left in any hackney carriage, and fixing the charges to be paid in respect thereof, with power to cause such property to be sold or to be given to the finder in the event of its not being claimed within a certain time.
8. For regulating the conduct of drivers of hackney carriages generally, as well when in charge of a hackney carriage as when plying for hire or carrying passengers.

8—No license heretofore granted by the Collector of Taxes to the possessor of any hackney carriage under Law 30 of 1867 shall be of any force or effect after the 31st day of January next: Provided always that on and after the 1st day of February next such proportionate part of the money paid by the holder of any hackney carriage license for such license as may represent the unexpired period thereof shall be refunded to him on production of the certificate of the Collector of Taxes showing the amount that had been paid.

Existing licenses to be of no effect after 31st January, 1882.

9—On and after the first day of February next no hackney carriage shall ply for hire in Kingston unless duly licensed under this Law.

Hackney carriages not to ply after 1st February, 1882, except under this Law.

10—If any unlicensed hackney carriage plies for hire in Kingston the owner of such carriage shall be liable to a penalty not exceeding one pound for every day during which such unlicensed hackney carriage plies. And if any unlicensed hackney carriage is found on any stand in Kingston the owner of such hackney carriage shall be liable to a penalty not exceeding one pound for each time it is so found.

Unlicensed hackney carriages plying for hire.

Penalties.

11—*

* Repealed by sec. 12 of Law 12 of 1887.

- License fee. 12—The Collector of Taxes shall, on presentation of the last mentioned certificate, and on payment of a license fee equal in amount to that made payable by Law 30 of 1867, grant to the applicant a license under this Law in respect of the said hackney carriage to ply for hire in Kingston.
- And number. Every such license shall be numbered, and the number of the license shall be affixed to the hackney carriage in such manner as may be prescribed.
- License under Law 30 of 1867 abolished. Every such license shall be deemed to be in substitution of the license required to be taken out by Law 30 of 1867; and no license under the said Law shall be granted by the Collector of Taxes to any hackney carriage to ply for hire in Kingston after the 31st day of January next.
- Law 30 of 1867, secs. 3, 4, 5 and 7, incorporated. 13—Subject to the provisions of this Law the provisions contained in sections three, four, five and seven, of Law 30 of 1867, shall apply to licenses under this Law.
- As to hackney carriages not properly marked. 14—Any hackney carriage plying for hire, and any hackney carriage found on any stand, without having such distinguishing mark, or being otherwise distinguished in such manner as may for the time being be prescribed, shall be deemed to be an unlicensed carriage.
- Occasional inspections of hackney carriages, &c. Report thereon 15—It shall be lawful for the Inspector when and as often as he may think proper, and it shall be his duty when thereunto required by the Custos, to cause an inspection to be made of all or any licensed hackney carriages, and of the horses used in drawing the same, and to report to the Custos thereon as to the fitness or unfitness for the public use or service of such hackney carriages and horses; and if any such hackney carriage, or any horse used to draw the same, shall be reported by him to be in a condition unfit for public use the Custos may suspend the license for such hackney carriage until further order from him determining such suspension.
- Power to suspend license.

Such hackney carriage shall during such suspension be deemed to be an unlicensed hackney carriage.

16—No hackney carriage shall ply for hire in Kingston unless under the charge of a driver having a license as a hackney carriage driver.

Licensed driver
necessary.

If any hackney carriage plies for hire in contravention of this section the person driving the same, and also the owner of such carriage unless he proves that the driver acted without his privity or consent, shall respectively be liable to a penalty not exceeding forty shillings.

A license to the driver of a hackney carriage may be granted by the Collector of Taxes on the certificate of the Custos as to the competency of the applicant to drive a hackney carriage, and may be in such form, and shall be subject to such revocation, suspension and conditions, and may generally be dealt with in such manner, as may be prescribed, subject to this provision, that any such license shall, if not revoked or suspended, be in force until the first day of August next after the granting thereof; and there shall be paid in respect thereof to the Collector of Taxes the sum of ten shillings, with a reduction of two shillings and sixpence for each expired quarter of the then current year.*

Drivers' licenses
—how obtained.

Form and sub-
stance thereof.

17—In case any driver of a hackney carriage shall

assault any passenger, or any person applying to become a passenger, or having just ceased to be a passenger, in such hackney carriage, or shall

Offences by
driver.

keep his vehicle standing at or near any corner of any street, or

in any way obstruct the traffic of the streets,

* Amended by section 9 of Law 12 of 1887, by making the license transferable to any person possessing a certificate of competency.

Summary arrest
for same, and
procedure there-
on.

it shall be lawful for any Officer, Sub-officer or Constable of the Constabulary Force, either on view or on the complaint of such passenger or person, to apprehend such driver, and such driver shall thereupon be dealt with in all respects as by Law required in cases of arrest on view for any offence punishable upon indictment or summary conviction: Provided nevertheless that the charge against any such driver for any such assault shall not be proceeded with in the absence of the passenger or person assaulted, and that the same shall be dismissed if such passenger or person cannot be found, or on being duly summoned fails to appear to prosecute and give evidence.

Suspension of
Driver's license.

18—In all cases of complaints against drivers of hackney carriages it shall be lawful for the Judge or Justices or Justice convicting, in addition to any penalty, to order in his or their discretion that the driver's license be suspended for a time or revoked altogether, and that his badge be taken from him either for a limited time or absolutely.

GENERAL TRAFFIC.

Offences against
Regulations as
to traffic, &c.

19—Any person wilfully disregarding or refusing to conform to any Regulations made by the Municipal Board, or any temporary Regulations made by the Custos under the provisions of this Law in relation to the route of horses, vehicles and persons, or to the prohibiting or suspending of traffic, or any order given under any such Regulation, shall incur a penalty not exceeding forty shillings for each offence; and any Constable may take into custody without warrant any person who within view of such Constable wilfully disregards, or refuses or omits to conform to, any such Regulation, or any order thereunder, and refuses to give his name and address to such Constable.

Summary
arrest.

Penalty.

20—*

*Repealed by sec. 12 of Law 12 of 1887.

DOGS.

21—Any Constable may take possession of any dog found in any of the streets of Kingston and not under the control of any person, and may detain such dog until the owner has claimed the same and paid all expenses incurred by reason of such detention.

Power to detain dogs at large.

The Inspector of Constabulary, if he see fit, may issue a notice requiring any dog while in the streets, and not led by some person, to be muzzled in such a manner as will admit of the animal breathing and drinking without obstruction, and the Constabulary may take possession of any dog found loose in the streets without such muzzle during the currency of such order, and may detain such dog until the owner has claimed it, has provided a proper muzzle, and has paid all expenses connected with such detention.

Power to detain unmuzzled dogs at large pending notice.

Where any dog taken possession of by the Constabulary wears a collar with the address of any person inscribed thereon, a letter stating the fact of such dog having been taken possession of shall be sent by post to the address inscribed on the collar.

As to dogs wearing collars.

The Inspector of Constabulary may cause any dog which has remained in the possession of the Constabulary for two clear days, without the owner claiming the same and paying all expenses incurred by its detention, to be sold or destroyed. Any moneys arising from the sale of any dogs in pursuance of this section shall be applied in the manner in which penalties under this Law are applicable.

Power to sell or destroy detained dogs.

When, upon complaint that any dog has bitten or attempted to bite any person, it appears to the Magistrate having cognizance of such complaint that such dog ought to be destroyed, the Magistrate may direct the dog to be destroyed, and any Constable may destroy the same accordingly; and all dogs detained by the Constables under this section shall be properly fed and maintained.

Power to destroy dangerous dogs.

Power to destroy dogs at large without collars.

22—On and after the first day of April next any Constable, or any person authorized in writing by the Inspector, may forthwith destroy any dog found without a collar bearing the name of the owner in any of the streets of Kingston, and not under the control of any person.

PENALTIES, &c.

Penalty for offences.

23—All persons in any way offending against any Provision of this Law, or of any Regulation thereunder, in respect whereof no penalty has been imposed, shall be liable for each offence to a maximum penalty of five pounds.

How penalties recoverable.

24—All penalties for any contravention of this Law, or of any Regulation under this Law, or any order given under any such Regulation, the recovery whereof is not otherwise provided for, may be recovered in a summary manner before a District Court Judge, or two Justices of the Peace, or any Justice having the power of two Justices of the Peace.

Evidence of Regulations.

25—For enforcing any Regulation under this Law, or proceeding for any penalty for any contravention thereof, and in any proceedings wherein any such Regulation may come in question, (the same not being a temporary Regulation made by the Custos under the Provisions of this Law,) it shall not be necessary to prove that the Regulation has been passed, approved or published, as required by or under the Provisions of this Law, but the production of a copy of the "Jamaica Gazette" purporting to show that the said Regulation has been duly made and approved shall be sufficient evidence of the due making, approval and publication thereof.

Application of license fees and penalties.

26—All license fees and penalties payable or recoverable under this Law shall be paid by the Officer collecting or receiving the same to the Treasurer, and shall be applicable to the general fund for the keeping in repairs the streets of Kingston, and shall be credited and paid by the Treasurer in due course accordingly.

SCHEDULE A.

10 Victoria, Chapter 29, The whole Act.

18 Victoria, Chapter 61, The whole Act.

Law 8 of 1866, sections 51 and 52.

SCHEDULE B.*

MATTERS IN RELATION TO WHICH REGULATIONS MAY BE MADE.

1. The use of public landing places either for passengers or goods, or both.
2. The preservation of order in places of Religious Worship.
3. Hackney carriages and their drivers.
4. Drays and other carriages for the conveyance of goods, their owners and workers.
5. Wherries and boats and boatmen plying for hire in the harbour.
6. Public billiard tables.
7. To prevent the carrying of weapons by Seamen on shore.
8. The preservation of order at places of public amusement.
9. The preservation of public wells, pumps and reservoirs.
10. Preventing the throwing of stones and other missiles, and the flying of kites.
11. Discharging firearms or fireworks.
12. Naming the streets and numbering the houses.

Schedule B, enlarged by sec. 10 of Law 12 of 1887.

13. Preventing and removing nuisances in thoroughfares, encroachments on streets and lanes, and impediments therein.
14. Preventing nuisances likely to arise from the building or repair of houses.
15. Prevention of fire.
16. Driving cattle through the streets.
17. The granting to private individuals the use of the Court Houses or any public building, or any portion thereof, under the control of the Municipal Board.
18. The sale of bread.
19. Preventing the adulteration or watering of milk.
20. Persons loitering in the streets, and beasts tethered or at large in any Public thoroughfare, or vacant or unenclosed land.
21. The charges in cases of distress and sale in enforcing penalties under the Regulations.
22. The route of horses, vehicles and persons, during Divine Service, or the holding of any Courts or any public amusement, or on any special occasion.
23. The prohibiting or suspending the traffic of wheeled vehicles in particular localities at special times, and stopping up portions of the thoroughfares altogether or partially, permanently or temporarily.
- 24.*
 24. The exhibiting of lights by vehicles in the streets at nights.
 25. The licensing of porters and street messengers.

* Matter added by sec. 10 of Law 12 of 1887.

26. To regulate the opening of surfaces of streets, the laying of gas and water mains or pipes, the building or repairing of sewers, and the erecting of gas lights.
27. To regulate the use of the streets and side walks for signs, sign-posts, awnings, awning posts, horse troughs, urinals, telegraph and other posts, and other purposes, notwithstanding any license or custom heretofore to the contrary.
28. To regulate public cries, advertising noises, steam whistles, and ringing of bells in streets.
29. In relation to street beggars, vagrants and mendicants.
30. In relation to the exhibition of advertisements or hand bills along the streets.
31. To regulate the opening of new streets with the consent of the Council and the stopping up of any street opened without such consent.
32. By Resolutions, generally or from time to time to require the City Surveyor, the City Inspector and the Inspector of Nuisances, or any of them to do any work or take any action proper for carrying into effect the powers of the Council.

SCHEDULE C.

I, _____ do hereby certify that on _____
 the application of _____, now
 living at _____ I have caused the
 carriage known by the following marks or description
*(here state marks or description by which the carriage
 may be identified)* to be inspected, which the said
 _____ desires to use and
 let to hire as a hackney carriage, and I certify that the
 said carriage is in a fit and proper condition for public
 use, and that _____ persons are to be
 carried thereby.

(Signed)

Inspector of Constabulary.

JAMAICA—LAW 1 OF 1882.

The Road Laws Amendment Law, 1882.*

[18th January, 1882.]

Preamble.

WHEREAS it is expedient to enlarge the powers of the road authorities :

Be it enacted by the Governor and Legislative Council of the Island of Jamaica, as follows :

Power to throw upon adjoining land any earth, &c., fallen upon any Road, from landslip or otherwise.

1—When from a landslip or other cause a quantity of earth, stones or other matter, has fallen upon any road, and it is deemed expedient to clear away the same, it shall be lawful for the Director of Roads or any person authorized by him (in case the said road is a Main Road), or for the Parochial Road Commissioners or any person acting under their orders (in case the said road is not a Main Road), on giving twenty-four hours' notice to the person in occupation of any land adjoining the said road, to clear away the same by throwing it on to such land (the same not being the ground whereon any house stands, or the garden, yard, planted walk or avenue to any house,) and for the purpose aforesaid, and for the purpose of repairing any damage thereby done to the said land, to enter thereon and if necessary to break down any fence : Provided always that if the land on which the stuff is thrown as aforesaid is cultivated, or is otherwise reclaimed from its natural state, the parties aforesaid shall clear away the said stuff from the said land, and otherwise repair as far as practicable any damage they may have done.

Compensation in respect thereof.

2—Compensation shall be given to the occupier of any land cultivated, or otherwise reclaimed from its natural state, in respect of the temporary use of the said land as aforesaid, and to the owner and occupier according to their respective interests in respect of any permanent damage done to the said land and not fully repaired.

*Repealed so far as it relates to Main Roads, by sec. 1 of Law 41 of 1887.

3—In case the amount of compensation to be paid is not agreed upon the same shall be assessed, How compensation to be ascertained.

in the case of the Director of Roads, in the manner prescribed by The Lands Clauses Law, 1872, for the settlement of disputed compensation for lands injuriously affected by the execution of the works, and

in the case of the Parochial Road Commissioners, in manner provided by Law 29 of 1873 for determining the amount to be paid for a grant of the land required for any road and a release of claims to damages.

4—The Parochial Road Commissioners of any Parish, or any person or persons acting under their authority, or any Constable, may impound cattle or other stock found straying on a Parochial Road, or tethered on a Parochial Road for grazing. Power to impound stock on Parochial Roads.

5—It shall be lawful for the Director of Roads, or any person or persons acting under his authority, or any Constable, to destroy or cause to be destroyed any swine found at large on any Main Road. Power to destroy swine on Main Roads.

JAMAICA—LAW 2 OF 1882.

Wolmer's Free School Law, 1882.

[18th January, 1882.]

WHEREAS the Act passed in the eighteenth year of the reign of her present Majesty, Chapter sixty-one, has been repealed, but it is expedient to continue the provision contained in section nineteen thereof as to the government of Wolmer's Free School : Preamble.

Be it enacted by the Governor and Legislative Council of the Island of Jamaica, as follows :

Wolmer's Free School to be under government of the Municipal Board of the Parish of Kingston.

1—The Municipal Board of the Parish of Kingston shall have the superintendence, regulation, direction, administration and management, of the charitable institution commonly called “Wolmer's Free School,” established in the said Parish, and of all the business concerns and affairs of the said institution, and the nomination and appointment of all officers, teachers and servants whatsoever necessary to be employed in the said institution, anything in any former act of this Island to the contrary hereof in anywise notwithstanding.

JAMAICA—LAW 3 OF 1882.

The Customs Consolidation Law Amendment Law, 1882.
[21st January, 1882.]

Preamble.

WHEREAS it is expedient to amend sections 133 and 134 of The Customs Consolidation Law, 1877 :

Be it enacted by the Governor and Legislative Council of the Island of Jamaica, as follows :

Section 133 of Law 18 of 1877 amended.

1—Section 133 of The Customs Consolidation Law, 1877, is hereby amended by omitting the words “as contraband of “war” in the sixth line.

Section 134 of same Law repealed.

2—Section 134 of The Customs Consolidation Law, 1877, is hereby repealed :—Provided always that this repeal shall not affect the validity of anything heretofore done under or in pursuance of the said section.

3—

[Substitutes a new section in lieu of section 134 of Law 18 of 1877, which see.]

4—In construing the foregoing section, or any Proclamation made thereunder, the word “export” shall include any removal from within the limits of Jamaica; and any Proclamation made under the said section shall apply as well to goods brought into any port or place in Jamaica (whether from distress or other necessity, or otherwise while in the course of any voyage) as to goods introduced or intended to be introduced into Jamaica.

“Export” explained and enlarged.

5—The following Act and Laws shall be and the same are hereby repealed :—25 Vic., Chap. 23, Law 17 of 1871 and Law 23 of 1873.

Repeal clause.

JAMAICA—LAW 4 OF 1882.

The Criminal Code, 1879, Amendment Law, 1882.*

[21st January, 1882.]

JAMAICA—LAW 5 OF 1882.

The Stamp Duty Law, 1868 (Marine Insurance) Amendment Law, 1882.

[30th January, 1882.]

WHEREAS it is desirable to afford facilities for Insurance upon or in respect of coastwise voyages :

Be it enacted by the Governor and Legislative Council of the Island of Jamaica, as follows :

* Repealed by Law 2 of 1889.

Stamp Duty
Law, 1868,
amended as to
insurances and
marine risks
coastwise.

1—The Provisions of the Schedule to the Stamp Duty Law, 1868, shall not apply

to any Policy of Assurance or Insurance, or other instrument by whatever name the same shall be called, whereby any assurance shall be made or agreed to be made, or any risk shall be accepted or agreed to be accepted, upon any ship or vessel, or upon any goods, merchandize or other property on board of any ship or vessel, or upon the freight of any ship or vessel, or upon any other interest in or relating to any ship or vessel which may lawfully be insured, in cases where the said policy or risk is limited to a coastwise voyage or a coastwise service, or

to any receipt or memorandum in the nature of or purporting to be such policy as aforesaid, or evidencing any payment of premium for or agreement to give any such policy or accept such risk;

but upon every such policy, instrument, receipt or memorandum as aforesaid, there shall be raised the following duty (that is to say):

When the sum insured or risk accepted shall not amount to £500, then for every £20 and fractional part of £20	...	£	s.	d.
			0	0
				1
When the sum insured or risk accepted amounts to or exceeds £500, then for every sum of £500 and fractional part of £500 of the sum insured	...		0	2
				6

“Coastwise” shall mean and include only voyages from port to port of this Island without liberty to call at any port or place beyond the limits of this Island.

This Law in-
corporated with
Stamp Act.

2—This Law is incorporated with the Stamp Duty Law, 1868, and the Provision hereinbefore contained shall be read and construed as if it formed part of the Schedule to that Law.

JAMAICA—LAW 6 OF 1882.

The Probate of Deeds Law Amendment Law, 1882.*

[24th February, 1880.]

WHEREAS it is expedient to amend section 5 of an Act Preamble.
 passed in the Twenty-seventh year of Her present Majesty's Reign, Chapter Seventeen, entitled "An Act to consolidate and amend the Laws of this Island relating to the Probate of Deeds executed in and out of this Island":

Be it therefore enacted by the Governor and Legislative council of the Island of Jamaica, as follows:

1—Section 5 of the hereinbefore mentioned Act, passed in 27 Vic. c. 17,
 the Twenty-seventh year of Her present Majesty, Chapter sec. 5, amended
 Seventeen, is hereby amended by omitting the words "and as to local date
 local" in the last line thereof. of Probate of
 Deeds.

2—No Deed executed in this Island since the passing of the Amendment
 said Act shall be deemed to be invalid or insufficiently proved retrospective.
 by reason only of the probate thereof not bearing the local date thereof.

JAMAICA—LAW 7 OF 1882.

The Common Lodging-House Law, 1882.

[24th February, 1882.]

WHEREAS provision is made by section 25 of Law 6 of Preamble.
 1867, empowering the Local Board of Health of the respective Parishes of this Island to declare certain premises within their respective districts to be Common Lodging-houses,

* Law 3 of 1886, by its 4th sec incorporated with this Law.

and it is provided that thereupon the said Lodging-houses shall be subject to such By-laws as may be from time to time made by such Board for the proper government and regulation of the same :

And whereas it is expedient to make further provision as to the government of any premises that may from time to time be declared Common Lodging-houses as aforesaid :

Be it therefore enacted by the Governor and Legislative Council of Jamaica, as follows :

This Law incorporated with Law 6 of 1867.

1—This Law shall be deemed to be incorporated with and form part of Law 6 of 1867, entitled “A Law to establish Boards of Health.”

Powers under Law 6 of 1867, sec. 25, not limited.

2—Nothing in this Law contained shall be deemed to limit the powers conferred on the respective Local Boards, by section 25 of Law 6 of 1867, to make By-laws for the proper government and regulation of Common Lodging-houses.

Keeper of a Common Lodging-house defined.

3—The lessee or tenant of any house or rooms that have been declared and registered as a Common Lodging-house under the said Law shall be deemed to be the keeper thereof for the purposes of this Law ; and in case such person cannot be discovered, the owner of such premises shall be deemed to be the keeper until discovery of the lessee or tenant.

Statutory Rules applicable to Common Lodging-houses.

4—When any house or rooms in a yard have been declared a Common Lodging-House by any Local Board of Health, and have been registered with the said Local Board as such, the following Rules and Regulations shall apply to such Common Lodging-house in addition to any By-laws that may be made by the said Board pursuant to the Provisions of section 25 of Law 6 of 1867, that is to say,

As to number of inmates.

(1.) The number of inmates to be permitted to lodge therein shall not exceed such proportion to the number

of cubic feet contained in the part of the said Lodging-house appropriated to lodgers as may be fixed by any By-law duly made by the said Board.

(2.) Persons of different sexes shall not be taken in as lodgers in any such Lodging-house unless a definite and proper portion of such house is appropriated to each sex, and proper provision is made for the separation of the sexes in accordance with any By-law that may be made on the subject by the said Board:—Provided always that children of either sex under ten years of age need not be separated from women.

As to separation of the sexes.

(3.) Every Local Board on declaring any house or rooms to be a Common Lodging-house shall take measures to ascertain the number of persons that can be accommodated therein, and also whether persons of different sexes can be taken in.

Registry of particulars as to numbers and sex.

In the event of the latter question being determined in the negative the keeper of such house shall be required to state whether he elects to keep the said house for male or female lodgers.

If no reply to such question is received within seven days the Local Board may determine whether the said house shall be for the accommodation of men or of women; but if a reply is received within such seven days the Local Board shall determine such question in accordance with the wishes of the keeper of such Lodging-house.

On the said question being determined as aforesaid, the Local Board shall enter on the Register the following particulars, namely :

(a.) The total number of lodgers that may lawfully be taken in as lodgers at the Lodging-house and the sex of such lodgers; or

(b.) If the said Lodging-house can lawfully accommodate persons of different sexes, the number of persons of each sex that may be therein accommodated.

On the said particulars being entered the said Lodging-house shall be deemed to be duly registered to accommodate lodgers of the number and sex specified in the Register.

Notice of Registry.

(4.) On such particulars as aforesaid being entered the Local Board shall send to the keeper of the Lodging-house a written notice informing him that his house has been registered as aforesaid.

Notice to appear on Lodging-house.

(5.) Within seven days of the receipt of such notice the keeper of the Lodging-house named therein shall affix, on the outside over the main entrance of the house, and keep undefaced and legible, a notice with the words "Registered Common Lodging-house for men, or for women, or for men and women," as the case may be, according to the tenor of the Register for the time being.

Power to enter and inspect Lodging-house.

(6.) Any registered Common Lodging-house may be entered and inspected at any time of the day or night by any Inspector or Sub-Inspector of Police, or any Serjeant or Corporal of Police authorized generally thereunto in writing by the Inspector or Sub-Inspector of the district: Provided that no such authorization as aforesaid shall be in force for more than seven days at a time.

Report of inspection.

(7.) Any person as aforesaid making any such inspection as aforesaid shall make a written report thereof to the Local Board of Health.

Alteration of Register, and procedure as to same.

5—When a house or rooms have been duly declared a Common Lodging-house, and registered as such as a Lodging-house for men, or for women, or for men and women, as the

case may be, the keeper of such house may at any time thereafter apply in writing to the Local Board to alter the entry in the Register as to the sex of the lodgers, or (in the event of the house being enlarged) as to the number of lodgers which the said house is registered to receive; and thereupon the said Board, if the proposed alteration does not contravene the By-laws of the said Board upon the subject, shall cause the Register to be altered accordingly; and thereupon notice shall be given as provided by sub-section 4 of section 4 of this Law, and the keeper of the said Lodging-house shall make the necessary alteration in the notice required to be affixed and kept by sub-section 5 of the said section; and from the time of such alteration being made the said Lodging-house shall be deemed to be duly registered in respect of the altered number, or sex (as the case may be), of the lodgers which it is registered to accommodate.

6—The keeper of any house or rooms that have been duly declared a Common Lodging-house and registered as aforesaid

Offences against
this Law, and
penalties there-
for.

who, after the receipt of the notice provided for by sub-section 4 of section 4, allows a larger number of lodgers to be in his house at night than that which according to the Register aforesaid may lawfully be accommodated therein for the time being, or

who, the said Lodging-house being registered as a Lodging-house for persons of one sex only, allows persons of the opposite sex to be therein at night, or

who, the Lodging-house being registered as a Lodging-house for men and women, allows any woman to be by night in the portion appropriated to men, or any man to be by night in the portion appropriated to women, (other than an Inspector or Sub-Inspector of Police, or a duly authorized Serjeant or Corporal of Police while making an inspection,) or

who, allows a larger number of men or women to be by night in the portion appropriated to either than that for which the said house is registered as aforesaid,

shall, in any such case, forfeit and pay a sum not exceeding Ten Pounds.

The keeper of any such house as aforesaid who shall fail to comply with the provisions contained in sub-section 5 of section 4 shall forfeit and pay a sum not exceeding Forty Shillings.

The keeper of a Common Lodging-house, or any person having or acting in the care or management thereof, who shall hinder or obstruct any officer authorized under the Provisions of this Law to enter and inspect Common Lodging-houses while in the performance or attempted performance of such duty, shall forfeit and pay any sum not exceeding Five Pounds.

Certified copy
of entries in
Register to be
evidence.

7—A copy of any entry in the Register kept by any Local Board of Health pursuant to this Law, certified by the Clerk of said Board to be a true copy, shall be received in all Courts and on all occasions as evidence, and shall be sufficient proof of the matter registered, without production of the Register, or of any document or thing on which the entry is founded; and a certified copy of any such entry shall be supplied gratis by the Clerk to any person applying at a reasonable time for the same.

JAMAICA—LAW 8 OF 1882.

The Registration Law Amendment Law, 1882.

[24th February, 1882.]

WHEREAS it is deemed expedient to amend the Regis- Preamble.
tration Law, 1881 :

Be it therefore enacted by the Governor and Legislative Council of the Island of Jamaica, as follows :

1—

[Repeals section 18 of Law 13 of 1881, and substitutes section, which see.]

JAMAICA—LAW 9 OF 1882.

The Prescription Law, 1882.

[25th February, 1882.]

BE it enacted by the Governor and Legislative Council of Preamble.
the Island of Jamaica, as follows :

1—The Prescription Law, 1881, (Law 11 of 1881) shall be Law 11 of 1881
and the same is hereby repealed. repealed.

2—When any profit or benefit, or any way or easement, Effect of 20
or any water course, or the use of any water, a claim to which years enjoyment
may be lawfully made at the Common Law, by custom, pre- of easements,
scription or grant, shall have been actually enjoyed or derived ways, &c., over
upon, over or from any land or water of Her Majesty the lands.
Queen, Her Heirs and Successors, or of any person, or of any
body corporate, by any person claiming right thereto, with-
out interruption for the full period of twenty years, the
right thereto shall, subject to the provisoes hereinafter con-
tained, be deemed absolute and indefeasible, unless it shall

appear that the same was enjoyed by some consent or agreement expressly made or given for that purpose by deed or writing.

Effect of 20 years access and use of light or air.

3—When the access and use of light or air to and for any dwelling house, workshop or other building, shall have been actually enjoyed therewith for the full period of twenty years without interruption, the right thereto shall, subject to the proviso hereinafter contained, be deemed absolute and indefeasible, unless it shall appear that the same was enjoyed by some consent or agreement expressly made or given for that purpose in writing.

Computation of time.

4—Each of the respective periods hereinbefore mentioned shall be deemed and taken to be the period before some action or suit wherein the claim or matter to which such period may relate shall have been, or shall be, brought in question ;

“ Interruption ” defined.

And no act or other matter shall be deemed to be an interruption within the meaning of this Law unless the same shall have been, or shall be, submitted to or acquiesced in for one year after the party interrupted shall have had or shall have notice thereof and of the person making or authorizing the same.

No presumptions to be drawn from use for a less period.

5—In the several cases mentioned in and provided for by this Law no presumption shall be allowed or made in favour or support of any claim upon proof of the exercise or enjoyment of the right or matter claimed for any less period of time, or number of years, than for such period or number mentioned in this Law as may be applicable to the case and to the nature of the claim.

Provisions in cases of persons under disabilities.

6—Provided always that the time during which any person, otherwise capable of resisting any claim to any of the matters before mentioned, shall have been or shall be an infant, idiot, *non compos mentis* or *feme covert*, shall be excluded in the computation of the periods hereinbefore mentioned,

so that however in no case shall a claim to any of the matters aforesaid be liable to be defeated, by reason of anything in this section contained, after such enjoyment as is hereinbefore described for the full period of thirty years.

7—Provided always that when any land or water, upon, over or from which any such profit or benefit, way, easement, water course or use of water, shall have been or shall be enjoyed or derived, hath been or shall be held under or by virtue of any term of life, or any term of years exceeding three years from the granting thereof, the time of the enjoyment of any such profit or other matter during the continuance of such term shall be excluded in the computation of the said period of twenty years, in case the claim thereto shall within three years next after the end or sooner determination of such term be resisted by any person entitled to any reversion or remainder expectant on the determination thereof.

Provisions in cases of tenancies for life, or for any term exceeding three years.

JAMAICA—LAW 10 OF 1882.

e Criminal Procedure Code, 1879, Amendment Law, 1882.*

[25th February, 1882.]

* Repealed by Law 3 of 1889.

JAMAICA—LAW 11 OF 1882.

A Law to demonetize Bronze and Copper Coins and to extend the Nickel Coinage to the Turks and Caicos Islands.

[25th February, 1882.]

Preamble.

WHEREAS it is expedient to demonetize the Bronze and Copper Coins heretofore current in this Island, and in the Turks and Caicos Islands, and to extend the Nickel currency now current in Jamaica to the Turks and Caicos Islands :

Be it enacted by the Governor and Legislative Council of the Island of Jamaica as follows :

Copper and Bronze Coins demonetized.

1—From and after the coming into operation of this Law the bronze or copper penny, and the several sub-divisions thereof, shall cease to be a legal tender in this Island, and in the Turks and Caicos Islands.

Nickel coinage of this Island to be a legal tender in the Turks and Caicos Islands as in Jamaica.

2—Coins of the denomination of one penny, one halfpenny and one farthing, issued by the Governor of this Island in a nickel currency pursuant to the Provisions of Law 49 of 1869 and Law 13 of 1880, shall be current in the Turks and Caicos Islands, and shall be a legal tender at the value set forth in the two recited Laws respectively, subject to the provisoes contained in the said Laws.

JAMAICA—LAW 12 OF 1882.

A Law for the Security of the Treasury in respect of the Redemption thereof of certain Debentures.

[28th February, 1882.]

WHEREAS it is in the contemplation of the Governor to Preamble.
raise money by the issue of Debentures under Law 19 of 1880, to be applied in the redemption of Debentures issued by the Kingston Market Commissioners, by the Kingston and Liguanea Water Works Commissioners, by the Rio Cobre Canal Commissioners, and by the Kingston Gas Commissioners respectively :

And whereas it was intended and it is desirable to provide that upon the redemption by the Government of any such Debentures the Government should, in respect of the aforesaid undertakings respectively, be and be placed in the position of the holders of such Debentures :

Be it enacted by the Governor and Legislative Council of the Island of Jamaica as follows :

1—That upon the redemption by the Government of Jamaica of any Debentures heretofore issued by the Kingston Market Commissioners, or by the Kingston and Liguanea Water Works Commissioners, or by the Rio Cobre Canal Commissioners, or by the Kingston Gas Commissioners, the amount paid out of the Treasury for such redemption, together with such sum as may, in the opinion of the Governor, be sufficient to cover the costs, charges and expenses, attendant on the issue and prospective redemption of the Debentures issued under Law 19 of 1880, shall be debited in the Treasury Books to the Commissioners of the undertaking whose Debentures are redeemed ; and there shall also from time to time be debited as aforesaid interest on the aggregate amount debited as aforesaid, payable half-yearly, at such rate not exceeding five per cent. per annum as the Governor, having

The amounts of certain Debentures, if redeemed by the Government, to be chargeable, with interest, to the undertakings for which they were issued, and to be repaid out of the funds thereof.

regard to the average price at which the said Debentures may be issued, may determine; such interest as it from time to time becomes due shall, unless duly paid, be added to the principal amount and be deemed to form part thereof; and the said amount with interest as aforesaid shall be a charge on such undertaking and the revenues thereof, and on all property pledged or held in trust for the repayment of the said Debentures, as fully as the redeemed Debentures and the interest payable on the same were previously a charge thereon, and shall be repaid to the Treasury out of the funds of such undertaking at the same time, in the same manner and by the same means, as the redeemed Debentures would have had to be paid if they had not been redeemed.

JAMAICA—LAW 13 OF 1882.

The Schools Commission Law Amendment Law, 1882.

[28th February, 1882.]

Preamble.

WHEREAS a mistake has been made in the Schools Commission Law, 1879, in describing the School which was then being carried on at Walton in the Parish of St. Ann as "The Walton Free School," whereas the proper title of the said School pursuant to the Provisions of 48 George III., Chapter 25, is "The Jamaica Free School," and it is expedient to amend the said error :

And whereas the said Law gives powers to the Commission to deal with and dispose of any property under its control, in such manner as it may think fit, for the purposes of the said Law, and also under certain circumstances to charge its property with the payment of moneys, and interest, to be borrowed on the security of the same, but the said Law makes

no provision as to how deeds and other instruments for any of the above-mentioned purposes are to be executed, and it is expedient to make such provision :

Be it enacted by the Governor and Legislative Council of the Island of Jamaica, as follows :

1—Sections 41 and 42 of the Schools Commission Law, 1879, are hereby amended by inserting the words “ The Jamaica Free School ” in lieu of the words “ The Walton Free School ” in places where the latter words occur. Sections 41 and 42 of the Schools Commission Law, 1879, amended.

2—Any conveyance, mortgage, charge or other instrument, affecting any of the lands or tenements now vested or which may hereafter become vested in the Jamaica Schools Commission shall be signed by three of the said Commissioners, of whom the Chairman or Vice-Chairman shall be one, and given under their Common Seal. How deeds affecting lands of Commissioners to be executed.

JAMAICA—LAW 14 OF 1882.

The Rectors' Fund and Curates' Fund Law, 1882.

[28th February, 1882.]

WHEREAS, prior to the passing of Law 12 of 1868, four Preamble.
Rectories which were abolished by that Law were allowed to remain for some time without any Rectors being appointed to fill them respectively :

And Whereas by reason of such non-appointment the sums directed by section 2 of 9 Victoria, Chapter 39, to be retained were not so retained in the case of the said Rectories, and consequently never vested in the Trustees of “ The

Rectors' Fund," although it was provided by section 6 of the said Act that the said sums should be so retained whether there be any lapse of stipend or not :

And Whereas it has been agreed between the Government of this Island and the said Trustees of "The Rectors' Fund" that, in consideration of the said Trustees waiving their claim to the payment of the said sums, the public revenue of this Island should stand pledged to guarantee the payment of the annual allowances to the widows and children of deceased Rectors, payable as from December, 1881, out of the said Rectors' Fund, at the full rate fixed by Section 9 of the said Act, and expressed in the scheme of distribution therein contained, but it is necessary that the said agreement should be sanctioned and ratified by Law :

And Whereas it is expedient to make provision for the event of there being any surplus over in the hands of the said Trustees, or in the hands of the Trustees of the Curates' Fund, after satisfaction of all claims upon the said funds respectively :

Be it therefore enacted by the Governor and Legislative Council of the Island of Jamaica, as follows :

Payments of allowances from the Rectors' and Curates' Fund, guaranteed by the Island.

1—The public revenues of this Island are hereby pledged to guarantee the payment, by the Trustees of "The Rectors' Fund," of the annual allowances to be paid under the Provisions of an Act passed in the ninth year of the reign of Her present Majesty, Chapter Thirty-nine, intituled "An Act to Consolidate and Amend the Laws relating to the Rectors' Fund," at the full rate fixed by the Ninth Section of the said Act, as from the month of December One Thousand Eight Hundred and Eighty-one, to all widows and children having lawful claim thereto under the Provisions of the said Act, in case there should hereafter be not sufficient Funds at the disposal of the said Trustees to make such payments.

2—If any part of the said Fund, or any part of the Curates' Fund, should remain over in the hands of the Trustees thereof respectively after full payment by them of the allowances lawfully payable to the widows and children of deceased Rectors or Curates having claim thereto, it shall be lawful for the Governor, upon being notified by the Trustees of either Fund that no further claim exists upon such Fund and that a surplus remains in their hands, to order that such surplus should be paid over to the Incorporated Lay Body of the Church of England, to be by them applied as in their discretion may seem best towards any Fund that may then or thereafter exist for providing pensions to the widows or children of deceased Clergymen of that Church, and such Funds shall thereupon be paid over accordingly.

How surplus funds of the Rectors' and Curates' Funds are to be applied.

JAMAICA—LAW 15 OF 1882.

A Law to exempt Certain Houses from the Tax on Houses for the Support of the Poor.

[8th March, 1882.]

WHEREAS it is expedient to encourage a provision of houses by owners of estates for persons working thereon, by exempting such houses under certain circumstances from the tax on houses for the support of the poor:

Preamble.

Be it therefore enacted by the Governor and Legislative Council of the Island of Jamaica, as follows:

1—No house, barracks or other building, provided upon any estate, plantation or pen, for the accommodation of laborers, either permanently or otherwise employed thereon, and their families, and occupied or inhabited by such laborers and their families without payment of rent, and without any

Certain laborers houses on estates, &c., exempt from the tax for the poor.

deduction from their wages as and by way of rent, shall be deemed to be an occupied or inhabited dwelling-house within the meaning of Law 5 of 1868, as amended by Law 27 of 1869, or shall by reason merely of such occupation be liable to the tax or duty imposed by the said Laws :

Proviso.

Provided that a return of all such houses, barracks or other buildings, be made by the occupier or manager of the estate, plantation or pen, to the Collector of Taxes for the Parish in which the same are situated, along with his other in-givings, on the first day of August in each year, or within ten days thereafter ; and in the event of any such houses, barracks or other building, not being returned as aforesaid, the Provisions of this Law shall not apply to the same.

JAMAICA—LAW 16 OF 1882.

The Law of Costs Amendment Law, 1882.

[8th March, 1882.]

Preamble.

WHEREAS it is expedient to amend the Law relating to the recovery of costs in certain cases :

Be it therefore enacted by the Governor and Legislative Council of the Island of Jamaica, as follows :

Costs of Public Officers or Naval or Military Officers succeeding in litigation recoverable though Officers not personally liable for same.

1—When any person holding any Military or Naval Office under the Crown, or any office in the Civil Service of this Island, shall be a party to any action, suit or proceeding, and the Crown Law Officers, or either of them, or any private legal practitioner, shall by the direction or at the instance of the Governor, or at the instance of the Senior Military or Naval Officer in this Island, as the case may be, undertake the case of such person, such person, if he shall get Judgment for

his costs against the other party to such action, suit or proceeding, shall not be disentitled to recover the costs incurred in his behalf, by reason of his not having personally retained the Crown Law Officers, or other legal practitioner, or by reason of his not being personally responsible to the said Crown Law Officers or other legal practitioner for the costs of undertaking his said case.

2—In taxation of the costs to be recovered as aforesaid, the same fees and charges shall be allowed for the services of the Law Officers of the Crown, or either of them, as if such Officers had been retained and employed by the party in question as private legal practitioners.

As to costs of
Crown Law
Officers.

JAMAICA—LAW 17 OF 1882.

A Law to allow and confirm certain Expenditure in 1879-80.*

[8th *March*, 1882.]

JAMAICA—LAW 18 OF 1882.

The Prison Law, 1882.†

[14th *April*, 1882.]

BE it enacted by the Governor and Legislative Council Preamble.
of the Island of Jamaica, as follows :

* Omitted as spent.

† Law 29 of 1887, by its 1st section, incorporated with this Law.

PRELIMINARY.

- Commencement of this Law. 1—This Law shall come into operation on a day to be fixed by the Governor, by Proclamation in the “Gazette,” which day is hereafter referred to as the commencement of this Law.
- Definitions. 2—In the construction of this Law, unless there is something inconsistent in the context,
- “Penitentiary.” “Penitentiary” shall include the General and the Female Penitentiary.
- “Prison.” “Prison” shall include Penitentiary, District Prison, Short Term Prison, Gaol and Lock-up, and any building [or portion of a building]* or ship that may from time to time be declared a prison by the Governor. It shall include the grounds or buildings occupied for the use of the prison and contiguous thereto.
- “Superintendent.” “Superintendent” shall mean the Gaoler, Keeper or other chief officer, of a prison.
- “Officer.” “Officer” shall mean any person holding any office connected with or in any prison, and any Boatswain, Underkeeper, Turnkey, Assistant or Guard, or person employed in any prison (other than as a domestic servant) under any Superintendent to do duty in such prison by day or night, or to keep watch.
- “Prisoner.” “Prisoner” shall mean any person who shall have been sentenced to or ordered to be confined in any prison under any sentence, order or warrant, or for want of bail or sureties, or who shall be otherwise detained by legal authority.
- “Prohibited article” shall mean any article whatever except such as shall have been issued to Prisoners with the sanction of the Superintendent.†

*Amended by sec. 2 of Law 29 of 1887 by inserting words in brackets.

† Words added by sec. 2 of Law 29 of 1887.

3—Subject as in this Law mentioned, the prisons of this Island, and the furniture and effects belonging thereto, shall be vested in the Colonial Secretary for the time being, and his successors in the said office, in trust for Her Majesty, her heirs and successors.

Prisons, &c., in whom vested.

The appointment of all officers, and the control and safe custody of the prisoners, also all powers and jurisdiction at common Law or by Legislative Enactment vested in or exercisable by the Executive Government, or by Justices in Sessions assembled, in relation to prisons or prisoners shall, from and after the commencement of this Law, be transferred to, vested in and exercised by the Governor.

Appointment of Officers &c., in whom vested.

4—*

It shall be lawful for the Governor from time to time, with the advice of the Privy Council, to make Rules and Regulations, not inconsistent with the provisions of this Law,

for the government of the several Prisons,

for the guidance and direction of the Officers of the same,

for the employment, safe custody, management, discipline, classification and treatment of the prisoners confined therein,

for the individual separation of all or any of the prisoners confined in any prison (due regard being had to the proper supervision, religious and other instruction, and employment, of such prisoners, and to the internal economy of the Prisons),

as to the religious instruction to be provided, and the religious worship to be observed in the several Prisons, and

for regulating the conveyance of prisoners to and from prisons,

and from time to time to alter and amend any such Rules;

and all Rules and Regulations or amendments so made shall be published in the Government Gazette, and shall come into operation on such publication.

* Repealed by sec. 26 and sec. substituted by sec. 2 of Law 18 of 1884.

All Rules and Regulations in force concerning Prisons at the time of the passing of this Law, and not inconsistent with the provisions of this Law, shall continue in force until altered or repealed, as if made under the provisions of this Law.

Penalties for
breach of Rules
by Officers.

5—It shall further be lawful for the Governor in Privy Council to provide in and by any such Rules and Regulations that the infraction, neglect or contravention, of any of them by any officer of a prison shall be an offence punishable, on summary conviction before any District Court Judge, by a fine or penalty to be fixed in such Rules and Regulations, not exceeding ten pounds; and any such officer as aforesaid who shall be sentenced to pay any such penalty shall in default of immediate payment, be and stand committed for a period not exceeding thirty days (unless such fine or penalty shall be sooner paid) to the prison nearest to that of which he is or was an officer.

Any such fine or penalty shall be paid to the Treasurer, and applied in support of the Government of the Island.

* * * * *

It shall also be further lawful for the Governor in Privy Council, in and by any Rules and Regulations made under the Prison Law, 1882, to provide that on the infraction, neglect or contravention of any such Rule or Regulation by any officer of a Prison, whether such infraction, neglect, or contravention, is or is not an offence punishable on summary conviction, it shall be lawful for the Director or the Superintendent of such Prison, instead of prosecuting such Officer for such infraction, neglect, or contravention, in case the same is an offence without any judicial process, to fine such Officer, and to enforce payment of such fine by deducting the amount thereof from pay due or accruing due to such Officer; so however that in no case shall the Director be empowered to inflict a fine exceeding ten days' pay, or the Superintendent a fine exceeding one day's pay, of such Officer:—Provided also that the infliction of any such fine by the Director or Superintendent under any of the powers conferred under the provisions of this section, shall, whether such fine be paid or not, be a bar to any prosecution in respect of the same infraction, neglect or contravention. †

* Words omitted by sec. 3 of Law 18 of 1884.

† Clause amended by sec. 3 of Law 29 of 1887.

6—All expenses incurred in respect of the maintenance of prisons and of the prisoners therein, and the expenses of carrying this Law into execution, shall be defrayed out of the General Revenue, upon the warrant of the Governor.

Payment of expenses of Prisons, &c.

PART I.

MAINTENANCE AND GOVERNMENT OF PRISONS.

APPOINTMENT OF OFFICERS.

7—There shall be appointed to every prison by the Governor, a Superintendent, a Surgeon, (who shall be a duly qualified Medical Practitioner,) and such subordinate officers as may be necessary; and to every prison in which females are confined, a Matron, and such subordinate female officers as may be necessary.

Appointment of Officers.

8—The officers attached to prisons at the time of the commencement of this Law shall continue to hold their offices respectively as if they had been severally appointed under this Law.

Existing Officers continued.

DIRECTOR OF PRISONS.

9—It shall be lawful for the Governor, at any time and from time to time after the passing of this Law, to appoint a fit and proper person, who shall be called the Director of Prisons, (throughout this Law referred to as the Director,) and on occasion of any vacancy in the office, by death, resignation or otherwise, to appoint some other fit and proper person to fill such vacancy.

Director of Prisons; his appointment.

The person so appointed shall have the powers, and perform the duties following, that is to say:

Powers and duties.

He shall be the head of the Prison Department, and shall have the general superintendence of the prisons of this Island, subject to the control of the Governor;

He shall carry out the orders of the Governor in all matters relating to prisons and prisoners ;

He shall periodically visit and inspect the said prisons, and shall examine into the state of the buildings, so as to form a judgment as to the repairs, additions and alterations, which may appear necessary, regard being had to the requisitions of this Law with respect to the separation of prisoners and enforcement of hard labour, and shall further examine into the conduct of the respective officers, and the treatment and conduct of the prisoners, the means of setting them to work, the amount of their earnings, and the expenses attending the prison, and shall inquire into all abuses and irregularities within the prison, and regulate all matters required to be regulated by him ;

He may suspend any officer of a prison till the decision of the Governor is known ;

He shall, at such time or times as the Governor may direct, make a report to the Governor of the state and condition of the said prisons and prisoners, or upon any matter in relation to prisons or prisoners that may be specially referred to him ;

He shall, under the general or special directions of the Governor, from time to time make contracts for supplying the said prisons with food, clothing, medicines, and other articles necessary for the support and maintenance of the prisoners, and also for supplying such prisons with the tools and implements of labour, and the material upon which such labour is to be employed, required for the use of the prisoners ; and generally for supplying all articles and things necessary for the maintenance and government of the prison ;

He shall and he is hereby declared to be a Justice of the Peace for every Parish of the Island: Provided always that without further appointment he shall act only in the preservation of the peace, the prevention of crime, the detection and committal of offenders, and other matters in connection with the discharge of his duties as such Director;

He shall have such other powers and perform such other duties as are conferred or imposed upon him by this Law.

10—The Director shall have an office in Kingston, and shall be assisted in the performance of his duties by such clerks and other officers and servants as may be appointed by the Governor. His Office and Clerks.

11—If any person shall knowingly and wilfully obstruct the Director in the performance of any of the duties imposed upon him by this Law, such person shall, on conviction before a Justice, forfeit and pay for each such offence any sum not exceeding twenty pounds, and in default of payment shall be committed to prison, with or without hard labour, for any period not exceeding three calendar months. Penalty for obstructing Director in his duties.

12—It shall be lawful for the Governor at any time to authorize in writing any person or persons to visit and inspect any prison. Special Inspection of Prisons.

RULES AS TO THE COMMITMENT OF PRISONERS.

13—Prisoners sentenced * * * * * to penal servitude, or to any term of imprisonment with hard labour for twelve months and upwards, shall in all cases be committed to and detained in the Penitentiary. To what Prison prisoners are to be committed.

* Amended by sec. 6 of Law 18 of 1884 by omitting words.

Prisoners sentenced as aforesaid to imprisonment with hard labour for a term [exceeding two, but less than twelve months]* be committed to and detained in the nearest District Prison.

All persons sentenced as aforesaid to imprisonment with hard labour for a term not exceeding two * * † months shall be committed to and detained in the nearest District Prison or nearest Short Term Prison, whichever of the two may be nearest to the place of committal.

Persons committed for trial, or by way of ensuring their attendance as witnesses, or by reason of their refusal to give evidence, shall be committed to and detained in the [prison]‡ nearest to the place where the trial at which the presence of such persons may be required is to be held: Provided always that any such person as aforesaid may, if more convenient, be detained in a lock-up after such committal as aforesaid.

Any person sentenced to any term of imprisonment without hard labour, debtors, and persons ordered to be imprisoned under any rule, order or attachment for contempt of any Court, shall likewise be committed to and detained in the nearest [prison].‡

All persons arrested upon any charge shall, until committed for trial or dismissed, be detained, unless admitted to bail, in the nearest convenient [prison]§ or lock-up.

Power to Governor to give other directions as to Prisons in which prisoners shall be detained.

14—Notwithstanding any of the Provisions in the foregoing section contained, it shall be lawful for the Governor from time to time, by order to be published in the Government Gazette, to direct that in any Parish or District, to be named in such order, the Rules hereinbefore contained shall cease to apply, and to make other Rules in lieu thereof, with reference to the description of prison to which various classes of prisoners may be committed and detained.

* Words in brackets substituted by sec. 6 of Law 18 of 1884,

† Amended by section 6 of Law 18 of 1884, by omitting a word.

‡ Word in brackets substituted by sec. 6 of Law 18 of 1884,

§ Word in brackets substituted by section 4 of Law 29 of 1887.

Such order shall take effect from the publication thereof as aforesaid, and shall remain in force until revoked by a subsequent order published as aforesaid.

15—Notwithstanding anything hereinbefore contained, any person imprisoned, or sentenced to be imprisoned or detained, in pursuance of any Act now or hereafter to be in force for the discipline of Her Majesty's Military or Naval Forces, may be sent to the General Penitentiary, and shall be received therein; and a certificate of the sentence of any such person, or an order or warrant for his imprisonment, in writing, signed, in the case of a military offender by the Senior Military Officer in command of Her Majesty's Troops in this Island, and in the case of a naval offender by the Commander-in-Chief on any foreign station, or by the Commanding Officer awarding the punishment, shall be a sufficient authority for the Superintendent of the Penitentiary to receive and detain him; and such Superintendent shall keep such offender according to the terms of the sentence, order or warrant as aforesaid, and during the term specified therein, or until he be discharged or delivered over to other custody before the expiration of that time under an order duly made for that purpose.

Military and
Naval Prison-
ers.

16—The committal or imprisonment of a prisoner to or in a prison, if otherwise valid, shall not be illegal by reason only that such prisoner ought, according to the Law for the time being in force, to have been committed to or imprisoned in some other prison; but any such prisoner as is mentioned in this section shall, on application made on his behalf in a summary manner to a Judge of the Supreme Court, or a Judge of a District Court, be entitled to be removed at the public expense to such other prison as aforesaid.

Committal to a
wrong Prison.

Removal.

DISCIPLINE OF PRISONERS.

17—The requisitions of this Law with respect to the separation of prisoners are as follows:

As to separation
of prisoners, and
provision there-
for.

1. In every prison, as many separate cells shall be provided as the extent of the building and the circumstances of the case will allow.
2. In every prison, punishment cells shall be provided or appropriated for the confinement of prisoners for prison offences.
3. In a prison containing female prisoners as well as male, the women shall be imprisoned in separate buildings, or separate parts of the same building, in such manner as to prevent their seeing, conversing, or holding any intercourse with the men.
4. No punishment-cell shall be used unless certified by the Director to be furnished with the means of enabling the prisoner to communicate at any time with an officer of the prison, and unless it can be used as a punishment-cell without detriment to the prisoner's health.*

Hard labour ;
the two classes
thereof,

18—Hard labour, for the purposes of this Law, shall be of two classes ; the first class shall consist of work at the tread wheel, crank, shot-drill, quarrying, stone breaking, brick-making, or such other like description of hard bodily labour as may be appointed by the Governor ; the second class shall consist of such other bodily labour as may be appointed by the Governor ; and, in every prison where prisoners sentenced to hard labour are confined, adequate means shall be provided for enforcing hard labour in accordance with the Provisions of this Law : Provided that employment in the necessary services of the prison may, in the case of a limited number of prisoners , to be selected by the jailer as a reward for industry and good behaviour, be deemed to be hard labour of the second class.†

* Amended by sec. 8 of Law 18 of 1884 by making provisions for the separation of juvenile from adult prisoners.

† Amended by section 10 of Law 18 of 1884, which see.

19—Hard labour, for the purposes of this Law, as applied to female prisoners shall consist of such hard labour as has heretofore been in use, or of such other description of bodily labour as may from time to time be appointed by the Governor. It shall be lawful for the Superintendent, in any case where they may be lands belonging or appurtenant to the prison without the walls thereof, but adjoining thereto, to employ within the limits of such land any female prisoner under sentence of hard labour, under the same Rules and Regulations as other prisoners are employed under like sentences of hard labour: Provided that no female prisoner shall be employed on any road or any public work.

Hard labour for females.

PENAL SERVITUDE.

20—Every person sentenced to penal servitude shall, during the term of his servitude, be employed or otherwise kept to hard labour in the prison, or in the public or parochial roads, or on public or parochial [or other]* works, and in such part of this Island as the Governor shall by general or special order direct, and * * † under such * * ‡ restraint as may be necessary for his safe custody; and for the purpose of being so employed every such person may be removed from one place to another, either by sea or land, or may be confined in any prison or other place of confinement, or may otherwise be dealt with for the safe custody of such person, as the Governor may generally or specially order: Provided that until the Governor shall order as aforesaid every person sentenced to penal servitude shall be imprisoned in the General Penitentiary, and there kept to hard labour: Provided also that every person who shall have been convicted of a capital offence, and whose sentence has been commuted to penal servitude for life, or for any shorter period, shall be confined in the Penitentiary. §

Employment of prisoners sentenced to penal servitude.

* Words in brackets inserted by sec. 5 of Law 29 of 1887.

† Words omitted by sec. 11 of Law 18 of 1884.

‡ Word omitted by sec. 5 of Law 29 of 1887.

§ Amended by sec. 11 of Law 18 of 1884 by providing that persons sentenced to penal servitude shall not be employed on public or parochial roads.

HIRING OF CONVICT LABOUR.

As to employing
prisoners on
Public or Parochial Roads or
Works.

21—Subject to the approval of the Governor, the Director may authorize the employment of any person sentenced to penal servitude or imprisonment with hard labour, not being a person sentenced to such imprisonment subject to the conditional alternative of release on payment of a fine, upon the public or parochial roads, or upon public or parochial [or other]* works, but with such restriction as to the distance from the prison to which such person shall have been committed as the Governor may order.

22—†

Payment shall be made, at such rate as the Governor shall from time to time appoint, for the labour of every person employed as in the last preceding section is mentioned, to the Superintendent in whose charge he is for the time being, by the Board or department having the control of the works or roads upon which he is employed.

Payment over of
moneys received
therefor.

23—All moneys received by the Superintendent of a prison under the last section shall, at the end of each month (or oftener if the Governor shall so order), be paid into the Public or Parochial Treasury; and the Treasurer shall give the Superintendent a receipt for such moneys.

Returns as to
same.

24—Every Superintendent receiving such moneys as aforesaid shall, at the expiration of each month, make a return to the Director of all moneys so received by him, showing for what particular labour the same was paid, the date of the payment, from whom the money was received, and when it was paid into the Treasury.

25—‡

*Words in brackets inserted by section 6 of Law 29 of 1887.

† Repealed by section 26 and section substituted by section 14 of Law 18 of 1884.

‡ Repealed by section 26 of Law 18 of 1884, and section enacted in lieu of it by section 15 of Law 18 of 1884, which see.

TICKETS OF LEAVE.

26—It shall be lawful for the Governor, by an order in writing, to grant to any convict undergoing sentence of imprisonment in the General Penitentiary * * * * a license to be at large in this Island, or in such part thereof as in such license shall be expressed, during such portion of his or her term of imprisonment, and upon such conditions in all respects, as to the Governor shall seem fit; and it shall be lawful for the Governor to revoke or alter such license by a like order at his pleasure.

Power to grant and revoke licenses to certain convicts to be at large.

27—No such license shall be granted to any convict who has not undergone one-third at the least of his or her sentence.

After one-third of sentence has been undergone.

28—So long as such license shall continue in force and unrevoked, such convict shall not be liable to be imprisoned by reason of his or her sentence, but shall be allowed to go and remain at large according to the terms of such license.

Effect of license.

29—Provided always that if it shall please the Governor to revoke such license it shall be lawful for him, by writing under his hand, to signify to any Justice that such license has been revoked, and to require such Justice to issue his warrant for the apprehension of the convict to whom such license was granted; and such Justice shall issue his warrant accordingly; and such warrant may be executed by any Constable in any part of this Island; and such convict, when apprehended, shall be brought as soon as conveniently may be before any Justice; and such last-mentioned Justice shall thereupon make out his warrant for the re-commitment of such convict to the Penitentiary, there to undergo the remainder of his original sentence, and such convict shall be so re-committed accordingly.

Procedure on revocation of license.

* Words omitted by section 16 of Law 18 of 1884.

“ Provided also that if any holder of such License fails to comply
 “ with the conditions imposed under such License, and endorsed
 “ thereon, he shall be liable to be arrested by any Constable,
 “ who shall take him forthwith before a Justice of the Peace,
 “ and such Justice of the Peace shall enquire into the matter,
 “ and shall report upon it for the Governor’s information, and
 “ may direct such License-holder to be detained in a Prison un-
 “ til the signification of the Governor’s pleasure as to whether he
 “ will revoke his License or not ; and if any holder of such Li-
 “ cense shall be convicted of any offence committed during the
 “ period in which he shall have been at large on such License,
 “ and shall be sentenced to any term of imprisonment or penal
 “ servitude he shall, after undergoing such last mentioned term,
 “ further undergo a term of imprisonment or penal servitude
 “ equal to the portion of his term of penal servitude or im-
 “ prisonment that remained unexpired at the time of his License
 “ being granted, and shall, for the purpose of undergoing such
 “ last mentioned punishment, be removed, by warrant under the
 “ hand and seal of any Justice of the Peace for the Parish, from
 “ the Prison in which he shall have undergone his first men-
 “ tioned punishment to the General Penitentiary, and shall be
 “ liable to be there dealt with in all respects as if such term of
 “ penal servitude or imprisonment had formed part of his ori-
 “ ginal sentence.”*

30—†

31—†

32 -†

33—†

INSANE PRISONERS.

Procedure on
 prisoner be-
 coming insane.

34—In every case in which a prisoner undergoing sen-
 tence in any prison shall become insane, and the Surgeon of
 such prison shall be of opinion that such prisoner should be
 removed to the Lunatic Asylum, it shall be the duty of such
 Surgeon forthwith to certify the same to the Governor.

*Proviso added by section 7 of Law 29 of 1887.

†Repealed by section 26 of Law 18 of 1884.

35—The Governor, upon being satisfied that such prisoner as aforesaid is as stated in the certificate, shall sign and transmit to the Superintendent of the prison where he is confined his (the Governor's) warrant in writing authorizing such Superintendent to deliver over such prisoner to the Medical Superintendent of the Lunatic Asylum, who is hereby required to receive and treat him as an inmate.

His removal to the Asylum.

36—As soon as any such transferred prisoner shall recover his sanity, it shall be the duty of the Medical Superintendent of the Asylum to certify the fact to the Governor.

Procedure on his recovery.

37—The Governor, on the receipt of such last-mentioned certificate, shall forthwith sign and transmit to the Medical Superintendent of the Lunatic Asylum his warrant in writing authorizing him,

His remitter to Prison or discharge.

if the sentence of the said prisoner has expired, to discharge such prisoner, or

if such sentence has not expired, to transfer such prisoner back to the prison whence he came, there to remain for the unexpired period of his sentence.

LEPERS.

38—Any person afflicted with leprosy, yaws, or any disease akin thereto, who is convicted of any offence, may be committed for the term of his sentence to the prison or place for the time being used as Lepers' Prison.

Committal of Lepers to the Lepers' Prison.

39—The Governor may from time to time direct that any prisoner in any prison afflicted as above-mentioned shall be removed to such Lepers' Prison.

Removal of Leprous prisoners thereto.

DIETARY.

40—The Governor shall make Rules for the supply to all prisoners confined in prisons of a sufficient quantity of plain and wholesome food, regard being had, so far as relates to

Rules as to dietary.

convicted criminal prisoners, to the nature of the labour required from or performed by such prisoners, so that the allowance of food may be duly apportioned thereto, and shall cause dietary tables to be framed for this purpose, and may from time to time repeal or alter any Rules so made.

ENLARGEMENT AND REBUILDING OF PRISONS.

Power to alter and build Prisons.

41—Subject to the conditions hereinafter mentioned, the Governor may alter, enlarge or rebuild, any of the prisons of this Island, or may, if necessary, build other prisons in lieu of or in addition to any subsisting prisons.

Power to name places as Prisons, and to alter use of Prisons.

42—It shall be lawful for the Governor from time to time, by order to be published in the Government "Gazette," to declare that any building heretofore in use as a prison of one description shall, from the date of such order, be and be used as a prison of a different description, and that any building not heretofore in use as a prison shall be a prison of such description as may be named in the order, and thereupon the same shall be a prison accordingly within the meaning of this Law.

PURCHASE OF LAND.

Power to acquire lands.

Law 26 of 1872 partially incorporated.

43—The Colonial Secretary, with the sanction of the Governor, may purchase and hold such lands, and easements relating to lands, as may be required for the purposes of this Law; and, to facilitate such purposes, The Lands Clauses Law, 1872, shall be incorporated with this Law, with the exceptions and subject to the conditions hereinafter mentioned, that is to say:

- (a) There shall not be incorporated with this Law the sections and provisions of The Lands Clauses Law, 1872, following:

Section 15, whereby it is provided that the capital is to be subscribed before the compulsory powers are to be put in force;

Section 16, whereby it is provided that the certificate of the Justices shall be evidence that the capital has been subscribed ;

The provisions relating to the entry upon lands by the promoters of the undertaking contained in sections 59 to 65, both inclusive ;

Section 84, whereby a limit of time for the compulsory purchase of land is imposed, or

The Provisions relating to access to the Special Law.

(b) In the construction of this Law and the said incorporated Law, this Law shall be deemed to be the Special Law, and the Colonial Secretary shall be deemed to be the promoter of the undertaking, and the word "land" shall include any easement in or out of lands.

(c) The Colonial Secretary shall not, except in respect of lands contiguous to a prison, and required for the purpose of enlarging a prison, or rendering it more commodious or safe, put in force the provisions of the said incorporated Law with respect to the purchase of land otherwise than by agreement.

DISPOSAL OF UNNECESSARY PRISONS.

44—The Colonial Secretary may sell by public auction or private contract any prison, or land appertaining thereto, that appears to be no longer required as a prison, and the money arising from such sale shall be applied in aid of the General Revenue of this Island. Sale of prisons.

PRISON OFFENCES.

45—No punishments or privations of any kind shall be awarded for prison offences except by the Superintendent, or as hereinafter mentioned. Punishment for
Prison offences.

Extent of Superintendent's power to deal with offences.

The Superintendent shall have power to hear complaints respecting any of the offences following, that is to say :

1. Disobedience of the Regulations of the prison by any prisoner ;
2. Common assaults by one prisoner upon another ;
3. Profane cursing and swearing by any prisoner ;
4. Indecent behaviour, not amounting to felony or attempt at felony, by any prisoner ;
5. Irreverent behaviour at chapel by any prisoner ;
6. Insulting or threatening language by any prisoner to any officer or prisoner ;
7. Absence from chapel without leave by any criminal prisoner ;
8. Idleness or negligence at work by any convicted criminal prisoner ;
9. Wilful mismanagement of work by any convicted criminal prisoner ;

Punishment therefor.

All the above acts are declared to be offences against prison discipline ; and it shall be lawful for the Superintendent to examine any person touching such offences, and to determine thereupon, and to punish such offences by ordering any offender, for any time not exceeding three days, to confinement in a punishment cell, to be kept there upon bread and water, [or to confinement in an ordinary cell for any time not exceeding three days, to be kept there upon bread and water.]*

And the Superintendent shall enter, in a separate book to be called the "Punishment Book," a statement of the nature

* Words in brackets added by section 8 of Law 29 of 1887.

of any offence that he has punished in pursuance of this Regulation, with the addition of the name of the offender, the date of the offence, and the amount of punishment inflicted.*

46—If any prisoner is guilty of repeated offences against prison discipline, or is guilty of any offence against prison discipline which the Superintendent is not by this Law empowered to punish * * * * * Repeated offences against prison discipline and more serious offences;—how dealt with and punished.

[or for which the punishment which the Superintendent is authorized to award shall be deemed by him insufficient]† or of an escape or attempt to escape, the Superintendent shall report the same to the Visiting Justices, or one of them; and any two of such Justices shall have power to inquire upon oath and to determine concerning any matter so reported to them, and to order the offender to be punished by confinement in a punishment cell for any term not exceeding thirty days, and by corporal punishment: Provided that such last-mentioned punishment shall not be carried into execution until the evidence taken in the case shall have been certified by the Justices, and shall have been submitted to the Governor, and the sentences shall have been confirmed by him; but that every person so offending and being so sentenced shall be put in close confinement until the pleasure of the Governor shall be known: Provided also that no such last-mentioned punishment shall in any case extend to female prisoners.

47—No person shall be put in irons, or under mechanical restraint, by the Superintendent of any prison, except in case of urgent necessity; and the particulars of every such case shall be forthwith entered in the Superintendent's Journal, and notice forthwith given thereof to the Director; and no prisoner shall be kept in irons or under mechanical

As to mechanical restraint.

* Amended by section 17 of Law 18 of 1884, which see.

† Words struck out by section 18 of Law 18 of 1884, and words in brackets inserted by section 9 of Law 29 of 1887.

restraint for more than twenty-four hours without an order in writing from a Visiting Justice, specifying the cause thereof, and the time during which the prisoner is to be kept in irons or under mechanical restraint, which order shall be [pre-served]* by the Superintendent as his warrant.

As to infliction of corporal punishment.

48—All corporal punishments shall be attended by the Superintendent and the Surgeon.

The Surgeon shall give such orders for preventing injury to health as he may deem necessary, and it shall be the duty of the Superintendent to carry them into effect; and the Superintendent shall enter in the "Punishment Book" the hour at which the punishment is inflicted, the number of lashes, and any order which the Surgeon may have given on the occasion.

Instrument to be used.

49—Corporal punishment for a prison offence in the case of prisoners over eighteen years of age shall be inflicted with a cat or tamarind rod, and in the case of prisoners under that age with a tamarind rod.

The instruments in both cases shall be of a pattern approved by the Governor.

Maximum number of lashes.

50—The number of lashes inflicted on a prisoner over eighteen shall not exceed thirty-six, or on a prisoner under that age, eighteen.

Punishment for escapes, and attempts at escape.

51—If any prisoner shall, at any time during the term for which he shall have been sentenced to be imprisoned, break prison, or escape or attempt to escape, either from the place of his original confinement, or from the prison to which he shall have been ordered to be removed, or in the course of his conveyance, either to the place in which he shall have in the first instance been sentenced to be confined, or to the prison to which he shall have been ordered to be removed, or from

* Word in brackets substituted by sec. 19 of Law 18 of 1884.

the officer or person having the lawful custody of his person, or of the prison from which he shall so break or escape. such prisoner shall, on conviction thereof, be liable, at the discretion of the Court, to be imprisoned with hard labour for any term not exceeding two years.*

52—If any prisoner ordered to be employed on any road or thoroughfare, or upon any undertaking of a public or parochial nature, shall escape or attempt to escape from the custody of any officer or person to whom the custody of such prisoner shall have been committed, such prisoner shall be guilty of a misdemeanor, and shall be liable to and shall suffer the punishment provided by Law in the case of a prisoner escaping from any prison in which he is confined. †

Escape of prisoner employed on public or parochial works or roads.

53—Every person who aids any prisoner in breaking prison, or in escaping or attempting to escape from any prison or custody as aforesaid, or who, with intent to facilitate the escape of any prisoner, conveys or causes to be conveyed into any prison or to any prisoner any mask, dress or other disguise, any tool or weapon, or any letter, or any other article or thing calculated to facilitate such escape, (whether such escape be effected or attempted or not,) shall, on conviction, be sentenced to imprisonment with hard labour for any term not exceeding two years: Provided always that after the commencement of the Criminal Code no person shall be prosecuted or punished under this or either of the two preceding sections if his offence falls within the provisions of the said Code. †

Aiding, &c., prisoner to escape.

54—‡

* Provision of section extended to prisoners whether under sentence or not by section 1 of Law 25 of 1888, and Resident Magistrates empowered to hear and determine offences created by this section as amended by Law 25 of 1888.

† By section 2 of Law 25 of 1888 Resident Magistrates empowered to hear and determine offences created by these sections.

‡ Repealed by section 10 of Law 29 1887.

55—*

Double punishment for escape not allowed.

56—No prisoner who has been * * * † punished for an escape, or attempt to escape, by the prison authorities, shall be liable to be indicted under sections 51 or 52.

DISCHARGE OF PRISONERS.

As to discharge when sentence expires on Sunday.

57—Any prisoner confined in a prison whose term of imprisonment would, according to his sentence, expire on a Sunday, shall be entitled to his discharge on the Saturday next preceding.

Power to convey prisoner to the Parish to which he previously belonged, and there discharge him.

58—Previous to the liberation from any prison of any prisoner who shall have been previously settled in, or shall have been committed from, some Parish other than that in which the prison is situate, any Visiting Justice may, if he sees cause, give an order, in writing, to put such prisoner in charge of the Constabulary, to be conveyed to the Parish to which he shall have belonged, so arranging the time that the liberation of such prisoner, at such last-mentioned Parish, shall be upon the day on which the sentence will determine; and it shall be the duty of the Constable, in every case, to give notice to the Inspector of Constabulary of the Parish, or to one of the Serjeants of Constabulary, that such prisoner has been set at large, with a description of his person, and the Superintendent of the Prison from which such prisoner shall be about to be conveyed as aforesaid shall pay to the Constable in whose custody he is placed, for the maintenance of such prisoner, such sum as he shall consider necessary, not exceeding ninepence for every twenty miles such prisoner may have to be conveyed.

CAPITAL PUNISHMENT.

Where and by whom judgment of death to be executed.

59—Judgment of death to be executed upon any prisoner shall be carried into effect, as heretofore, within the walls of

* Repealed by sec. 10 of Law 29 of 1887.

† Words omitted by sec. 21 of Law 18 of 1884.

the prison in which the offender is confined at the time of execution, by the Superintendent of such prison.

60—The Surgeon of the prison, and such other officers of the prison as the Superintendent requires, shall be present at the execution. What officers to be present.

61—Any Justice of the Peace, and such relatives of the prisoner or other persons as it may seem to the Superintendent or the Visiting Justices of the prison proper to admit within the prison for the purpose, may also be present at the execution. What other persons may be present.

62—As soon as may be after judgment of death has been executed on the prisoner, the Surgeon of the prison shall examine the body, and shall ascertain the fact of death, and shall sign a certificate thereof according to the Form in Schedule A to this Law annexed, and deliver the same to the Superintendent. Certificate of death.

63—The Superintendent of the prison, and such Justices and other persons present as the Superintendent may require or allow, shall also sign a declaration to the effect that judgment of death has been executed on the prisoner, according to the Form in Schedule A to this Law annexed. Declaration that judgment of death has been executed.

64—It shall be the duty of the Superintendent to give notice to the Coroner of the jurisdiction to which the prison belongs wherein judgment of death is to be executed on any prisoner, and such Coroner shall within twelve hours after the execution hold an inquest on the body of the prisoner, and the Jury at the inquest shall inquire into and ascertain the identity of the body, and whether judgment of death was duly executed on the prisoner, and the inquisition shall be in duplicate, and one of the originals shall be delivered to the Superintendent. Inquest on body.

No officer of the prison or prisoner confined therein shall in any case be a juror on the inquest.

Regulations as to executions.

65—The Governor shall from time to time make such Regulations, to be observed on the execution of judgment of death in prisons, as he may from time to time deem expedient for the purpose of guarding against any abuse in such execution, and of giving greater solemnity to the same, and of making known without the prison walls the fact that such execution is taking place.

Punishment for false certificate or declaration.

66—If any person shall knowingly and wilfully sign any false certificate or declaration required by this Law he shall be guilty of a misdemeanor, and on conviction thereof shall be liable, at the discretion of the Court, to imprisonment for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

Publication of certificate and declaration.

67—Every certificate and declaration, and the duplicate of the inquisition required by this Law, shall in each case be sent by the Superintendent to the Governor; and printed copies of the certificate and declaration shall as soon as possible be exhibited, and shall for twenty-four hours at least be kept exhibited, on or near the principal entrance of the prison within which judgment of death has been executed.

Exercise by acting officers of powers vested in certain officers.

68—The duties and powers in respect of the infliction of capital punishment by this Law imposed on or vested in the Superintendent may be performed by and shall be vested in his lawful deputy acting in his absence and with his authority,
* * * * * and the duties and powers by this Law imposed on or vested in the Surgeon may be performed by and shall be vested in the Chief Medical Officer of the prison, or the person for the time being acting as the Medical Officer of the prison.

Effect of omissions.

69—The omission to comply with any Provision of this Law shall not make the execution of judgment of death illegal in any case where such execution would otherwise have been legal.

* Words omitted by sec. 22 of Law 18 of 1884.

70—Except in so far as is hereby otherwise provided, judgment of death shall be carried into effect in the same manner as if this Law had not passed.

Judgment of death, how to be carried into effect.

MISCELLANEOUS.

71—It shall be the duty of the Coroner having jurisdiction in the place where any prison is situate to hold an inquest in the case of every prisoner who may die within such prison. In no case shall any officer of the prison, or any person confined in the prison, or any person dealing with the prison as tradesman or contractor, be a juror on such inquest.

Inquests on prisoners dying in Prison.

72—No Superintendent, officer or servant, or Visiting Justice, of any prison shall, nor shall any person in trust for or employed by him, have any interest in or derive any benefit or advantage, direct or indirect, from any contract or agreement made in respect of the prison of which he is such officer, servant or Visiting Justice.

Prohibition against officers, servants or Visiting Justices, deriving benefit from contracts or receiving gratuities.

And this prohibition shall extend to the Director in respect of all prison contracts and agreements whatsoever.

No officer or servant of a prison shall receive, directly or indirectly, any fee or gratuity or present from or on behalf of any contractor or person tendering any contract with the prison, nor from or on behalf of any prisoner or prisoner's friend, on any pretext whatsoever.

73—No prisoner shall be employed at hard labour on Sundays, Christmas Day or Good Friday.

Prohibition of hard labor, &c., on Sundays, Christmas Day and Good Friday.

* * * * *

74—The Governor may from time to time make, repeal, alter or add to, Rules with respect to the classification and treatment of prisoners.

Classification and treatment of certain prisoners.

* Paragraph repealed by section 12 of Law 29 of 1887.

imprisoned for non-compliance with the order of a Justice or Justices to pay a sum of money.

or imprisoned in respect of the default of a distress to satisfy a sum of money adjudged to be paid by order of a Justice or Justices,

so that such Rules are in mitigation and not in increase of the severity of their treatment as regulated by this Law.

power as to removal of stone, gravel, &c., from Rock Fort or any Prison.

75—It shall be lawful for the Governor from time to time, subject to Regulations to be by him established, to authorize any person or public department to take and carry away, from Rock Fort or from any prison, stone, marl or gravel, for the repair of the public or parochial roads, or for any other purpose.

Salesman, his appointment and duties.

76—It shall be lawful for the Governor, from time to time as it may appear necessary, to appoint a person to be the Salesman for any prison.

The duties of such Salesman shall be to sell and dispose of articles made and manufactured in the prison, and to keep regular and correct accounts of the articles sold, the parties to whom sold, and of all sums of money received by him in payment of the same, or in payment of any demands now due and owing to the public by any person or persons for bricks, lime or other articles, had or obtained at any time previous to the passing of this Law from the prison, which he may collect or gather in or sue for and recover from the parties owing the same.

Salesman to pay receipts to Treasurer.

77—The Salesman shall pay into the hands of the Treasurer every sum of money which he may receive from time to time for bricks, lime and other articles sold from the prison, or for work done by the prisoners in the prison, as often as and whenever the same shall amount to the sum of Thirty Pounds or upwards.

78—The Treasurer shall carry to the credit of the prison expenditure account, in the books of the public, all such sums of money as shall be paid to him by such Salesman under the authority of this Law; and all moneys so paid to such Treasurer shall be deemed and taken to be moneys belonging to the public of this Island.

How such payments to be credited and dealt with.

79—It shall be lawful for the Salesman aforesaid to sue for and recover, in his own name, in any Court of Record in this Island, any sum of money which may at any time hereafter be due and owing, by any person whomsoever, for any article made and manufactured or work done in the prison; and the moneys which shall at any time be recovered, collected and received, for or in satisfaction of such judgments, or any of them, shall be paid to the Treasurer as aforesaid, and by him carried to the credit of the prison expenditure account as aforesaid: Provided that the Salesman aforesaid shall not institute legal proceedings against any person without having first obtained the consent or direction of the Superintendent: Provided also that it shall be lawful for the said Salesman to take credit in his accounts for all such expenses as may be incurred in suing for and recovering any of the aforesaid demands.

Power to Salesman to sue for moneys due for work done in prison.

80—Every Surgeon of a prison now in office, or hereafter to be appointed, shall attend at the prison to which he is or shall be appointed, at such time or times as may be fixed by the Rules and Regulations applicable to such prison, and he shall report every three months to the Director the condition of the prison, and the state of the health of the prisoners and inmates under his care; he shall keep a Journal, in which he shall enter the date of every attendance in the performance of his duty, with any observations which may occur to him in the execution thereof, which Journal shall be kept in the prison, and be at all times open to the inspection of the Visiting Justices, who shall, every three months, sign the same in proof of its having been produced to them.

Duties of Surgeons as to attendance, reports and Journals.

Hospitals and nurses to Prisons.

81—One or more apartments, properly ventilated, shall be set apart in each prison as a hospital or sick ward for diseased or sick prisoners, and shall be so arranged as to keep the sexes separate, and necessary nurses shall be provided to attend such prisoners in such hospital.

Power to call in consulting medical man in certain cases.

82—Upon the appearance of any severe sickness among the inmates of the Penitentiary, it shall be lawful for the Director, from time to time as occasion may require, to call in the assistance of a second medical practitioner for the purpose of consultation only, and the Governor shall direct such medical practitioner to be paid such remuneration as, according to the number of his visits, shall be considered adequate.

Medical examination of prisoner before removal to another prison.

83—No order shall be made for the removal of any prisoner from any prison to another until he shall have been examined by the Surgeon of the prison in which he shall be confined, who shall report the state of his health; and no prisoner shall be so removed unless he shall be so reported to be free from acute dangerous or infectious diseases, and fit to be removed to another prison.

Unfit prisons not to be used to imprison persons.

84—It shall not be lawful to imprison any person in any prison which the Governor shall certify by any writing, under his hand, directed to the Director, and published in the "Gazette," to be unfit to be used as a prison.

Actions for anything done in pursuance of this Law; pleading and costs.

85—If any suit or action is prosecuted against any person for anything done in pursuance of this Law, such person may plead generally that he denies the averments in the statement of claim, and give this Law and the special matter in evidence at any trial to be had thereupon, and that the same was done by the authority of this Law; and if a verdict passes for the defendant, or the plaintiff becomes non-suit, or discontinues his action, or if, upon demurrer or otherwise, judgment be given against the plaintiff, the defendant shall recover double costs, and have a like remedy for the same as defendants have by Law in other cases; And though a verdict

be given for the plaintiff in any such action such plaintiff shall not have costs against the defendant unless the Judge before whom the trial takes place certifies his approbation of the action, and of the verdict obtained thereon.

86—All actions, suits and prosecutions, commenced against any person for anything done in pursuance of this Law shall be commenced within one calendar month after the cause of action arose and not otherwise.

Time limit of such actions.

87—*

88—It shall be lawful for the Governor, with regard to any prisoner apparently under the age of sixteen years, who is detained in any prison under any sentence on conviction of any offence punishable with penal servitude [or imprisonment with hard labour without the option of a fine]† and who might lawfully, instead of receiving such sentence, have been ordered to be detained in a Reformatory, to order such prisoner to be transferred to and detained in a Reformatory until he shall arrive at the age of sixteen years.

Power to re-
remove juvenile
prisoners to Re-
formatory.

Any such order under the hand of the Governor shall be sufficient warrant to the Superintendent of the Reformatory named therein for the reception and detention of such prisoner, and on any such order being made the sentence of such prisoner shall be deemed to be commuted to detention in a Reformatory to all intents and purposes.

VISITING JUSTICES.

89—It shall be lawful for the Governor from time to time to appoint, in respect of each of the said prisons, two or more persons, being Justices of the Peace, who shall be Visiting Justices of such prison, and possess the powers and perform

Appointment of
Visiting Jus-
tices.

* Repealed by sec. 26 of Law 18 of 1884.

† Words in brackets inserted by section 13 of Law 29 of 1887.

the duties in this Law specified, and from time to time to fill up vacancies in the appointment.

Ex-officio Visiting Justices.

90—The Judges of the Supreme Court, the Judges of the District Courts, and the Stipendiary Magistrates, shall in virtue of their office be Visiting Justices of all the said prisons, and shall severally have and exercise the powers of two Visiting Justices.

Duties and powers of Visiting Justices.

91—One or more of the Visiting Justices shall from time to time, and at frequent intervals, visit and inspect the prison for which they are appointed, and shall examine into the state of the buildings so as to form a judgment as to the repairs, additions or alterations, which may appear necessary, strict regard being had to the requisition of this Law with respect to the separation of prisoners and enforcement of hard labour in prisons, and shall further examine into the conduct of the respective officers, and the treatment and conduct of the prisoners, the means of setting them to work, the amount of their earnings, and the expenses attending the prison, and shall inquire into all abuses and irregularities within the prison, and shall hear any complaints which may be made to them by the prisoners, and shall take cognisance of any matters of pressing necessity, and regulate the same, and shall, whenever required, make a report upon any matter that may be referred to them to the Governor.

Power of Justices to visit and examine prisons.

92—Any [Visiting Justice]* may, when he thinks fit, enter into and examine the condition of any prison, and of the prisoners therein, and he may enter any observations he may think fit to make in reference to the condition of the prison, or abuses therein, in the "Visitors Book," and it shall be the duty of the Superintendent to draw the attention of the [Board of]† Visiting Justices at their next meeting to any entries made in the said book.

* Words in brackets substituted by sec. 14 of Law 29 of 1887.

† Words in brackets inserted by sec. 14 of Law 29 of 1887.

PART II.

LAW OF PRISONS.

93—The Superintendent of every prison shall deliver or cause to be delivered to the Judge on circuit a calendar of all prisoners in custody for trial at the Circuit Court.

Calendar of prisoners for trial.

94—A prisoner may be brought up for trial, and may be removed by or under the direction of the Superintendent from one prison to another, or from one place of confinement to another, for the purpose of being tried or undergoing his sentence.

Removal of prisoners for trial.

95—Prisoners may from time to time be removed from one prison to another prison or place of confinement by order of the Governor.

Removal of prisoners to other prisons.

96—All prisoners, whether under sentence or not, shall, while being taken to or from any prison, walk to or from such prison, upon being required to do so by the officer in charge, unless they are physically incapable of the exertion; and any prisoner who, without lawful excuse, refuses to comply with this Regulation shall be deemed to have offended against the prison discipline of the prison to which he has been or shall be committed, and punishable accordingly.

Duty of prisoners to walk to and from prison.

PART III.

REPEAL OF ACTS AND LAWS, AND SAVING CLAUSES.

97—After the commencement of this Law, there shall be repealed the several Acts and Laws specified in the Schedule B hereto, to the extent in the said Schedule mentioned.

Repealing clause.

No repeal hereby enacted shall affect—

Saving clauses.

1. Any order made, sentence passed, or act or thing duly done, under any of the Acts or Laws hereby repealed;

2. Any right or privilege acquired, any security given, or other liability incurred, under any Act or Law hereby repealed ;
3. Any penalty, forfeiture or other punishment, incurred in respect of any offence against any Act or Law hereby repealed ;
4. Any appointment to an office made under any Act or Law hereby repealed, or any power of removing the holder of such office, or otherwise dealing with such office as respects the existing holder thereof in manner provided by any Act or Law hereby repealed ;
5. The power of committing prisoners to any prison, except in so far as the same may be altered in pursuance of powers given by this Law.

Construction of
Laws referring
to Laws hereby
repealed.

98—Any unrepealed Act or Law in which reference is made to any Act or Law hereby repealed shall be construed as if in such first-mentioned Act or Law reference had been made to the corresponding Provisions of this Law.

SCHEDULE A.

CERTIFICATE OF SURGEON.

I, A. B., the Surgeon (*as the case may be*) of the (*describe prison*) hereby certify that I this day examined the body of C. D., on whom judgment of death was this day executed in the (*describe same prison*) and that on that examination I found that the said C. D. was dead.

Dated this day of 18

(Signed)

A. B.

JAMAICA—LAW 19 OF 1882.

The Railway Extension Loan Laws, 1880, Amendment
Law, 1882.*

[23rd *May*, 1882.]

JAMAICA—LAW 20 OF 1882.

A Law to provide for the Substitution of Debentures,
issued under Law 19 of 1880, for Funds created for the
purpose of redeeming certain Loans.

[18th *November*, 1882.]

Preamble.

WHEREAS a portion of the Debentures issued under the
Act 26 Victoria, Session 2, Chapter 20, and under
Law 1 of 1878 respectively, have been redeemed by means of
moneys raised under the Provisions of Law 19 of 1880:

And Whereas the residue of the said Debentures are not
redeemable until the 30th June and 1st July, 1888, respec-
tively:

And Whereas it is proposed to reserve a certain quantity
of Debentures under the Provisions of Law 19 of 1880, to be
held by the Government of this Island for the purpose of
being issued, when necessary, to meet these outstanding De-
bentures when presented for payment:

And Whereas by the said Act 26 Victoria, Session 2, Chap-
ter 20, as amended by Law 5 of 1872, it is provided that the
Governor shall, in each year, set aside a certain sum to be
invested, in such Securities (Securities of this Island being

* Repealed by sec. 168 of Law 12 of 1889.

amongst those named) as the Governor may direct for the purpose of eventually redeeming the Debentures issued under the said Act :

And Whereas a like provision is made in the said Law 1 of 1878 for the redemption of Debentures issued thereunder :

And Whereas accordingly certain moneys have been so contributed, and now stand accumulated to the credit of the Loans contracted under the Provisions of the said Act and the said Law respectively :

And Whereas, since the passing of Law 19 of 1880, the said Funds will, on the reservation as aforesaid of an adequate quantity of Debentures issued thereunder, be no longer needed for the original purpose :

And Whereas it is expedient to accord the sanction of the Legislative Council to the substitution of Debentures issued under Law 19 of 1880, and reserved as aforesaid as provision for the liquidation of the Debentures issued under 26 Victoria, Session 2, Chapter 20, and Law 1 of 1878 respectively, for the said Sinking Funds, and to treat the present accumulations of such Sinking Funds as money available for the current expenditure of the Island :

Be it enacted by the Governor and Legislative Council of the Island of Jamaica, as follows :

1.—The Governor shall set apart such amount of Debentures issued under Law 19 of 1880, and still held by the Government of the Island, as shall be equivalent in nominal value to the Debentures issued under the Act 26 Victoria, Session 2, Chapter 20, and still remaining unredeemed, and another portion equivalent as aforesaid to the Debentures issued under Law 1 of 1878 and still remaining unredeemed ; and each such lot of Debentures so set apart shall be deemed pledged to the redemption of the Debentures in respect of which it shall have been set apart as aforesaid.

Debentures under Law 19 of 1880, to be set apart to meet outstanding Debentures under 26 Vic. Sess. 2, c. 20 and Law 1 of 1878.

Thereupon certain obligations under those Laws to cease.

2—On such Debentures being set apart as aforesaid, the obligations created by Section 9 of 26 Victoria, Session 2, Chapter 20, as amended by Section 2 of Law 5 of 1872, and by Section 4 of Law 1 of 1878 respectively, to set aside and invest moneys as aforesaid for the purpose aforesaid, shall cease; and the moneys already accumulated by means of contributions made under the said Sections, and of the interest thereon, shall be appropriated as money available for the current expenditure of the Island.

JAMAICA—LAW 21 OF 1882.

A Law to Amend the Bankruptcy Law, 1879.

[18th November, 1882.]

Preamble.

WHEREAS the Provisions of Section 7 of the Bankruptcy Law, 1879, under which Trustees in Bankruptcy are entitled to a commission on all dividends paid by them, has been held not to entitle them to any commission upon amounts paid in liquidation of preferential debts payable in full, and it is expedient to amend the Provisions of the said Section so as to entitle such Trustees to commission on all sums of money paid by them in whole or part satisfaction of debts:

And Whereas it is expedient to provide that Trustees in Bankruptcy shall have the same commission on dividends paid in the administration of a Debtor's Estate under a deed of arrangement as in the case of a Bankruptcy, and also to relieve them of the payment of auctioneer's fees and charges, and other similar expenses, incurred in the realization of an Estate under the said Law:

Be it enacted by the Governor and Legislative Council of the Island of Jamaica, as follows:

1—The word “dividends,” as used in that part of Section 7 of the Bankruptcy Law, 1879, which provides that Trustees in Bankruptcy shall be entitled to a commission on all dividends of any Estate or Trust paid by them, shall be deemed to include and to have included all sums of money paid by any such Trustee out of the net amount realised of any such Estate or Trust in satisfaction in whole or in part of any debt or liability of the Bankrupt or Debtor: Provided always that nothing herein contained shall entitle any such Trustee to recover back, from any Creditor of any such Bankrupt or Debtor, any sum of money which he has paid to him and which, under the Provisions of this Law, he would have been entitled to retain.

“Dividends” in sec. 7 of Law 33 of 1879, explained.

2—From and after the passing of this Law, the Trustee in Bankruptcy shall be entitled to a commission of five per cent., instead of one per cent. as by the said Law provided, on all dividends of any Estate or Trust paid by him (or sanctioned by the Court) in the administration of a Debtor's Estate under a deed of arrangement under the said Law.

Commissions in administrations under Deeds of Arrangement, increased.

3—The said Trustee shall be entitled to recover, as a first charge on every Estate or Trust or the proceeds thereof, all auctioneer's fees and charges and other similar expenses (the same having been duly taxed by the Registrar of the Court) paid by him in and about the realisation of any Estate under the said Law.

Auctioneer's and other expenses a first charge on Estate or Trust.

4—This Law and Law 33 of 1879 shall be read and taken together as one Law.

Law 33 of 1879; incorporated.

JAMAICA—LAW 22 OF 1882.

The Boards of Health Law Amendment Law, 1882.

[18th November, 1882.]

Preamble.

WHEREAS it is expedient further to amend Law 6 of 1867 :

Be it enacted by the Governor and Legislative Council of the Island of Jamaica, as follows :

Procedure if
house or rooms
found over-
crowded.

1—If upon view of any Commissioner of Health, Health Officer or Inspector of Nuisances, inspecting any dwelling-house or rooms in a yard under the powers contained in section 19 of Law 6 of 1867, it shall appear that any such dwelling-house or rooms is or are so overcrowded as to be dangerous or injurious to the health of the inmates, whether or not members of the same family, such Commissioner, Health Officer or Inspector, shall forthwith make an order in writing, under his or their hand or hands, addressed to the occupier or other person in charge of the premises, directing him forthwith to abate such nuisance; and in such order such Commissioner, Officer or Inspector, shall state the maximum number of persons who shall be allowed to sleep in or otherwise occupy the said premises; and the said order shall be served in manner directed by the said section, and the occupier or other person in charge of the said premises shall, in case of disobedience of the said order, be liable to a penalty not exceeding Forty shillings, and, in case of a second offence, to a penalty not exceeding Five Pounds.

Regulations as
to buildings
provided for
employees at
works, &c.

2—The following Regulations shall apply to all sheds, barns, barracks or other buildings, provided at any estate, plantation, pen, factory, works or other place, for the lodging of persons employed thereat, and not being dwelling-houses occupied continuously by one family :

(1). Every such shed, barn, barracks or other building, (hereinafter spoken of as a "habitation") shall be constructed and maintained so that it may be thoroughly clean, dry and weatherproof, at all times when used for the lodging of the persons aforesaid.

As to construction and maintenance.

(2). Every such habitation shall be provided with proper means of ventilation.

Ventilation.

(3). No greater number of persons shall be received into any such habitation, or any room therein, at any one time, for the purpose of sleeping therein, than may be compatible with the allowance of sixteen square feet at the least of available floor space in respect of each person.

Limitation of persons lodged therein.

For the purpose of the foregoing Provision two children under ten years of age may be counted as one person.

(4). Every room, or part of such habitation, which may be appropriated to the reception of adult persons of different sexes, shall be so furnished or provided that every bed shall be properly separated from any adjoining bed by a suitable screen or partition, of such material, construction and size, as to secure adequate privacy to the occupant or occupants of such bed.

Privacy of beds.

(5). There shall be provided, in a suitable position in connexion with every such habitation, a sufficient number of privies, properly constructed, for the separate use of each sex.

Privies.

(6). In connection with or adjacent to any such habitation, there shall be provided a suitable cooking-house or other place, properly covered or sheltered, in which fires may be safely and readily lighted, and food may be properly cooked, and clothes and other articles may be properly dried.

Cooking places.

Bedding.

(7). Every such habitation shall be provided from time to time with a sufficient supply of clean dry straw or hay, or other suitable bedding. Such straw, hay or bedding, shall be changed or properly cleansed from time to time, as often as occasion may require.

Cleansing and limewashing.

(8). The interior of every such habitation, and of any cooking-house, privy or other premises, used in connexion therewith, shall at all times, while used for the accommodation of lodgers, be kept properly cleansed. The walls and ceilings of every room constructed of brick, stone, iron, wood, concrete, earth or plaster, shall be well and sufficiently lime-washed at least once in every year. No filth or offensive or noxious matter shall be deposited, or allowed to accumulate, on any such habitation or premises, or on the land immediately surrounding or adjoining the same.

Responsibility for observance of Regulations.

3—The owner, manager, overseer or other person, in charge of the estate, plantation, pen, factory, works or other place, on which any such habitation is provided, shall be held responsible under this Law for the due observance of the foregoing Regulations; and any breach or neglect of the same shall subject the person guilty of the same to a penalty not exceeding Five Pounds, and in the case of continuing offence, to a further penalty not exceeding Ten Shillings for every day during which the offence shall continue after notice in writing from the Commissioner of Health of the District. Every such penalty may be recovered in a summary manner before any two Justices of the Peace.

Penalties on breach thereof.

4—The several Commissioners of Health shall, within their respective Districts, see that the foregoing Regulations are duly observed.

Duty of Commissioners of Health as to Regulations.

5—Law 6 of 1867 and this Law shall be taken and read together as one Law.

END OF THE NINTH VOLUME,

Bedding.

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