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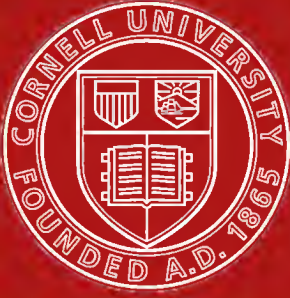
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The statutes and laws of the island of J



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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. V.

FROM LAW 1 OF 1866 TO LAW 37 OF 1869.

Published by Authority.



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THE STATUTES—REVISED EDITION.

JAMAICA—LAW 1 OF 1866.

A Law to Increase and Secure the Revenue from Rum.*
[25th October, 1886.]

JAMAICA—LAW 2 OF 1866.

A Law to enable the Governor to appoint any Justice of the Peace a Stipendiary Justice, and to give to such Justice all the Powers belonging to two Justices of the Peace sitting together. [31st October, 1866.]

WHEREAS it is expedient that the Governor should be enabled to give to Stipendiary Justices the powers of two Justices of the Peace sitting together: It is enacted by the Governor of Jamaica, with the advice and consent of the Legislative Council thereof, as follows:—

Preamble

1—It shall be lawful for the Governor from time to time, and at any time to appoint, by commission, any Justice of the Peace of any parish or precinct of this Island, to be a Stipendiary Justice within the parish or precinct for which he shall be appointed, and to give to every such Justice of the Peace, within his jurisdiction, the powers and authority which are now, or which may hereafter be by Law committed to, and exercisable by any two Justices of the Peace associated and acting together, and every such appointment, so made, shall be during pleasure.

Governor may appoint Stipendiary Justices, each with power of two Justices.

* Repealed by the combined operation of sec. 82 of Law 31 of 1867, and sec. 1 of Law 10 of 1878.

JAMAICA—LAW 3 OF 1866.

A Law to declare the Amount of the Salaries of the Governor, and of the Colonial and Financial Secretaries of Jamaica.* [31st October, 1866.]

Preamble.

WHEREAS the Queen has been pleased to direct that the salary of the Governor of Jamaica, appointed to administer the Government of the Island, under the constitution established by her Majesty's order in council of the eleventh day of June, in the year one thousand eight hundred and sixty-six, shall be at the rate of seven thousand pounds per annum: And whereas her Majesty has also been pleased to direct that the salaries of the Colonial Secretary and of the Financial Secretary of Jamaica, shall each be at the rate of fifteen hundred pounds per annum.

Salaries of Governor, Colonial Secretary, and Financial Secretary.

It is hereby enacted by the Governor of Jamaica, by and with the advice and consent of the Legislative Council thereof, that the salary of the present Governor shall be, and shall be deemed to have been, from the date of his appointment, at the rate of seven thousand pounds per annum; and that the salaries of the Colonial Secretary, and of the Financial Secretary, shall each be, and shall be deemed to have been, from the creation of those appointments, at the rate of fifteen hundred pounds per annum: Provided always, that nothing in this Law contained shall be held to authorize these salaries, or any parts thereof, being drawn before or otherwise than as they, or parts thereof, are authorized by her Majesty's regulations to be drawn.

* Repealed so far as it settles the salary of the Colonial and Financial Secretaries by sec. 5 of Law 7 of 1870.

JAMAICA—LAW 4 OF 1866.

A Law to Vest in the Colonial Secretary of Jamaica the Lands, Tenements, and Hereditaments heretofore held by the Executive Committee of Jamaica, and for other purposes. [2nd November, 1866.]

WHEREAS the Executive Committee of Jamaica, as a Corporation, established by the Act twenty-second Victoria, chapter thirty-three, entitled *An Act to incorporate the Executive Committee of Jamaica for certain purposes*, has ceased to exist, and it is expedient to make provision for vesting the lands, tenements, and hereditaments heretofore held by the said Executive Committee in the Colonial Secretary of Jamaica, and that such Colonial Secretary should in relation thereto, have and be invested with the powers hereafter contained: It is therefore enacted by the Governor of Jamaica, with the advice and consent of the Legislative Council thereof, as follows:—

1—All lands, tenements, and hereditaments which by virtue of the Act of the twenty-second Victoria, chapter thirty-three, entitled *An Act to incorporate the Executive Committee of Jamaica for certain purposes*, or of any conveyance, lease, will, or other assurance, made after the passing of the said Act, were vested in the said Executive Committee of Jamaica, and which have not been sold, aliened, or parted with, are hereby transferred to the Colonial Secretary of Jamaica, and shall be held by him and his successors in the said office in trust for her Majesty, her heirs, and successors for the purposes for which the same were authorized or directed by any Act of the late Legislature, or in accordance with the terms of the conveyance, lease, will, or other assurance executed in relation thereto, and charging the Executive Committee of Jamaica with the public trust in such conveyance, lease, will, or other assurance mentioned.

Lands, &c., heretofore held by Executive Committee to be vested in Colonial Secretary.

LAW 4, 1866.

Lands, &c.
hereafter ac-
quired to be
vested in Colo-
nial Secretary,

2—From and after the purchase, conveyance, grant, devise, or demise thereof, all lands, tenements, and hereditaments which shall at any time or times hereafter be purchased, taken, held, or occupied for the use of the Government of this Island, or of any of the departments of, or belonging to the public service of the said Government, shall, in like manner, be vested in and held by the Colonial Secretary of Jamaica for the time being, and his successors in the said office, in trust for her Majesty, her heirs, and successors for the purposes for which the same shall have been or shall be purchased, taken, held, or occupied under any Law of the Governor of this Island, with the advice and consent of the Legislative Council thereof, or in accordance with the terms of the conveyance, lease, will, or other assurance executed in relation thereto.

and his suc-
cessors.

3—On the death, resignation, or removal of the present Colonial Secretary, or of any future Colonial Secretary, all such lands, tenements, and hereditaments respectively shall become vested in, and be held by the succeeding Colonial Secretary, and in perpetual succession in trust as aforesaid.

by style of
Colonial Secre-
tary.

4—In all deeds, conveyances, leases, wills, contracts, and other instruments touching any estate or interest of, or in any lands, tenements, or hereditaments vested, or intended to be vested in the Colonial Secretary as aforesaid, or whereto he shall be a party, it shall be sufficient to describe him generally by the style and title of the Colonial Secretary of Jamaica, without naming him.

Power to sell.

5—It shall be lawful for the Colonial Secretary to sell, exchange, grant, or demise any of the lands, tenements, or hereditaments respectively, which shall be so vested in him in trust as aforesaid, and to do any other act, matter, or thing in relation to any such lands, tenements, and hereditaments which he shall deem beneficial for the public service in relation thereto, or for the better management thereof.

6—Provided, that except under the authority of some Proviso. Act of the late Legislature of this Island, or of some Law of the Governor of this Island, with the advice and consent of the Legislative Council thereof, or under the terms of the trust affecting the same under any such conveyance, lease, will, or other assurance as aforesaid, the Colonial Secretary shall not sell, exchange, or grant any of the said lands, tenements, or hereditaments so vested, or to be vested in and held by him in trust as aforesaid.*

7—It shall be lawful for the Colonial Secretary of Jamaica for the time being to bring, prosecute, and maintain any action, suit, or proceeding at law or in equity for recovering possession of any of the said lands, tenements, or hereditaments, and to distrain or sue for any arrears of rent in respect thereof, and also to bring, prosecute, or maintain, or to defend any other action, suit, or proceeding in respect thereof, or in relation to the said lands, tenements, or hereditaments, or any trespass or encroachment committed thereon, or damage or injury done thereto; and in every such action, suit, or proceeding, it shall be sufficient to describe the Colonial Secretary by the style or title of the Colonial Secretary of Jamaica, without naming him; and no such action or suit shall abate by the death, resignation, or removal of such Colonial Secretary; and the said Colonial Secretary shall be entitled to recover costs for and on behalf of her Majesty, where judgment shall be given for the Crown, and such Colonial Secretary shall not be personally responsible where judgment shall be given against the Crown, but the damages and costs in that case shall be paid by the Government of this Island. Power to Colonial Secretary to sue, &c. Not to be personally responsible.

8—The possession, and right of possession of, and in all lands, tenements, or hereditaments now held in trust for, or to the use of her Majesty the Queen, and her successors, for the benefit of the people of this Island, or charged to such absolute use or benefit, may be recovered, maintained, asserted, Possession of crown lands in Colonial Secretary.

* Amended by Law 25 of 1870 by extending the powers of the Colonial Secretary.

and defended with the sanction and in the name of the Colonial Secretary of Jamaica, in like manner, and for all intents and purposes at law or in equity, as he is hereby authorized and empowered in respect to all lands, tenements and hereditaments vested, or to become vested in him in trust as aforesaid.

JAMAICA—LAW 5 OF 1866.

A Law in aid of, and to amend the Act Twenty-Eighth Victoria, Chapter Twenty-Four, entitled "An Act to Provide for the Reconstruction of the most Public Thoroughfares of the City of Kingston." [16th November, 1866.]

Preamble.

WHEREAS by the fourth section of the Act of the twenty-eighth Victoria, chapter twenty-four, entitled *An Act to provide for the reconstruction of the most public thoroughfares of the city of Kingston*, a tax and duty of seven pence in the pound is imposed upon each house of the annual value of twelve pounds, within limits defined by the said Act: And whereas the said tax and duty ought also to be imposed on houses of greater annual value than twelve pounds: It is hereby enacted by the Governor of Jamaica, with the advice and consent of the Legislative Council thereof.

Tax extended to houses of £12 and upwards.

That after the passing of this Law the said tax and duty of seven pence in the pound shall be paid annually for each house of the annual value of twelve pounds and upwards, within the limits defined in the said recited Act, and shall be given in for, and be payable and paid at the same periods, and be received and collected in like manner, and under and subject to the like provisions, as apply to the other taxes and duties imposed by the said recited act.

JAMAICA—LAW 6 OF 1866.

A Law to Continue for a limited Period, the several Expiring Acts therein mentioned. [16th November, 1866.]*

JAMAICA—LAW 7 OF 1866.

A Law to Continue the Duties under the Act of the Twenty-Second Victoria Chapter Forty-Eight, and the other Acts to promote Steam Communication between this Island and the United States of America. [16th November, 1866.]†

JAMAICA—LAW 8 OF 1866.

A Law for making Alterations in the Law consequent on the Constitution of the Legislative Council, Created by Order of the Queen in Council, dated the Eleventh day of June, One Thousand Eight Hundred and Sixty-Six. [16th November, 1866.]

WHEREAS two Acts were passed by the late Legislature **Assemble** of this Island, during a session held in the twenty-ninth year of the reign of her present Majesty Queen Victoria entitled respectively *An Act to alter and amend the political constitution of this Island*, and *An Act to amend an Act, passed in the present session, entitled An Act to alter amend the political constitution of this Island*, which Acts have been brought into operation under the authority of the Act of the Imperial Parliament, passed in the twenty-ninth year of the reign of her said Majesty, entitled *An Act to make provision for the Government of Jamaica*, and have become Law in this island: And whereas by an order of her Majesty, in her Privy Council, bearing date the eleventh day of June, One thousand eight

* Omitted as spent.

† Repealed by Sect. 27 of law 11 of 1867.

hundred and sixty-six, her Majesty did declare that there should be, within the said Island of Jamaica, a Legislative Council, to be constituted as therein mentioned, and that it should be lawful for the Governor, with the advice and consent of the said Legislative Council, to make Laws for the peace, order, and good government of the said Island: And whereas, on the said recited Acts becoming Law in this Island as aforesaid, divers Acts, and parts of Acts, of the previous Legislature of this Island became no longer of force, and cease to have effect and operation, and the powers, authorities, functions, and duties of the Executive Committee of Jamaica, and of other bodies composed (either partially or wholly) of persons who were members of the late Legislative Council and Assembly of this Island, under the several Laws of this Island also determined: And whereas it is expedient formally to repeal all such Acts, and parts of Acts as are no longer in force, and it is also expedient to repeal other Acts, and parts of Acts, and to transfer to, and vest in the Governor of this Island, and his appointees, and the other officers and persons hereinafter mentioned, the powers, authorities, functions, and duties of the persons, bodies politic, boards, and officers, which have determined, or under this Law shall be determined, and otherwise to legislate in relation thereto, as hereinafter mentioned: It is therefore enacted by the Governor of Jamaica, with the advice and consent of the Legislative Council thereof, as follows:

ACTS REPEALED.

Acts in schedule
repealed.

1—The Acts, and parts of Acts, specified in the first Schedule hereto annexed, are hereby repealed to the extent in the said Schedule in that behalf mentioned; and the Acts and parts of Acts, specified in the second Schedule, hereto annexed, shall be repealed on and from the first day of January, one thousand eight hundred and sixty-seven, to the extent in the said Schedule in that behalf mentioned: Provided, that such repeal shall not have the effect of reviving any Acts, or parts of Acts, which have been before repealed.

TRANSFER OF POWERS OF FORMER EXECUTIVE
COMMITTEE.

2—All the powers, functions, and duties heretofore vested in and exercisable by the Executive Committee, the Governor and Executive Committee, the Governor and the Members, or any one or more of the Members of the Executive Committee, the Governor in Executive Committee, and the Governor, with the advice of the Executive Committee, under the several Acts of the late Legislature of this Island, as the same subsisted and were in force immediately before the hereinbefore recited Acts of the session of the twenty-ninth year of the reign of her present Majesty, became Law in this Island (save and except such as are hereinafter specially vested in and authorised to be exercised by the Revenue Commissioner, or the Director of Roads), are hereby transferred to, and vested in, and authorised to be executed by the Governor of this Island.

Certain powers of late Executive Committee transferred to Governor.

3—All the powers, functions, and duties of the Executive Committee, that were exercisable by the said Committee or by the Members or Secretary thereof, independently of the Governor, shall from henceforth be transferred to, and vested in, and exercised by the Revenue Commissioner: And when the office of Revenue Commissioner, is held by the person holding the office of Financial Secretary, such first-mentioned office shall nevertheless be held and exercised by the holder thereof as a distinct office, on his own responsibility, but subject to the orders and general control of the Governor.

Other powers transferred to Revenue Commissioner.

4—The Governor may, by a minute in writing under his hand, from time to time define and alter the powers, functions and duties of the Revenue Commissioner, and may, by a like minute, from time to time transfer any of the business aforesaid from the Government Financial Secretary to the Revenue Commissioner, or from the Revenue Commissioner to either of the two Government Secretaries; and the Governor may also, by a like minute, from time to time revoke any such previous minute, and re-arrange the powers, functions,

Governor may re-arrange powers.

duties, and business of all these offices : Provided always, that the financial business of Government shall be conducted in the office of the Financial Secretary, and that no mere business of audit or account shall be conducted in the office of any Government Secretary.

Office of Governor's Secretary to cease.

5—From the seventh day of September in the year one thousand eight hundred and sixty-six, being the date of the appointment under the Queen's warrant, by the Governor, of the Colonial Secretary, the office of Governor's Secretary shall be deemed to have ceased and determined, and the functions of that office shall be deemed to have merged in those of the Colonial Secretary.

Certain returns to be made to Revenue Commissioner.

and other returns to the Governor.

6—All reports, statements, estimates, returns, accounts, petitions, specifications, declarations, certificates, documents, notices, letters, vouchers, papers, and writings whatsoever, which under any of the Acts of the late Legislature of this Island, it was the duty of any board, officer, or person to render or give to the Executive Committee, or to the Secretary of the Executive Committee independently of the Governor, shall, until otherwise ordered by the Governor be rendered and given to such Revenue Commissioner : And all such reports and other papers, which it was the duty of any board, officer, or person to render or give to the Governor in Executive Committee, or to the Governor and Executive Committee, or to the Governor and Members or any one or more of the Members of the Executive Committee, shall be rendered and given to the Governor, in that Secretary's department to which, for the time being, such reports and other papers relate.

Further returns to be made to Governor.

7—All reports, statements, estimates, returns, accounts, audits, documents, notices, letters, vouchers, papers and writings whatsoever, which under any of the said Acts, it was the duty of the Executive Committee, or the Secretary of the Executive Committee to submit to, or lay before the late Legislature of this Island, or the late Legislative Council or Assembly of this Island, shall from henceforth be submitted

by the Revenue Commissioner to the Governor: And all such reports and other writings which under any of the said Acts, it was the duty of any other board, officer or person in like manner to submit, shall from henceforth be submitted to the Governor: All such reports and other writings shall be sent to that Secretary's department to which, for the time being the business to which such reports and other writings relate belongs.

8—All contracts, releases, covenants, and agreements, heretofore made or entered into by any person or persons whomsoever, with the Executive Committee, or any of the members thereof, or the Governor and Executive Committee, or the Governor with any of the Members of the Executive Committee, under any of the Acts of the late Legislature of this Island, shall be deemed and taken to have been made or entered into with the Revenue Commissioner, and shall be executed and enforced accordingly.

Contracts, &c.
transferred to
Revenue Com-
missioner.

9—It shall not be lawful for the Receiver-general of this Island to pay any money out of the Public Treasury, or to draw any order for money on the Colonial Bank, or for the bookkeeper to countersign the same for any purpose, or under any pretence whatsoever, except upon the warrant or order of the Governor; and all Acts and parts of Acts, which direct payment to be made by the Receiver-general under any other authority, are, in such respects, hereby repealed.

Receiver-gene-
ral not to pay
money without
Governor's war-
rant.

10—*

11—*

12—*

13—*

14—*

Acts heretofore
done confirmed.

15—All contracts, releases, covenants, and agreements, acts, matters, and things, which, after the said hereinbefore recited Acts of the session of the twenty-ninth year of the reign of her present Majesty had become Law in this Island, were made, entered into, and executed, done, or performed with or by the Governor, and the persons then acting as the Members of the Executive Committee, or any of them, or by such persons, or any of them, as such members as aforesaid, either alone or with any other person or persons, or by the Governor, with the advice of such persons, or any of them as aforesaid, or with or by the Governor alone, as in pursuance of, or under colour of any of the Acts of the late Legislature of this Island; are hereby declared to be as valid and effectual as if made, entered into, and executed, done, or performed by the Governor and Executive Committee, or the Governor and the Members, or any of the Members of the Executive Committee, or the Executive Committee, or the Members, or any of the Members thereof, or the Governor, with the advice of the Executive Committee, or the Governor in Executive Committee, antecedent to the Acts in this section first-mentioned becoming Law in this island as aforesaid; and the Governor, and other persons acting in the premises, are hereby indemnified in respect thereof.

Certain powers
transferred to
Director of
Roads.

16—All the powers, functions, and duty whatsoever heretofore vested in, or exercisable by the Executive Committee, or the Members thereof, and other persons, as Main Road Commissioners under the several Acts of the late Legislature of this Island, as the same were in force immediately before the hereinbefore recited Acts of the session of the twenty-ninth year of the reign of her present Majesty, becoming Law in this Island, or hereby transferred to, and vested in, and shall and may be exercised by the Director of Roads.

Contracts, &c.
transferred to
Director of
Roads.

17—All contracts, releases, covenants, and agreements heretofore made or entered into by any person or persons whomsoever, with the said Main Road Commissioners, or,

any person or persons on their behalf, in relation to the main roads and bridges, or otherwise, under any of the said Act or Acts, shall be deemed and taken to have been made and entered into with such Director of Roads and shall be executed and enforced by him in like manner as if he had been originally party thereto, instead of the Main Road Commissioners; and all proceedings whatsoever which have been or might or may have been commenced, taken, or done by the Main Road Commissioners, shall and may hereafter be commenced, continued, taken, and done by the Director of Roads in like manner (in case of proceeding already commenced, taken, or done), as if he had been originally party thereto instead of the Main Road Commissioners; and any action, suit, or proceeding, which may be pending against the Main Road Commissioners, shall and may be continued and carried on to its final termination against the Director of Roads.

18—In every contract, release, covenant, or agreement, in relation to the main roads and bridges, or otherwise, under the Acts or Laws in relation thereto, for the time being in force, with, or by the Director of Roads, or to which such Director of Roads shall be a party, it shall be sufficient to describe him by the style or title of Director of Roads, without naming him; and every such contract, release, covenant, or agreement, deed, or instrument, may be executed by the Director of Roads, by signing his name, or, if the instrument so executed be in the form of a deed, by signing, sealing, and delivering the same as his deed.

Director of Roads need not be named in contracts.

19—The Director of Roads shall and may sue and be sued in respect of any cause of action or suit relating to the main roads or bridges, or the light-houses, or other matters transferred to him by this Law, or arising under the Acts or Laws in relation thereto respectively; and, in any action or suit to be brought by or against the Director of Roads, it shall be sufficient to describe him as Director of Roads, without naming him, and such action or suit shall not abate by

May sue and be sued as such.

the death, resignation, departure from this Island, or removal from the office of the person holding the office of Director of Roads, but shall and may be continued, carried on, and enforced by or against his successor or other the person for the time being holding the office of Director of Roads.

Exempt from personal responsibility.

20—Such Director of Roads shall be exempt from personal responsibility, and all damages and costs which shall or may be recovered against such Director of Roads, in any action or suit, shall be paid out of the Public Revenue, on the warrant of the Governor of this Island.

Property vested in him on behalf of her Majesty.

21—The right, interest, and property of and in the main roads and bridges, and of and in all the erections and buildings, mile stones, fences, and other things which shall have been or shall be erected and provided for or upon any such roads and bridges, with the several conveniences and appurtenances thereunto respectively belonging, and the materials of which the same shall consist, and all materials, tools, and implements which shall be provided for the repairing of the said roads and bridges, shall from henceforth be vested in the Director of Roads for the time being, for the use and on behalf of her Majesty the Queen, her heirs and successors; and in all legal proceedings, whether civil or criminal, it shall be sufficient to state generally such roads, bridges, and articles to be the property of her Majesty the Queen.

Returns, &c., to be sent to Director of Roads.

22—In all cases where, under any of the said Acts relating to the main roads and bridges, or tramroads, any petition, plan, notice, statement, account, return, document, writing, or paper, matter, or thing is required to be transmitted and sent, or given to, or lodged or left with, the Secretary of the Main Road Commissioners, the same shall be transmitted and sent, or given to, or lodged, or left with the Director of Roads; and where any act, matter, or thing is required to be done by the said Secretary, the same shall and may be done by such Director of Roads.

23—The appointment and office of Secretary of the Main Road Board, under the said Acts, shall henceforth cease and determine.

Office of Secretary of Main Road Board abolished.

24—The sections of this Law, from sixteen to twenty-three inclusive, shall be read as incorporated with the subsisting sections of the several Acts of the late Legislature relating to the main roads and bridges, and tramroads, the Director of Roads being in all such subsisting sections of the late Acts substituted for the Main Road Commissioners, the said Acts being also read with such other alterations and amendments as are made consequent by this Law.

Sections to read with subsisting Acts.

25—All contracts, releases, covenants, and agreements which, after the said hereinbefore recited Acts of the session of the twenty-ninth year of [the reign of her present Majesty, had become Law in this Island, were made, entered into, and executed with or by the persons then acting as the Main Road Commissioners, and all proceedings, acts, matters, and things commenced, taken, or done by them, or their Secretary, in relation to the main roads and bridges of this Island, or otherwise, as in pursuance or under colour of any of the Acts relating to the said main roads and bridges, or tramroads, or any of them, shall be, and the same are hereby declared to be as valid and effectual as if entered into with or by, or commenced, taken, or done by the Main Road Commissioners, or their Secretary, antecedent to the Acts in this section first mentioned becoming Law in this Island as aforesaid, and the same shall and may be dealt with, and acted upon, carried into effect, and enforced by the Director of Roads, in the like manner as if he had been originally party thereto, instead of the said persons, or their Secretary.

Contracts heretofore made confirmed.

KINGSTON THOROUGHFARES.

26—The Director of Roads shall have and exercise all the powers, functions, and duties of the Commissioners appointed under the second section of the Act of the late

Powers to Director of Roads.

Legislature, twenty-eighth Victoria, chapter twenty-four, entitled *An Act to provide for the reconstruction of the most public thoroughfares of the city of Kingston*, whose powers, functions, and duties shall cease on the passing of this Law; and the Director of Roads shall and may execute and enforce all contracts, covenants, and agreements made or entered into with the Commissioners appointed under the said section of the said Act, in like manner as if they had been contracts, covenants, and agreements made or entered into with such Director of Roads.

LIGHT-HOUSES.

Light-house transferred to Director of Roads.

27—All the powers, functions, and duties heretofore vested in the Trustees or Commissioners under the Act of the late Legislature of this Island, third Victoria, chapter sixty-six, entitled *An Act for erecting a light-house on Morant Point, and maintaining and keeping up the same*, and in the Commissioners of the Plumb Point light-house in Jamaica, under the Act of the said Legislature, of the fifteenth Victoria chapter seventeen, entitled *An Act for erecting and maintaining a light-house on Great Plumb Point, near the entrance of the harbours of Port Royal and Kingston*, and the Act twenty-sixth Victoria, session two, chapter nine, entitled *An Act in aid and to amend the fifteenth Victoria, chapter seventeen, "The Plumb Point Light House Act,"* shall from henceforth be transferred to, and vest in, and be exercised by the Director of Roads; and all contracts, covenants, and agreements heretofore made with the former Trustees or Commissioners respectively, shall be deemed contracts, covenants, and agreements made with the Director of Roads, and shall be executed and enforced in like manner as other contracts, covenants, and agreements by this Law transferred to the Director of Roads.

Property in light-houses vested in Director of Roads.

28—The several light-houses, and buildings attached thereto respectively, and the land whereon the same respectively are built, shall, from and after the passing of this Law, by force and operation of law, and without the ne-

cessity for any deed, conveyance, or other assurance whatsoever, vest in, and be held by the Director of Roads for the time being, on behalf of her Majesty, her heirs and successors; and when and so often as such Director of Roads, or any succeeding Director of Roads, shall cease to hold the office, all such lands, hereditaments, and premises shall, by virtue of this Law, be diverted from such Director of Roads, and be transferred to, and vested in his successor in office, for and on behalf of her Majesty, her heirs and successors.

29—The powers, authorities, functions, and duties of the persons who, since the several hereinbefore recited Acts of the session of the twenty-ninth Victoria, became Law in this Island, have acted as the Trustees or Commissioners of the said respective light-houses, shall cease and determine, and the place of all officers other than those employed about the said respective light-houses and lights, shall thereupon be vacated; and all records, books, accounts, documents, and vouchers of the previously existing boards, shall thereupon become the property of the Director of Roads.

Trustees of
light-houses
abolished.

30—The sections, twenty-seven to twenty-nine inclusive, of this Law, shall be incorporated and read with the subsisting sections of the said Acts of the third Victoria, chapter sixty-six, fifteenth Victoria, chapter seventeen, and twenty-sixth Victoria, session two, chapter nine, the Director of Roads being substituted in the said Acts respectively for the said Trustees or Commissioners, and the said Acts being read with such other alterations and amendments as are made consequent by this Law.

Sections to be
read with sub-
sisting Acts.

PAROCHIAL ROAD COMMISSIONERS.

31—*

32—*

33—*

34—*

35—*

* Repealed by sec. 2 of Law 16 of 1885.

36—*

37—*

38—*

39—*

40—*

41—*

42—*

Churchwardens
to be appointed. 43—Whenever a Municipal Board shall be nominated and appointed by the Governor, he shall also appoint to the office of Churchwarden two qualified parishioners, who may either be also Members of the Municipal Board or not; and such Churchwardens shall have and exercise all the powers, functions, and duties incidental to the said office, and theretofore had and exercised by the Churchwardens of the several parishes of this Island; and they shall, in every parish of this Island, including the city and parish of Kingston, by the name of the Churchwardens of the parish of (naming the parish), have and exercise the corporate powers heretofore had and exercised by the Churchwardens in the several parishes other than Kingston; but no such Churchwarden shall have power to incur any liability for the parish without having first obtained the sanction of the Municipal Board thereof.

44—*

45—*

46—*

Powers of
Mayor and
Custos trans-
ferred. 47—The powers and duties, by the Act eighteenth Victoria, chapter sixty-one, and twenty-seventh Victoria, session one, chapter seven, given to or imposed upon the Mayor of Kingston, and Custos of each other parish of this Island, shall be exercised by the Chairman of each such board.

Municipal
Boards may
elect officers. 48—Every Municipal Board shall and may, as soon as possible after its appointment in each year, elect for the year

* Repealed by sec. 2 of Law 16 of 1885.

persons to fill such offices as may be authorized by the Governor, who, for their year of office, shall receive such pay as may have been authorized for their office; and such persons may be removed from their offices by the board, which may appoint others in their stead; and so in case of any vacancy by death, resignation, or departure from the Island or parish, the board may appoint persons to fill the vacancy for the residue of the year of office; and they may also allow to any of such officers leave of absence for any reasonable time, such officer providing, during his absence, a sufficient deputy to perform the duties of the office to the satisfaction of the Board; pending the appointment of new officers, as above provided, the officers of the previous year shall continue in their offices.

49—The appointment of the Clerk to each such Municipal Board shall be in the Governor, and every Clerk so appointed shall be removable by the Governor, on his being satisfied that good cause for such removal exist; and the Governor from time to time may fill up any vacancy in the office of Clerk, arising from removal, death, resignation, or departure from the Island or parish; and until it shall be otherwise ordered by the Governor, each such Clerk shall do, in relation to the Municipal Board to which he shall be appointed, all that the Clerk of the Common Council and the Clerks of the several vestries respectively were required to do, and shall perform besides such other functions as their Municipal Boards may require them to perform, subject to the orders of the Governor, in case of appeal.

Governor to
appoint Clerks
of Municipal
Board.

50—*

51—All and every the bye-laws, ordinances, and regulation which, up to the first day of January, one thousand eight hundred and sixty-seven, shall have been made, ordained, and established by the Mayor, aldermen, and commonalty of the city and parish of Kingston, shall remain and be in full force;

Kingston bye-
laws to remain
in force.

* Repealed by sec. 3 of Law 9 of 1874.

and the Governor, with the advice of the Privy Council, may, from time to time, repeal any of the said bye-laws, ordinances, and regulations, and may make other rules and regulations, and repeal such last mentioned rules and regulations, and so from time to time as shall be considered necessary or proper.*

And the powers
for enforcing
same.

52—All the remedies for enforcing the said bye-laws, ordinances, and regulations, given by the Act of the eighteenth Victoria, chapter sixty-one, entitled *An Act to repeal an Act, entitled “An Act to amend an Act, entitled ‘An Act for the better preventing mischiefs that may happen by fire in the town of Kingston, for the further regulating the assize of bread, and the nightly watch in the said town,’ and for other purposes therein mentioned;”* and also an Act, entitled *An Act to consolidate and amend the several Acts relating to the corporation of the city and parish of Kingston, and the several Acts repealed by the last-mentioned Act, and to consolidate and amend the several Acts relating to the city and parish of Kingston*, shall and may be had, and exercised, and put in execution, as well in respect of any breach of the said bye-laws, ordinances, and regulations, as of the rules and regulations to be made by the Governor, in Privy Council, as aforesaid.*

Records to be
transferred.

53—All the records, books, accounts, and personal property of the said Corporation, and of the respective Vestries of this Island, shall become and be the property of the respective Municipal Boards, substituted under this Law for the Corporation of Kingston, and the respective Justices and Vestries as aforesaid, and shall be delivered to and held by the Clerks of the respective Municipal Boards, and shall by such officers be thenceforth retained, and kept and used for the purposes of the parish, under the direction of the Board to be so appointed as aforesaid.

Property of
Kingston Cor-
poration trans-
ferred.

54—Upon the dissolution of the Corporation, of the Mayor, Aldermen, Commonalty of the city and parish of Kingston as aforesaid, all real and personal estate heretofore vested in the said Corporation shall, by operation of law, and without

* Repealed so far as it relates to Kingston by sec. 2 of Law 36 of 1881.

the necessity for any deed, conveyance, or other assurance whatsoever, vest in, and be transferred to, and held by the Churchwardens of the city and Parish of Kingston, and their successors, for such and the like purposes as the same were previously vested in and held by the said Corporation.

55—All real and personal estate heretofore vested in the Justices and Vestry, or the Churchwardens in their corporate character, for and on behalf of any parish of this Island, shall, upon and from the first appointment of the persons by this Law authorized to be substituted for the Justices and Vestries of the several parishes of this Island respectively, by operation of law, and without the necessity for any deed, conveyance, or other assurance whatsoever, vest in and be transferred to, and held by the Churchwardens of the said parish for the time being, by the name of the Churchwardens of the parish of (naming the parish), and their successors, for such and the like purposes as the same were previously vested in and held by such Justices and Vestry, or former Churchwardens respectively.

Property of
Vestries trans-
ferred.

56—All contracts, covenants, agreements, bonds, and obligations heretofore made or entered into by any person or persons whomsoever, with the said Corporation of Kingston, or the Justices and Vestry of any other parish of this Island, or the Churchwardens in their corporate character, on behalf of such Justices and Vestry, in relation to any matter or thing which such Corporation or Justices and Vestry were authorized by law to do, shall be deemed and taken to have been made or entered into with the particular board representing the said Corporation or Justices and Vestry, and shall be executed and enforced in like manner as if they had been originally made or entered into with such board.

Contracts trans-
ferred.

57—The sections forty to fifty-six inclusive, of this Law, shall be incorporated and read with the subsisting sections of the said Acts of the late Legislature of this Island, of the eighteenth Victoria, chapter sixty-one, and twenty-seventh

Sections to be
read with sub-
sisting Acts.

Victoria, session one, chapter seven, and the several other un-repealed Acts relating to the said Corporation of Kingston and respective Vestries of the other parishes of this Island, such Acts being also read with such other alterations and amendments as are made consequent by this Law.

Former offences still punishable.

58—All persons having committed offences against any of the provisions of the several Acts, Bye-laws, Ordinances, or regulations affected by this Law before the passing hereof, or its coming into effect, may be prosecuted; and all penalties incurred by reason of such offences may be sued for, and recovered as if this Law had not been passed.

Liability of officers and others continued.

59—All officers and persons liable to account, or give attendance to, or perform any duty or service for, or to obey the orders and directions of, any of the bodies, whose powers have determined, or are determined by this Law, shall continue and be liable to account, and give attendance to perform any duty or service for, and to obey the orders and directions of, the officer or body by this Law substituted for the former body, in the same manner, and subject to the same penalties on refusal or neglect, as such officers or persons would have been liable and subject to, if those former bodies had continued to exist, and this Law had not been passed.

60—*

61—†

GENERAL ISSUE.

Evidence under general issue.

62—In any action, any special defence under this Law may be given in evidence under the general issue.

* Repealed by Section 2 of Law 7 of 1868.

† Repealed by Section 6 of Law 3 of 1873.

Alterations consequent on the Constitution of the Legislative Council.

The First Schedule to which this Law Refers.—Enactments Repealed.

DATE OF ACT.	TITLE OF ACT.	EXTENT OF REPEAL.
33 Car. 2, c. 1	An Act appointing the number of the Assembly.	The whole Act.
5 Wm. & M. c. 3	An Act for making Kingston a parish.	So much of the first section as directs that there shall be three Representatives for Kingston in the Assembly.
2 Anne, c. 1	An Act for dividing the parish of Saint Elizabeth into two distinct parishes for the ease of the inhabitants.	So much of the first section as impliedly gives the right of choosing Representatives in the Assembly.
10 Geo. 1, c. 5	An Act for dividing the parish of Westmoreland into two distinct parishes for the ease of the inhabitants.	So much of the first section as impliedly gives the power of choosing representatives in the Assembly.
10 Geo. 1, c. 8	An Act to encourage white people to come over and become settlers in this Island and for the more easy and speedy settling the north east part thereof.	So much of the fourth section as directs the choosing of two Representatives in the Assembly for Portland
14 Geo. 3, c. 31	An Act for dividing the parish of Saint James into two distinct parishes for the ease of the inhabitants.	So much of the first section as impliedly gives the right of choosing Representatives in the Assembly for Trelawny; also section 4.
20 Geo. 3, c. 3	An Act to limit the duration of Assemblies.	The whole Act.
41 Geo. 3, c. 18	An Act to regulate the trial of controverted elections, or returns of Members to serve in the Assembly.	The whole Act.
53 Geo. 3, c. 9	An Act for continuing, for a limited time, the Assembly of this Island, after the death or demise of the King.	The whole Act.
55 Geo. 3, c. 23	An Act for forming part of Vere and certain interior parts of Clarendon and Saint Elizabeth into a distinct parish.	Sections 5, 6 and 7.
4 Vic. c. 19	An Act to declare the seats of Members of Assembly vacated on accepting offices of emolument.	The whole Act.
5 Vic. c. 44	An Act for forming the interior part of the parish of Saint George, and the eastern part of the parish of Saint Mary, into a distinct parish, to be called Metcalfe.	Sections 5 and 6.

Alterations consequent on the Constitution of the Legislative Council.

The First Schedule to which this Law refers (continued.)

DATE OF ACT.	TITLE OF ACT.	EXTENT OF REPEAL.
17 Vic. c. 29	An Act for the better government of this Island, and for raising a revenue in support thereof.	Sections 1 to 34 inclusive, 36 and 37; section 47, first proviso; sections 49, 51 to 53 inclusive; schedule A, the salary to Governor's Secretary, and Nos. 1 to 5 inclusive; and all the items next after "to the Attorney-General, £240," down to, and inclusive of, the Librarian of the House of Assembly, £100, and Schedule B.
17 Vic. c. 31	An Act to fix the salary to be paid to the present holder of the office of Chaplain of the Legislative Council.	The whole Act.
18 Vic. c. 30	An Act to reduce the salary of the Governor's Secretary.	The whole Act.
20 Vic. c. 16	An Act to increase the salary of the Secretary of the Executive Committee.	The whole Act.
21 Vic. c. 4	An Act to regulate the office of Receiver-General.	Section 3.
21 Vic. c. 17	An Act for the abolition of certain fees heretofore payable to the several officers of the Legislative Council and Assembly, and making provision for such officers in lieu of such fees, and for other purposes.	The whole Act.
21 Vic. c. 32	An Act for the management of certain main roads and bridges, and for other purposes relating thereto.	So much of section 3 as relates to the Secretary's salary; sections 5, 57 and 58.
22 Vic. c. 5	An Act to authorize the issue of writs for the election of Members of Assembly in certain cases, to regulate proceedings at elections, and for other purposes.	The whole Act.
22 Vic. c. 18	An Act to define the qualification of Members of Assembly, to provide for the registration of voters, and for other purposes.	The whole Act.

Alterations consequent on the Constitution of the Legislative Council.

The First Schedule to which this Law refers—(continued.)

DATE OF ACT.	TITLE OF ACT.	EXTENT OF REPEAL.
22 Vic. c. 33	An Act to incorporate the Executive Committee of Jamaica for certain purposes.	The whole Act.
24 Vic. c. 8	An Act to amend the Law regarding controverted elections.	The whole Act.
25 Vic. c. 38	An Act to increase the salary of the Secretary of the Executive Committee.	The whole Act.
26 Vic. (Sess. 2), c. 12	An Act to authorize the library committee of the House of Assembly to frame rules and regulations for the due care and preservation of the library.	The whole Act.
26 Vic. (Sess. 1), c. 9	An Act to remove doubts as to the validity of subsequent publication of lists of voters, under the Act 22 Vic. cap. 18.	The whole Act.
27 Vic. (Sess. 1), c. 36	An Act to amend, and in aid of the Acts twenty-first Victoria, chapter thirty-two, and twenty-fifth Victoria, chapter twelve, relating to main and other roads.	Sections 1 and 11.
28 Vic. c. 2	An Act to repeal and amend so much of the twenty-second Victoria, chapter eighteen, as imposes a stamp duty of ten shillings on the right to vote in certain cases.	The whole Act.
28 Vic. c. 20	An Act in aid of the twenty-first Victoria, chapter four (Receiver-General's Office Regulation Act), and chapter thirty-nine (Receiver-General's Moneys Transfer Act).	Sections 4 and 6
29 Vic. c. 16	An Act to declare the Register of Electors under the twenty-second Victoria, chapter eighteen, for the Parish of Saint Thomas in the East, for the year one thousand eight hundred and sixty-five, the List of Electors for the said parish for the year one thousand eight hundred and sixty-six.	The whole Act.

Alterations consequent on the Constitution of the Legislative Council.

The Second Schedule to which this Law refers.—Enactments which will be Repealed on and from 1st January, 1867.

DATE OF ACT.	TITLE OF ACT.	EXTENT OF REPEAL.
16 Vic. c. 43	An Act to render the office of Clerk of the Vestry more permanent, and for other purposes.	The whole Act, except section 7.
18 Vic. c. 61	An Act to repeal an Act entitled "An Act to amend an Act, entitled "An Act for the better preventing mischiefs that may happen by fire in the town of Kingston, for the further regulating the assize of bread, and the nightly watch in the said town, and for other purposes therein mentioned," and also an Act entitled "An Act to consolidate and amend the several Acts relating to the Corporation of the City and Parish of Kingston, and the several Acts repealed by the said last-mentioned Act, and to consolidate and amend the several Acts relating to the City and Parish of Kingston."	Sections 2 to 14 inclusive, 18 and 21 to 28 inclusive,
25 Vic. c. 12	An Act to amend the Main Road Act, and to make further provision in respect to other roads.	Sections 2, 3 and 48.
25 Vic. c. 18	An Act to consolidate and amend the Laws relating to highways, not being turnpike roads, governed and regulated by Acts specially relating thereto, and not being main roads.	Sections 2, 3, 4, 6, 7, 8, 10 and 11.
27 Vic. (Sess. 1), c. 7.	An Act to regulate the election of Vestrymen and Churchwardens, and the proceedings of Vestries.	Sections 1 to 23 inclusive, 34 to 37 inclusive, and 41, 43, 47, 48 and 49.
27 Vic. (Sess. 1), c. 36	An Act to amend and in aid of the Acts twenty-first Victoria, chapter thirty-two, and twenty-fifth Victoria, chapter twelve, relating to main and other roads.	Sections 2 and 3.

JAMAICA—LAW 9 OF 1866.

A Law to Continue in force for a Limited Period, the Act the Twenty-third Victoria, Chapter Eighteen.* [31st December, 1866.]

JAMAICA—LAW 1 OF 1867.

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

BE it enacted by the Governor of Jamaica, by and with the advice and consent of the Legislative Council thereof, as follows :

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

2—†

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

4—After the expiration of the said thirty days every Policeman may, upon view, take up any swine which he shall find in the streets, lanes, or open places of the said city or town ; and any Justice of the peace, on application of any Policeman, and proof of the possession, or reasonable suspicion of the possession of any swine by any person in the city of Kingston, or town of Port Royal, may grant a warrant authorizing any Policeman to enter upon the premises of the person complained against, and to take and seize any swine there found. Police to take up swine upon view, and to enter premises.
On warrant of Justice of the Peace.

* Omitted as spent.

† Repealed and sec. deemed to be substituted by sec. 1 of Law 20 of 1874, which see.

Penalty for obstructing Police.

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

Swine found after 30 days to be killed.

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

Limits of city of Kingston.

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

Recovery of penalties.

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

Definition of "swine."

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

JAMAICA—LAW 2 OF 1867.

A Law to Raise by Loan, Thirteen Thousand and Seventy-Five Pounds for Immigration Purposes.*

[11th January, 1867.]

* Repealed by sec. 2 of Law 23 of 1879.

JAMAICA—LAW 3 OF 1867.

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

WHEREAS doubts are entertained whether the powers Preambl
 given by the second Section of the Act twenty-eighth Victoria, chapter twenty-four, entitled "*An Act to provide for the reconstruction of the most public thoroughfares of the city of Kingston,*" are available for the purposes hereinafter mentioned, beyond the Limits defined in the said Act: It is enacted by the Governor of Jamaica, with the advice and consent of the Legislative Council thereof, as follows:

For the more complete drainage of the rain and sewage waters of the city of Kingston, the powers given by the second Section of the said recited Act shall extend and may be put in force beyond the limits prescribed by the said Act, in the manner, and to the limits hereinafter mentioned; that is to say, Extension of powers under 28th Vic. chap. 24, Sec. 2.

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

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

To the westward to the Admiral's Pen Gully, in the parish of Saint Andrew, and along its course to the sea, through Kingston Pen, crossing the Jamaica Railway, and the lands thereof, including, in like manner, a space of twenty feet in breadth, of and along the western or further bank of the said gully or water course,

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

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

JAMAICA—LAW 4 OF 1867.

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

[26th February, 1867.]

IT is hereby enacted by the Governor of Jamaica, with the advice and consent of the Legislative Council thereof, as follows :

3rd Section of 5
Wm. and M. c.
1, and 9, Geo. 1,
c. 1, repealed.

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

Other clauses
permissive.

2—The other Sections of the said respective Acts shall no longer be read as obligatory but permissive.

JAMAICA—LAW 5 OF 1867.

A Law to abolish the Surry County Gaol.*

[26th February, 1867.]

*Repealed by Section 97 of Law 18 of 1882.

JAMAICA—LAW 6 OF 1867.

A Law to Establish Boards of Health.*

[12th March, 1867.]

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

Preamble.

1—It shall be lawful for the Governor to constitute and appoint certain persons, to be by him named, a Board for carrying out the provisions of this Law, to be called the “Central Board of Health of Jamaica;” and the Governor may, from time to time, remove all or any of the persons so appointed, and appoint others in the stead of such of them as shall die, depart from this Island, be removed, or be incapable of acting.

Governor to appoint Central Board of Health,

2—The powers and duties invested in the said Board may be executed by such number of the members as the Governor shall from time to time constitute a quorum thereof.

Who may act by a quorum.

3—The said Board may appoint, from time to time, one or more Superintending Inspectors to visit the towns, villages, and other localities of this Island, and to make public inquiry as to all sanitary matters in respect whereof the said Board may desire to be informed.

Board may appoint Superintending Inspectors,

4—During any inquiry by a Superintending Inspector under this Law, he may, and he is hereby empowered, to summon before him any persons whomsoever, and to examine them upon oath or affirmation, touching any matter relating to the

Who may summon and examine persons.

* Law 8 of 1874 by its 10th section, Law 7 of 1882 by its 1st section, Law 22 of 1882 by its 5th section, and Law 15 of 1887 by its 8th section have been since incorporated with this Law.

purposes of the inquiry ; and whosoever wilfully disobeys any such summons, or refuses to answer any question put to him by such Inspector, for the purposes of the said inquiry, shall be liable to a penalty not exceeding forty shillings.

Local Boards of
the different
parishes.

5—There shall be Local Boards of Health for the parish of Kingston, and for the several other parishes of this Island, for the purpose of carrying out the provisions of this Law, under the said Central Board of Health.

6—*

Municipal
Boards, Local
Boards of
Health.

7—The Municipal Board of the parish of Kingston shall be the Local Board of Health for Kingston, and the Municipal Boards of the several other parishes shall be the Local Boards of Health for such parishes respectively.

8—*

Duties of Com-
missioners.

9—It shall be the duty of the Commissioner or Commissioners of Health for each such district to furnish the Local Board of the parish with full information as to the sanitary state of the district, and all matters connected with the public health, and to enforce the rules and orders of the Local Board ; and he or they shall further discharge the other duties, and exercise all the powers of a Commissioner of Health, as defined by this Law.

Local Boards to
appoint officers.

10—The Local Boards of Health may from time to time appoint and remove, subject to the approval of the Central Board of Health, Health Officers, Inspectors of Nuisances, and such other officers and servants as may be necessary to enable them to carry out the provisions of this Law, and shall make bye-laws for regulating their duties in like manner as the bye-laws hereinafter mentioned.

Health officers
under 4 Vic.
cap. 32, officers
under this Law.

11—The Health Officers, to be appointed under this Law, shall be in addition to the Health Officers under the Act

* Repealed by sec. 1 of 14 Law of 1873.

fourth Victoria, chapter thirty-two, and such last mentioned Health Officers shall, on the passing of this Law, be invested with the like powers as the Health Officers under this Law.

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

Offensive matters, pig-styes, &c., to be abated.

Penalty.

Penalty.

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

Houses and yards to be kept clean.

Local Boards to
make bye-laws.

14—It shall be lawful for the Local Boards of Health to make, from time to time, at their discretion respectively, bye-laws, with respect to the removal of all dust, ashes, rubbish, filth, manure, dung, and soil, rank vegetation, or decaying or offensive animal or vegetable matters collected, placed, or found in or about any lot, house, stable, cow-house, pig-stye, sheep or goat pen, slaughter-house, tannery, street, lane, yard, or place whatsoever, and for preventing the deposit thereof upon or by the side of any street or lane, or so as to be a nuisance to any person ; and, with respect to the sweeping, cleansing, and watering of such streets and lanes, and with respect to the times and manner of cleansing, and emptying water-closets, privies, vaults or cesspools ; and with respect to the providing, in proper convenient situations within the towns and villages of their respective parishes or districts, boxes or other conveniences for the temporary deposit and collection of dust, ashes, dung, filth and rubbish, and other kinds of household refuse, and the removal and disposal of the same ; and with respect to the lime-washing and disinfecting of the houses and buildings within the towns and villages in their respective parishes or districts ; and also with respect to the carrying out of such other sanitary measures as may be directed by the Central Board of Health, and, to submit the same to the Central Board of Health, and through them, to the Governor, for approval and confirmation ; and on the said bye-laws being so approved and confirmed, and published three times in the “ Jamaica Gazette, by Authority,” they shall be binding on all persons to whom they relate ; and it shall be lawful for the said Local Boards of Health to repeal or alter any such bye-laws by any subsequent bye-laws, to be approved and confirmed, and published in the same manner as is heretofore enacted, with respect to the original bye-laws made ; Provided always, that a copy of all such bye-laws, when so approved and confirmed as aforesaid, shall be suspended in the offices of the Central Board, and of the Local Boards respectively. *

* Provisions under this and the next section for making and enforcing bye-laws, incorporated by section 6 with Law 2 of 1866,

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

and thereby
impose penal-
ties.

16—The Local Boards of Health shall take care that all sewer and drains whatsoever, and all water-closets, privies, vaults, cesspools, and receptacles for rubbish and filth within their respective parishes or districts, are placed and constructed and kept so as not to be a nuisance, or injurious to health, or dangerous to property ; and an Inspector of Nuisances, or other person may, by written authority of the said Local Board (who are hereby empowered to grant such authority upon the written application of any person showing that the sewer, drain, waterclosets, privy, vault, cesspool, or receptacle, in respect of which application is made, is a nuisance, or injurious to health, or dangerous to property, but not otherwise); and after twenty-four hours' notice to the owner or occupier of the premises to which such sewer, drain, water-closet, privy, vault, cesspool, or receptacle is attached or belongs ; or in case of emergency, without notice, enter such premises with or without assistance, and examine such sewer, drain, water-closet, privy, vault, cesspool, or receptacle; and if the sewer, drain, water-closet, privy, vault, cesspool, or receptacle in respect of which such examination is made, be found to be in proper order and condition, he shall cause any damage done to be made good as soon as can be, and the expense thereof shall be defrayed by the Board; but if upon such examination, such sewer, drain, water-closet, privy, vault, cesspool, or receptacle, shall appear to be in bad order and condition, or to require alteration or amendment, the

Local Boards to
prevent water-
closets, &c. be-
coming nu-
sances.

* See foot note to Section 14.

said Local Board shall cause notice to be given to the owner or occupier of the premises upon or in respect of which the examination was made, requiring him forthwith, or within such reasonable time as shall be specified in such notice, to do the necessary works; and if such notice be not complied with, the person to whom it is given shall be liable to a penalty not exceeding forty shillings, and to a further penalty not exceeding twenty shillings for every day during which he continues to make default; and the said Local Board may, if they shall think fit, execute such works, and the expenses incurred by them in so doing shall be recoverable by them from the owner, occupier, or agent as hereinafter provided, or, failing such owner, occupier, or agent, such expenses shall be defrayed by the Local Board of Health from funds at their disposal.

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

17—The said Local Boards of Health shall cause to be either cleansed or filled up, all swamps, pools, old vaults, open ditches, or places within the towns and villages of their respective parishes containing any filth, matter, or thing of an offensive nature, and which may be certified to them by the Health Officer, or an Inspector of Nuisances, as the case may be, to be likely to prove prejudicial to health; and, for that purpose, shall give notice to the person allowing or causing any such nuisance, or to the owner or occupier of any premises whereon the same exists, requiring him, within a certain time, to be specified in such notice, to cleanse or fill up any such swamp, pool, old vault, open ditch or place, or to construct a proper drain for the discharge thereof, as the case may require: Provided always, that if the person to whom such notice shall have been given as aforesaid, shall fail to comply therewith within the time prescribed, the said Local Boards of Health shall execute the work referred to, or mentioned therein, and the expenses incurred by them in so doing shall be recovered by them as hereinafter provided from the party liable: Provided also, that it shall be lawful for the said Local Boards, upon proof made to their satisfaction of the inability of such party, from poverty to defray

such expense, to permit the expenses incurred in the manner last-mentioned, to be defrayed out of the funds at their disposal.

18—It shall be lawful for the Local Boards of Health to empower the Health Officers, and Inspectors of Nuisances, with or without assistance, to enter into and inspect any ship or vessel lying in the ports or harbours of their respective parishes or district; and, if necessary, to direct that the same be cleared of filth and offensive matters; and further, at their discretion to order and direct that such ship or vessel, or any part thereof, which may appear to them to require lime-washing, or the use of any disinfecting or other process, shall be effectually lime-washed or disinfected; and further to direct that the necessary measures may be taken to secure cleanliness and ventilation therein, to promote the health of the crew; and that such removal of filth and offensive matters, lime-washing, disinfecting, or other process or measures, shall be performed within such time, and in such manner as may be by them determined; and in the event of the directions of the Health-Officer, or Inspector of Nuisances, as the case may be, not being complied with within the time which they may have specified in their directions, the necessary measures shall be taken by the Health-Officer or Inspector of Nuisances, at the expense of the Local Board, and the expenses incurred by such Local Board, in the execution of such directions, shall be recoverable, with cost, from the master or consignee of such ship or vessel, as hereinafter provided: And it shall further be lawful for the Health-Officer of the respective ports of the Island to require the Harbour-master of such ports to direct any ship or vessel which shall appear to them to be moored in a position dangerous to the health of the crew, or to the health of the community, to be moored in some other position.

To authorize visitation of ships.

19—It shall and may be lawful for any one or more of the Commissioners of Health, Health-officers, or Inspectors of Nuisances, from time to time, with or without assistants, to enter into, visit, and inspect all lots, grounds,

Commissioners of Health, &c., may enter and inspect buildings, &c.

yards, wharves, tenements, buildings, out-houses, water-courses, sewers, drains, and trenches of whatsoever nature or description, situate within his or their district respectively; and if, upon the view of any such Commissioner, Health-officer, or Inspector of Nuisances, it shall appear that any dwelling-house or building, in any town or village, is in such a filthy and unwholesome condition as to be a nuisance to, or injurious to the health of any person, or that upon any premises within such town or village there is any bush or underwood, which may be considered to obstruct ventilation, or any foul offensive trench, gutter, drain, privy, vault, cesspool or ashpit kept or constructed so as to be a nuisance to, or injurious to the health of any person, or that upon any such premises any dung, manure, offal, filth, refuse, dirty or stagnant water, or other matter or thing is kept so as to be a nuisance to, or injurious to the health of any person, or that upon any such premises any cattle or other animal are or is kept or tethered, so as to be a nuisance to, or injurious to the health of any person, such Commissioner, Health Officer, or Inspector of Nuisances, after twenty-four hours' notice to the person allowing or causing such nuisance to, or to the owner of the premises, or his agent, or the occupier thereof, to abate such nuisance (or in case of emergency, without notice) shall make an order in writing under his or their hand or hands, for cleansing, whitewashing, or purifying such dwelling-house or building, or for the removal or abatement of any such cause or causes of complaint in such manner, and within such time as shall be specified in such order; and such order shall be forthwith served by delivering same, or a true copy thereof, to some person upon the premises in respect whereof it is made, or (if there be no person upon the premises who can be so served) by fixing such order or copy upon some conspicuous part of such premises; and, if such order be not duly complied with, the owner of the house, lot, or premises against which it is made, or his agent, or the occupier thereof, shall be liable to a penalty not exceeding forty shillings, and to a further penalty not exceeding twenty shillings, for every day during the continuance of his defaults; and the Local Board shall, by

themselves, their officers or servants, enter such house, lot, or premises, and cleanse, whitewash, or purify the same, or remove or abate the cause or causes of complaint, in respect whereof the said order shall have been made, and do all such works, matters, and things as may be necessary for carrying such order into effect; and any cattle or other animal may be sold, and any dung, manure, offal, filth, or refuse, and any other matter or thing removed by order of such Local Board as aforesaid, may be destroyed or sold; and, in case of sale, the proceeds arising therefrom shall be paid to the Local Board, and such sum or sums of money as the Local Board shall certify to be reasonable for the service so performed, together with costs, shall be recoverable from the owner of the premises, or such agent, or occupier as aforesaid, as hereinafter provided: Provided nevertheless, that if it shall appear to the Local Board that the occupier or possessor of the lot, or part of the lot, and buildings thereon, if any, was unable to carry such order into effect, or if there shall be no such owner, agent, or occupier, the said Board may determine that the expense shall be defrayed out of the funds at their disposal.*

20—The said Commissioners, Health Officers, and Inspectors of Nuisances, or any one or more of them may, and they are hereby empowered, at all reasonable times, with or without assistance, to enter into and inspect any market, market-house, wharf, shop, store, building, yard, stall, or place kept or used for the sale of butchers' meat, fresh or salted meats of any kind or vegetables of any kind or fresh or salted fish, and also to enter into any slaughter-house, and to examine any animal, carcase, meat, flesh, fish, or vegetables intended for the food of man; and if it shall appear that the same is unfit for such food, the same may be seized; and if it appear to a Justice of the Peace, upon the evidence of a competent witness, that any such animal, carcase, meat, flesh, fish, or vegetables is or are unfit for the food of man, he shall order the same to be destroyed, or to be disposed of so as to

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

* Powers of the Commissioners of Health, Health officers and Inspectors of Nuisances extended by sec. 1 of Law 22 of 1882.

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

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

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

Governor in such case to authorize Local Boards to establish dispensaries, &c.

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

To appoint nurses and attendants.

23.—The Local Boards shall appoint such nurses and attendants as may be required for the places for the reception of the sick, and of refuge hereinbefore mentioned, and shall defray the expenses of the same, and of such places, out of the funds at their disposal.

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

24—The Central Board of Health may, with the sanction of the Governor, order the discontinuance of the interment of the dead in any of the burial-grounds of the churches or chapels, or elsewhere, whenever the number of bodies in-

tered, or the mortality in the Parish, shall render such further interment dangerous, and may, with the like sanction, provide other burial-grounds for the purpose.

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

Certain houses and rooms let for hire to be registered with Local Boards as lodging-houses.

26—All Police officers and Constables shall aid and assist in carrying out the provisions and objects of this Law; and if any violation of any of the provisions of this Law or of any rules, orders, directions, or Bye-laws, to be made in pursuance thereof, shall become known to any of them respectively, he

Police to be assisting under this Law.

* See sec. 2 of Law 7 of 1882.

shall forthwith report the same to one of the Commissioners of Health, Health Officers, or Inspectors of Nuisances; and the Inspector of Police shall issue such orders and instructions for the guidance of the Police Force in this behalf as the Central Board of Health may, with the approval of the Governor, direct.

Penalty on violation of orders of Central Board.

27—If any person or persons shall wilfully violate, or refuse, or neglect to carry out any of the orders and directions made, or to be made by the Central Board of Health under the authority of this Law, for the punishment of which there shall be no special provision, such offender or offenders shall be liable respectively to a penalty not exceeding five pounds.

Penalty on violation of Bye-laws of Local Board.

28—If any person or persons shall wilfully violate any Bye-law of any Local Board of Health, made, confirmed, and published as aforesaid, or shall refuse to observe any directions given to him or them by the Commissioners of Health, Health-officers, or Inspectors of Nuisances, under the authority and for the purposes of this Law, such person or persons shall, for every such offence, be respectively liable to a penalty not exceeding the sum of five pounds.

Penalty on obstructing Commissioner, &c.

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

Notification in Gazette of orders of Central Board, and copies of Bye-laws, evidence.

30—The notification in the "Jamaica Gazette, by Authority," of any orders or directions made by the Central Board of Health, purporting to have been approved by the Governor, and to be signed by the Chairman and Secretary of such Central Board, and the production of a written or printed copy of the Bye-laws of any Local Board of Health, purporting to

be signed by the Chairman and Clerk of such Local Board, shall be sufficient evidence thereof respectively.

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

Notices how to be made,

32—Any notice, order, warrant, or authority made, given, or issued, by any Local Board of Health under this Law, may be signed by the Chairman or Clerk of such Local Board.

and how signed.

33—In any proceedings under this Law, any notice order, certificate, or other instrument, purporting to be signed by the Chairman or Secretary of any Local Board Commissioner of Health, Health-officer, Inspector of Nuisances, or any other person authorised and acting under this Law, shall, on production, be admitted in evidence, and shall be presumed to have been duly signed by the person, and in the character by whom and in which it purports to be signed, until the contrary is shown.

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

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

Notices and orders how served.

35—Any action or prosecution against any person for any thing done in pursuance or execution, or intended execution of this Law, shall be laid and tried in the Parish, Precinct or District where the thing was done, and shall be commenced within three months after the thing done, and not otherwise.

Protection to persons acting under this Law

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

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

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

If a verdict passes for the defendant, or the plaintiff becomes nonsuit, or discontinues the action after issue joined, or if, on demurrer or otherwise, judgment is given against the plaintiff, the defendant shall receive his full costs, as between attorney and client, and shall have the like remedy for the same as any defendant has by Law for costs in other cases.

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

Appeal to Cen-
tral Board.

36—If any person shall think himself aggrieved by any order or claim made upon him by any Local Board in carrying out the provisions of this Law, he may appeal to the Central Board: Provided, that such person shall give to the Local Board fourteen days' notice of his intention to make such appeal.

False evidence
perjury.

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

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

38—In case of any demand or complaint under this Law, to which two or more owners or occupiers of premises may be jointly answerable, it shall be sufficient to proceed

against any one or more of them without in any manner proceeding against the other or others of them; but nothing herein contained shall prevent the parties so proceeded against from recovering contribution in any case in which they would be entitled to contribution by Law.

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

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

40—All fines and penalties imposed by this Law, where not otherwise declared how to be recovered, shall be recovered in a summary manner before any two Justices of the Peace for the Parish or Precinct where the offence was committed; and, in default of immediate payment, by imprisonment, for any period not exceeding ten days, unless the same be sooner paid.

Recovery of penalties.

41—All monies recoverable for expenses incurred by any of the Local Boards against any person or persons under this Law, may be recovered on the complaint, and in the name of the Chairman of such Local Board before any two Justices of the Peace of the Parish or Precinct, who are hereby authorized to adjudge the person or persons proceeded against to pay to the said Chairman the amount of such expenses, and the costs of the proceedings; and such order may be drawn up to be enforced by distress and sale, as well of the goods and chattels of the person or persons proceeded against, as of any goods found on the premises whereon the expenses were incurred, on which a landlord might distrain for rent in arrear; and in default of distress, or sufficient distress, imprisonment not exceeding thirty days, unless the expenses and costs be sooner paid.

Recovery of expenses.

Further provisions for recovery of expenses.

42—Notwithstanding the summary remedy given as aforesaid, such expenses may be recovered with costs before the ordinary Tribunals of this Island as a debt, in the name of the Chairman of such Local Board, and the process shall not abate by his death, removal, resignation, or ceasing to be Chairman, but may be continued by suggestion in the name of any succeeding Chairman, and be enforced by the Chairman for the time being.

JAMAICA—LAW 7 OF 1867.

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

JAMAICA—LAW 8 OF 1867.

A Law to Organize a Constabulary Force. [19 *March* 1867.]

Preamble.

WHEREAS it is expedient to constitute an improved Police Force, to be called “The Jamaica Constabulary Force,” which shall be partially under military organization and discipline: It is enacted by the Governor of Jamaica, with the advice and consent of the Legislative Council thereof, as follows :—

Governor to constitute a new Police Force and to appoint Inspector-general, and other Officers and Constables of the Force.

1—It shall be lawful for the Governor to constitute a new Police Force, which shall be called “The Jamaica Constabulary Force,” which shall be partially under military organization and discipline, wherewith to replace the existing Policemen; and it shall be lawful for the Governor to appoint an Inspector-General of Police, who, subject to the orders of the Governor, shall have the command and superintendence of

* Repealed by sec. 29 of Law 5 of 1871.

the said Force, also a Deputy Inspector-General of Police who shall be next in order of rank and command to the Inspector General of Police and who, in his absence, subject to the like orders, shall have the command and supervision of the Force also a sufficient number of Inspectors of Police, of Sub-Inspectors of Police, of Sergeants-Major of Police, of Sergeants of Police, of Corporals of Police, and of Police Constables of the first and second class, who shall all stand with each other in order of rank and command as they have been here named : And it shall be lawful for the Governor to revoke any appointment so made, and from time to time fill up all vacancies that may occur from removal, death, absence, incapacitation, or other cause, by fresh appointments ; and it shall be lawful for the Governor to authorize the Inspector-general of Police at any time to enrol fit men as Sergeants, Corporals or Constables of the first or second class ; and every enrolment, so authorized and made, shall be an appointment under this Law :

2—Every such Inspector-General and Deputy Inspector-General shall on his appointment, and so long as he shall continue to hold such office, be a Justice of the Peace for every Parish in this Island ; and every such Inspector, Sub-Inspector, Sergeant-Major, Sergeant, Corporal, and Constable shall, on his appointment by the Governor, or enrolment by the Inspector-General, and so long as he may continue a Member of the Force, become and be a Constable in every Parish of this Island, and shall have all the powers of a Constable as by Law established, or hereafter to be established.

Inspector-general and Deputy Inspector-general to be Justices; Inspectors and others to be Constables throughout the Island.

3—The Governor may from time to time frame, alter, or annul such rules relative to the said Police Force as may be necessary for the purpose of preventing neglect or abuse, and to render the said Force efficient in the discharge of its duties, and for the discipline, good order, and guidance of the Constabulary Force and for the general government of the several persons to be appointed thereto under this Law, with respect to the services required of them, and their conduct in the perfor-

Governor to frame rules for the Force.

mance thereof; their discipline, classification, and rank; and their promotion and degradation from one rank to another; and their distribution, posting, and removal from station to station; and their inspection and description of arms, accoutrements, and other necessaries to be furnished to them, or which they themselves may have to provide; and also from time to time may fix and determine the punishment, either by fine not exceeding ten day's pay, or imprisonment for a term not exceeding seven days in barrack, cell or otherwise, or by both fine and imprisonment applicable to all cases of neglect, or violation of duty, disobedience, or other misconduct which may be committed by any Sub-officer or Constable in the said Constabulary Force; and to frame, alter, or annul such rules and forms of procedure relative to such cases of neglect, for violation of duty, disobedience, or misconduct, as may be necessary.

Duties of Inspectors of Police, of

4—The Inspector of Police, when posted to any parish or district, shall be charged with the general government, direction, and superintendence of the Police Force from time to time posted or established within the said parish or district subject to the orders of the Governor, and of the Inspector-General: When not posted to a parish or district, an Inspector of Police shall have such command, and such duties connected with this Force, and the general Police health, or conservancy of the Island, as the Governor may direct: The Sub-Inspectors and Sergeants-Major, appointed under this Law, may be appointed to have charge, under the command of any superior Officer of the Police, of any place or district that may be assigned to them respectively in aid of the Inspectors, and under and subject to their command and control.

sub-inspectors and Sergeants-major.

No person of the Force to hold other public employment without consent of Governor.

5—No person of any rank, appointed to the "Jamaica Constabulary Force," shall, whilst he hold such appointment, hold any other public employment without the consent of the Governor, signified in writing, under the hand of the Colonial Secretary.

6—The following shall be considered the full strength of the “Jamaica Constabulary Force,” as constituted by this Law: Strength of the Force.

- One Inspector-General.
- One Deputy Inspector-General.
- Fifteen Inspectors.
- Fifteen Sub-Inspectors.
- Fifteen Sergeants-Major.
- Thirty-four Sergeants.
- Sixty-eight Corporals.
- Two hundred Constables, first class.
- Six hundred Constables, second class.

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

7—Vacancies occurring in the rank of Sergeant-Major or in any higher rank, shall be filled by the Governor; and vacancies occurring in any rank below that of Sergeant-Major shall be filled by the Inspector-General subject to the general orders of the Governor. Vacancies of and above Sergeants-major to be filled by Governor others by Inspector-general.

8—No person shall be appointed as Sergeant, Corporal, or Constable, unless he shall be of a sound constitution, able-bodied, and not below the age of eighteen years, or above the age of thirty-five years; of good character for sobriety, fidelity, and activity, and, whenever practicable, able to read and write. Requisites for appointment to the Force.

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

To be sworn.

10—No person to be appointed under this Law to be an Inspector-general, Deputy Inspector-general, Inspector, Sub-Inspector, Sergeant-major, Sergeant, Corporal, or Constable, shall be capable of holding the said office until he shall take and subscribe the oath here following (that is to say) :

I, A. B., do swear that I will well and truly serve our Sovereign Lady the Queen, in the office of [*Inspector-general, Deputy Inspector-general, Inspector, Sub-inspector, or Constable as the case may be*], without favour or affection, malice or ill will, and that I will see and cause her Majesty's peace to be kept and preserved; and that I will prevent, to the utmost of my power, all offences against the same; and that while I shall continue to hold the said office I will, to the best of my skill and knowledge, discharge all the duties thereof faithfully, according to Law.—So help me God.

Which oath shall be administered by any of Her Majesty's Justices of the Peace.

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

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

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

12—The Governor may set apart, for the use of the "Jamaica Constabulary Force," any barracks or other building of or belonging to the Government of this Island, and may make such further provision for the accommodation of the men of this Force at the several posts to be assigned to them, as may be necessary.

A Central Depot with proper

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

be set apart by the Governor, in Spanish Town, or elsewhere, as a Central Depôt, under a proper staff, for the purpose of training the Officers, Sub-officers and men, and of maintaining the whole Force always in an effective state of drill and discipline.

staff to be established.

14—All Inspectors, Sub-Inspectors, Sergeants-Major, Sergeants, Corporals, and Constables, who shall be received into the “Jamaica Constabulary Force,” shall undergo a course of drill at the Central Depôt, on the admission into the Force, and shall be returned to the Central Depôt for the same purpose periodically, as long as they shall continue in the Force.

Officers and men to undergo a course of drill.

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

Number of horses attached.

Four horses for Orderlies at the Depôt, for Head Quarter purposes.

Three horses for the Orderlies of the Inspector-General.

Two horses for the Orderlies of the Deputy Inspector General.

Two horses for the Orderlies of each Inspector, except the Inspector of the Depôt.

One horse for the Orderly of each Sub-Inspector.

16—The Inspector-General, subject to the approbation of the Governor, shall, from time to time, direct a sufficient number of men, belonging to the said Force, and of such rank as shall be proper, to attend on the several Courts of Justice of this Island during their sittings.

A sufficient number of the Force to be appointed to attend Courts of Justice.

17—The duties of the Police under this Law shall be to keep watch by day and by night, to preserve the peace, to de-

Duties of the Police.

to detect crimes, apprehend or summon before a Justice, persons found committing any offence, or whom they may reasonably suspect of having committed any offence, or who may be charged with having committed any offence, to serve and execute all summonses, warrants, subpoenas, notices, and criminal processes issued from any Court of Criminal Justice or by any Justice of the Peace in a criminal matter and to do and perform all the duties appertaining to the office of a Constable, but it shall not be lawful to employ any man of the "Jamaica Constabulary Force," in the service of any civil process, or in the levying of rents, rates, or taxes for or on behalf of any private person, or incorporated company.

To aid in protection of the Revenue.

18—It shall be the duty of the Officers, Sub-Officers, and Constables of the "Jamaica Constabulary Force" to apprehend smugglers, or others found in the commission of offences against the Revenue, and to seize all goods liable to seizure for breach of Revenue Laws, and otherwise to aid in the detection of such offences, and to give such assistance to the Officers of the Revenue in all departments as they may be ordered by the Governor to give.

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

19—It shall be lawful for any Officer, Sub-Officer, or Constable of the said Force, without warrant to apprehend any person found committing any offence punishable upon indictment or summary conviction, and to take him forthwith before a Justice of the Peace, who shall enquire into the circumstances of the alleged offence, and either commit the offender to the nearest gaol, prison, or lock-up house to be thereafter dealt with according to Law, or take bail by recognizance, with security in such amount as such Justice of the Peace shall direct, for his appearance on such day as he shall appoint, before any two Justices of the Peace, to be dealt with according to Law.

How to proceed when arrest at night.

20—When any person shall be so apprehended as aforesaid, after the hour of six in the evening, and before the hour of six in the morning, such person shall be taken to the station-house

or lock-up; and it shall be lawful for the Inspector, Sub-Inspector, or Sergeant-Major, or Sergeant of the said Force in charge of the station-house, or lock-up, to take bail by recognizance, with security for the appearance of such person before any two Justices of the Parish in which such station-house or lock-up shall be situated, on a day to be mentioned in the said recognizance, to be dealt with according to Law; and, upon the offender refusing so to do, or being unable to find such security it shall be lawful for such Inspector, Sub-Inspector, Sergeant-Major, or Sergeant to detain such offender in custody until he can be brought before a Justice of the Peace, and dealt with in like manner as is directed in the case of a person apprehended under this Law without warrant at any other time of the day than in this section above mentioned.

21—Where any person shall be in the custody of any Inspector, Sub-Inspector, Sergeant-Major, or Sergeant of the said Force, without the warrant of a Justice of the Peace, whether such person shall have been originally apprehended by any such Inspector, Sub-Inspector, Sergeant-Major, or Sergeant, or afterwards delivered into his custody, or lodged in any station-house or lock-up under his care or superintendence, it shall be lawful for such Inspector, Sub-Inspector, Sergeant-Major, or Sergeant, if he shall deem it prudent, to take bail by recognizance, without any fee or reward, for the appearance of such person at a time and place to be specified, before such Justice of the Peace as shall be then and there present; and the name, residence, and occupation of such person, and his surety or sureties (if any) entering into such recognizance, together with the condition thereof, and the sums respectively acknowledged, shall be entered in a book to be kept for that purpose, which shall be laid before such Justice or Justices present at the time and place when and where such person was required to appear, and if such person or persons shall not appear and the Justice or Justices present shall not think fit to enlarge the recognizance, or, having enlarged the recognizance, if any such per-

How when person in their custody without warrant.

son shall fail to appear at the time then appointed, it shall be lawful for any Justice then present at the time originally appointed, or at the time appointed by the enlargement of the recognizance, to cause a record of the recognizance to be drawn up, and shall return the same to the proper Court to be enforced, as in the case of other forfeited recognizances: Provided, that nothing herein contained shall authorise any Inspector, Sub-Inspector, Sergeant-Major, or Sergeant of the said Force to take bail for any person charged with a capital felony.

If Inspector, &c. decline to take bail, he must, on request, take party before Justice.

22.—If any Inspector, Sub-Inspector, Sergeant-Major, or Sergeant shall decline or refuse to take bail by recognizance as aforesaid, from any person in his custody, and such person shall so require, it shall be the duty of such Inspector, Sub-Inspector, Sergeant-Major, or Sergeant, forthwith after being so required, to take, or cause to be taken, such person before some Justice of the Peace conveniently near for the purpose of having such person dealt with by such Justice according to Law; and all recognizances taken before any Justice of the Peace for the appearance of persons apprehended without warrant, shall be taken without fee or reward by any Justice or other person whatever.

Term of enlistment.

23—Officers, Sub-officers, and Constables of the “Jamaica Constabulary Force” may be enlisted for a term of five years; and no Officer, Sub-officer, or Constable of the said Force, so enlisted, shall be at liberty to withdraw himself from that Force until the expiration of that term; and no Officer, Sub-officer, or Constable of the said Force, who has not been enlisted for a term, shall be at liberty to withdraw himself from that Force until the expiration of six months from the time he shall have given notice, in writing, of his intention so to do, to the Officer under whose immediate orders he shall be; and if any Sub-officer or Constable shall so resign or withdraw himself before the expiration of such term, or without such previous notice, he shall, for such offence, forfeit and pay a penalty not exceeding ten pounds, upon conviction before

two Justices of the Peace; and it shall be lawful for such Justices, in case such penalty shall not be paid, to commit such person to the Penitentiary, or other prison, or gaol, with or without hard labour, for any period not exceeding three calendar months.

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

Deduction
from pay for
Superannuation
Fund.

25—It shall be lawful for the Governor to appoint the Inspector-General, or the Deputy Inspector-General or any Inspector or Sub-inspector, or any other person or persons, whether singly, or two or more of them sitting together, from time to time, as occasion may require, to examine into the truth of any charge or complaint preferred against any Officer, Sub-Officer, or Constable of the “Jamaica Constabulary Force,” of any neglect or violation of duty, disobedience or other misconduct, and to report his or their finding on the same: And in case the person charged or complained of not being above the rank of a Sergeant of Police, it shall be lawful for the Inspector-General to appoint a person or persons for the same purpose: The reports of such inquiries, in the case of a charge or complaint against a Sergeant-Major, or any Officer of higher

Examination
of complaints
against mem-
bers of the
Force.

* Repealed as far as it applies to officers, and the pay of officers by sec. 1 of Law 2 of 1879.

rank, shall be made to the Governor, through the Inspector-General; and in other cases shall be made to the Inspector-General: When the report is made to the Inspector-General, he shall decide upon the case, and when it is made to the Governor, the Inspector-General shall give his opinion upon the case, and the Governor shall decide upon it; and in any case the Governor, if he see fit, may take up a case so reported and decided, by way of appeal, and may pass final orders therein: And the person or persons so appointed to inquire into a charge or complaint shall have the same power of summoning witnesses, and of examining witnesses on their oath or affirmation, that Justices in Petty Session possess; and any person knowingly and wilfully giving false evidence, upon oath or affirmation on such inquiry, shall be deemed for all purposes to be guilty of wilful and corrupt perjury, and shall be liable to the penalties thereof.

Power to the Governor or Inspector-general to inflict fine, &c. upon party found guilty.

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

Penalty on Sub-officer or Constable for neglect or violation of duty.

27—If any Sub-officer or Constable shall neglect or refuse to execute any warrant lawfully directed to be by him executed, or shall be guilty of any neglect or violation of duty in his office, he shall, for every such offence, be liable to a penalty not exceeding forty shillings, or imprisonment, with or without hard labour, not exceeding one month, unless the penalty shall be sooner paid; and the amount of any such penalty may be deducted out of any pay accruing due to any such offender; and all such penalties shall be paid to the Clerk of the Magistrates, to be accounted for as other fines and

penalties are or shall be by Law required to be accounted for, and the same shall be applied in manner hereinafter directed.

28—Officers and men of the “Jamaica Constabulary Force,” summoned as witnesses to attend Courts of Justice out of the Parish in which they are stationed (whether examined or not), shall be entitled to be paid their reasonable travelling expenses, by order of the Court, as in cases of other witnesses attending to give evidence before Courts.

Any of the Force summoned as witnesses out of their Parish to be paid expenses.

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

Consequences of dismissal from the force.

30—The Inspector-General, and Deputy Inspector-General, and the several Inspectors and Sub-inspectors, during their continuance in office shall be exempted from the payment of taxes or duties in respect of their police horses; that is to say,

Exemption from taxes as to police horses.

the Inspector-general, in respect of three horses; the Deputy Inspector General in respect of three horses; each Inspector, in respect of two horses; and each Sub-inspector, in respect of one horse.*

Actions against persons of the Force to be in tort.

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

When protected by Justices' warrant.

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

● Limitation of actions.

33—No action shall be brought against any Officer, Sub-officer, or Constable of this Force, for anything done by him

* Extended to other members of the Constabulary by sec. 2 of Law 14 of 1870.

in the execution of his office, unless the same be commenced within two calendar months after the act complained of shall have been committed.

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

Penalty on possession of Arms, &c. by persons not of the Force.

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

Penalty for harboring men of the Force.

36—If any person shall assault or resist, or aid, or incite any other person to assault or resist any Officer, Sub-officer, or Constable of this Force, in the execution of his duty, every such offender shall be liable to a fine not exceeding ten pounds, or in the discretion of the Justices, shall be liable to be indicted and punished for a misdemeanor.*

Penalty for obstructing Police.

37—All fines and penalties imposed by this Law, where not otherwise declared how to be recovered, shall be recovered

Fines, &c. how recoverable,

* Power given to Justices to imprison in lieu of fining persons convicted under this Section by Sec. 1 of Law 24 of 1875, which see.

in a summary manner before any two Justices of the Peace for the parish or precinct where the offence was committed; and in default of immediate payment, by imprisonment with or without hard labour, for any period not exceeding thirty days, unless the same be sooner paid; and any fines or penalties imposed for the breach of any regulations at any time in force for the government of the Police, under the authority of this Law, shall be enforced by deducting the amount thereof from any pay due, or accruing due, to any Sub-officer or Constable.

Fines and penalties, &c. to be paid to Receiver General.

38—All fines and penalties imposed on any Sub-officer or Constable, or any other person, under the authority of this Law, and the regulations aforesaid, and all penalties, and proportions of penalties and damages awarded to any Sub-officer or Constable on any summary conviction, as the prosecutor of any information or otherwise, shall be paid immediately to the Receiver General, and shall be carried by the Receiver General to a separate account of “The Constabulary Force Reward Fund,” to be appropriated for the payment of such rewards or gratuitous bounties, or other like purposes, as the Governor may from time to time award.

to be invested in Kingston Savings Bank.

39—All fines and penalties, and proportions of penalties and damages, on receipt thereof shall be paid over by the Receiver General to the Trustees and Managers of the Kingston Savings Bank, to be kept at interest, and with accumulations as by Law authorised; and the said Trustees and Managers shall keep an account thereof, under the name of “The Constabulary Force Reward Fund,” and they shall pay the same, or any part thereof, from time to time, on the warrant of the Governor, to be from time to time directed to them.

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

40—It shall be lawful for the Governor to direct the investment in any loan or public security, under any Act or Law of this Island, or bank, of any amount, being portion of such “Reward Fund,” as may have accumulated, or may from time to time accumulate, in excess of the sum whereon, by Law or regulation, interest is allowed to be paid in the King-

ston Savings Bank, and the principal and interest of every such investment may be applied by the Governor, in like manner, and for the like purposes, as "The Constabulary Force Reward Fund" is by this Law in that behalf made applicable.

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

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

42—It shall be lawful for the Governor to direct, and the Receiver General shall, on the warrant of the Governor make payment of any extraordinary expenses which shall appear to have been necessarily incurred in detecting and apprehending offenders, and executing the powers and duties given or imposed under this Law, such expenses being first certified by the Inspector of the District in which the same shall have been incurred, and countersigned by the Inspector General.

Payment of extraordinary expenses.

43—The word "Officer," in this Law, shall include and mean all officers of the Police Force above the rank of Sergeant Major; the word "Sub-officer," all Sergeants-Major, Sergeants, and Corporals of the same force.

Interpretation clause.

44—No appointment or proceeding under this Law shall be subject to any stamp duty.

No appointments or proceeding liable to stamp duty.

45—The Acts of the eighteenth George the third, chapter seventeen, fourth William the fourth, chapter thirty seven, and so much of the tenth section of the sixth William the fourth, chapter thirty-two, as empowers the Justices and Vestries of the several parishes to raise money for the payment of Constables, and the twenty-fourth Victoria, chapter eleven, the

Repeal of acts.

“ Police Act, 1861,” and the twenty-seventh Victoria, session one, chapter thirty, the “ Constabulary and Reward Fund Act 1864,” (except in so far as they repeal other Acts), are hereby repealed.

Constables and Rural Constables to deliver up warrants, &c.

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

JAMAICA—LAW 9 OF 1867.

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

BE it enacted by the Governor of Jamaica, with the advice and consent of the Legislative Council thereof, as follows:—

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

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

Discount to cease.

2—From and after the passing of this Law, the discount by the said Act allowed upon the purchase of stamps, shall cease and determine.

JAMAICA—LAW 10 OF 1867.

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

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

Preamble.

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

Persons in possession of land to make return to Collector of Dues &c.

2—The returns under this Law shall embrace all lands whatsoever, whether the same shall have been heretofore redeemed from the quit rents and land tax or not.

Returns to include lands redeemed.

* Incorporated, with all Laws amending or aiding, by sec. 2, sub-sec. 6 with Law 4 of 1883.

Duty of one penny per acre to be paid.

3—Every person making such return shall pay to such Collector of Dues, or other officer as aforesaid, the sum of one penny for every acre, and for every fractional part of an acre of land in his possession.

On all lands inclusive of lands redeemed.

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

Collector, &c. to enter particulars in return.

5—Every such Collector of Dues, or other officer, shall enter in a book, to be provided by the Receiver General, under the direction of the Governor, and to be by each Collector of Dues, or other officer, kept for the purpose, and that in such form, and manner as shall be directed by the Governor, the particulars of all land hereinbefore directed to be returned to him, or which, in the absence of any return, shall be assessed by him as hereinafter mentioned, distinguishing such lands as shall be returned from what shall be so assessed; and such book shall be always kept in the office of the Collector of Dues, or such other officer, and a copy of the entries therein, certified by the declaration of the Collector of Dues, or other officer, shall be furnished to the Receiver General at such times, and in such manner, as the Governor shall direct.

Exemption under license and Registration Duties Act determined.

6—The exemption under the "License and Registration Duties' Act, 1865," or any other Act of this Island, of houses on any estate or pen from the house tax, if occupied by the owner or tenant of the estate or pen, or his family, or by the attorney, overseer, or other servants of the estate or pen, free of rent, shall cease from the passing of this Law; and every such house, if of the annual value of twelve pounds and upwards, shall be liable to, and shall pay the duty of one shilling and six pence in the pound of the annual value thereof; and if under the annual value of twelve pounds, shall be charged as houses under that value by this Law.

7—The word “house,” shall mean every occupied or inhabited dwelling-house, shop, store, wharf, warehouse, office, or place of business, and shall, for the purpose of such valuation include and comprise the out offices, yards, and curtilages attached thereto; and, for the purposes of taxation under this Law, the true annual value of every house shall, when tenanted at a rent, be taken to be the rent actually payable thereon by the year; and where otherwise occupied, the full and just yearly rent at which the same is really and *bona fide* worth to be let, shall be taken as such true annual value.

Interpretation
clause.

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

Duty on house
under £12.

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

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

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

9—Every person in the possession or occupation of any house by this Law made liable to the duty hereby imposed, shall, on the thirtieth day of April next ensuing, or within fourteen days thereafter, give in to the Collector of Dues of the parish, or other officer as aforesaid, in which such house is situate, a just and true return of such house, and the annual value thereof; and if under the annual value of twelve pounds, shall shew whether the owner or occupier

Persons in pos-
session or oc-
cupation to
make returns.

thereof holds any other lands not assessed to the taxes or duties on houses under this or any other Law; and the person making such return shall declare to the truth thereof, and pay to the Collector of Dues, or other officer as aforesaid, the full amount of the duties imposed on such house by this Law, and obtain from him an acquittance of the same.

In default of
return Collector
&c., may assess.

10. Where no return in respect of the duties, or any of them, under this Law, shall be made, the Collector of Dues, or other officer as aforesaid, shall assess the person neglecting to make such return, to the best of his judgment, and according to such information as he may be able to obtain, and shall add thereto one-fourth part of such duties as a surcharge or penalty, and shall deliver to the person assessed, or leave at his usual or last known place of abode, or on the premises assessed, a statement of such duties and surcharge, with a demand for payment of the same; and if within ten days after such service, the person so charged shall not make a return, as required by this Law, and pay the duties for which, by such return he shall appear liable, together with a sum equal to one-fourth of such duties, the assessment shall be binding and conclusive upon the person charged.

Payment of
duty exempts
others coming
into possession.

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

Provision as to
houses occupied
after 30th April,
1867.

12—If any house unoccupied at the thirtieth day of April, one thousand eight hundred and sixty-seven, shall at any time thereafter during the year become occupied, the owner or occupier shall, within fourteen days after the house shall become occupied, make the return in the form B, to this Law annexed, in respect of such house, to the Collector of Dues, or other officer as aforesaid, of the parish wherein suc

house is situate, and shall pay to such Collector of Dues or other officer as aforesaid, the duty, or proportion of duty calculated for so many quarters of a year (the fractional part of a quarter being reckoned as a quarter), as shall remain of the current year, according to the annual value of such house; and, in default of such return the Collector of Dues, or other officer as aforesaid, may assess such owner or occupier to the duty, or proportion of duty in respect of such house, and add the surcharge thereon, in like manner, and proceed thereon as in other cases of assessment under this Law.

13—If any house, charged with duty under this Law, shall be in the possession of more than one person, the Collector of Dues, or other officer as aforesaid, may, to enforce payment, proceed against all or any of the parties, or the landlord thereof, as well as against any goods on any such premises on which a landlord might distrain for rent in arrear.

Where several persons in possession.

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

False declaration perjury.

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

Duties to be paid in one sum.

Exemption.

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

How moieties recoverable.

On default of
payment dis-
tress.

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

How distress to
be dealt with.

18—All distresses under this Law may be made upon such property, and shall be kept for such time, and shall be conducted, sold, and disposed of as other distresses for duties under “The License and Registration Duties Act, 1865,” and “The Tax Collection Act, 1864,” or any other Law or Laws which may be in force in relation to such last-mentioned duties; and all clauses in such Laws for the protection of the person distraining, or which authorize the granting of relief to poor and indigent persons, and which give other remedies for the recovery of the said duties, shall be applicable, and applied in respect to the person acting under this Law, and the taxes or duties hereby imposed.

How Collector
&c., to proceed
when return
untrue.

19—If the Collector of Dues, or other officer as aforesaid, shall show, to the satisfaction of any two Justices of the Peace of the parish wherein the property liable to the duties is situated, that any person has charged himself in any return with less duty than he is liable to pay, every such person shall not only be liable to pay the amount of the duties so evaded, but an additional sum by way of penalty, equal to the amount of the taxes evaded, to be recovered in a summary manner before the said Justices, and, in case of non payment, to be enforced by distress and sale of the offender's goods, or imprisonment not exceeding three months, unless

such duties and penalty shall be sooner paid, and the duties and penalty may be enforced under the Act thirteenth Victoria, chapter thirty-five, or any other Act in respect to summary proceedings, which may be adapted to meet the requirements of this Law; and, notwithstanding any thing in the thirteenth Victoria, chapter thirty-five contained, the taxes and penalty may be included and recovered in one proceeding.

20—The monies of the duties under this Law shall be accounted for to the Receiver General by the Collector of Dues, or other officer as aforesaid, and be paid into the Colonial Bank, to the credit of the Receiver General, as collected and received, within five days after the expiration of each month; and such Collector of Dues, or other officer as aforesaid, shall keep such books, and make such returns, in relation to the said duties, as and in such form as the Governor shall from time to time direct.

Collector, &c.,
to account to
Receiver General.

21—Each Collector of Dues, or other officer as aforesaid, who shall neglect to comply with the requirements of this Law, shall be subject and liable, in addition to the payment of the monies received and not accounted for, to the like penalties, recoverable in the manner, as are in the "License and Registration Act, 1865," and "Tax Collection Act, 1864," imposed on Collectors of Dues neglecting to comply with the provision of these Laws, as to the duties therein mentioned.

Penalty on Collector, &c. not paying over.

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

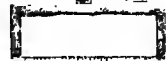
Continuance of Law.

SCHEDULE A.

RETURN of Land in the Parish of

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

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



SCHEDULE B.

Account of all dwelling-houses, shops, stores, wharves, warehouses, offices, or places of business.

AN ACCOUNT of all dwelling houses, shops, stores, wharves, warehouses, offices or places of business, and of the annual value thereof, belonging to, or in the possession or occupation of
as in the Parish of on
the day of one thousand eight
hundred and sixty

Name of property, number and street of house in any town.	Description of property.	No. of Acres.	Annual value of the dwelling house, shop, store, wharf, warehouse, office, or place of business.	Remarks.

The above is a correct account of all dwelling houses, shops, stores, wharves, warehouses, offices, or places of business and of the number and actual value thereof, belonging to me, or in my possession or occupation, in the Parish of _____ on the _____ day of _____ one thousand eight hundred and sixty

JAMAICA—LAW 11 OF 1867.

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

[27 March 1867.]

BE[^{it} enacted by the Governor of Jamaica, with the advice and consent of the Legislative Council thereof, as follows:—

Duties on import under schedule.

1—On and after the coming into operation of this Law there shall be raised, levied collected, and paid unto her Majesty, her heirs and successors, for the use of the Government of this Island, upon the several articles imported into this Island, and enumerated in the schedule of import duties to this Law, the several duties therein set forth.

2—*

£30,000 to be reserved by Receiver-General.

3—The Receiver-General shall annually receive, out of the duties to be collected under the said schedule, and paid to him by the officers of the Customs as aforesaid, the sum of thirty thousand pounds, to be appropriated to the liquidation of the Public Debt, and interest guaranteed by the British Government, which sum is by the Act of the seventeenth Victoria, chapter twenty-nine entitled "*An Act for the better government of this Island, and for raising a Revenue in support thereof,*" provided to be appropriated in the manner therein mentioned.

Residue to use of Government.

4—The residue of the duties to be collected under the said schedule shall be paid and applied to the use of the Government of this Island.

*Repealed by sec 241 of Law 18 of 1877.

SCHEDULE OF IMPORT DUES.

NAME OF ARTICLE.	DUTY.
Ale, beer and porter, per gallon	0 0 6
Asses	Free
Bacon, per pound	0 0 2
Barley, (not pearl barley), per bushel	0 0 4
Beef, dry, salted, or cured, per pound	0 0 1
Beef, wet, salted, or cured, per barrel of 200lbs.	0 15 0
Beans, per bushel	0 0 4
Birds	Free
Books printed, including maps	Free
Bread or biscuit per 100lbs.	0 6 0
Bricks (not bath bricks)	Free
Bullion	Free
Butter, per pound	0 0 2
Calavances, per bushel	0 0 4
Candles, composition, per pound	0 0 2
—tallow per pound	0 0 0½
—wax, or spermacetti, per pound	0 0 2
Cattle, neat, per head	0 10 0
arrriages, carts, and wagons, used for agricultural purposes	Free
Cheese, per pound	0 0 2
Cider and perry, per gallon	0 0 6
Coals and coke	Free
Cocoa per 100lbs.	0 10 0
Coffee, British colonial, per 100lbs.	1 0 0
Coin	Free
Corn, Indian, per bushel	0 0 4
Cotton, wool	Free
Diamonds	Free
Dogs	Free
Dyewoods	Free
Drawings, paintings, engravings, lithographs, and photographs	Free
Fish, dried or salted, per 100lbs.	0 3 6
—Fresh	Free
—smoked, not otherwise enumerated or described, per pound	0 0 0½
Fish, alewives, pickled, per barrel of 200lbs.	0 2 6
— herrings, pickled, per barrel of 200lbs.	0 2 6
— herrings, smoked, per pound	0 0 0¼
— mackerel, pickled, per barrel of 200lbs.	0 4 6
— pickled, not otherwise enumerated or described, per barrel of 200lbs.	0 4 6
— salmon, smoked per pound	0 0 2
— ditto, wet, or salted per barrel of 200lbs	0 10 6
Flax	Free
Flour, rye, per barrel of 196lbs.	0 8 0
— wheat, per barrel of 196lbs,	0 8 0
Fruit, fresh...	Free
Goats	Free
Guano, and other manure	Free

NAME OF ARTICLE.	DUTY.
Gunpowder, per pound	0 1 0
Hams, per pound	0 0 2
Hand machines for preparing fibre, or for spinning cotton or wool	Free
Hay and straw	Free
Hemp	Free
Hides, raw	Free
Horses, mares and geldings, each	0 10 0
Hydraulic presses, and printing presses	Free
Ice	Free
Iron galvanised	Free
— ditto for roofing, doors, and shutters, and every kind of iron roofing, doors, and shutters	Free
Indigo, per pound	0 0 3
Lard, per pound	0 0 0 $\frac{1}{2}$
Leeches	Free
Matches, lucifers and others, per gross of twelve dozen boxes, each box to contain one hundred sticks, and boxes containing any greater or lesser quantity, to be charged in proportion	0 5 0
Malt dust	Free
Marble, in slabs and blocks	Free
Machines, horse power	Free
Meat, fresh	Free
— salted, or cured, per barrel of 200lbs.	0 15 0
Meal, not wheat meal, per barrel of 196lbs.	0 2 0
Mess plate and furniture, band instruments for the use of the Army, and Navy, on the certificate of the Military or Naval Commanding Officers	Free
Mills, whether they be for grinding canes, paint, coffee, corn, or grain of any kind, or for sawing boards, raising water, or such as are set in motion by steam, horse, wind, or water power, and all parts of the said mills	Free
Molasses	Free
Mules, each	0 10 0
Oats, per bushel	0 0 4
Oil cakes, whole or in powder, and other prepared food for cattle and animals	Free
Oil, per gallon	0 0 9
Patent Fuel	Free
Pans for boiling sugar, whether copper or iron	Free
Pease, (not being split pease)	0 0 4
Pipes for conveying fluids	Free
Plants growing	Free
Ploughs, plough-harrows, harrows, cultivators, clod-crushers, horse-hoes, dibbles, sowing machines, and parts thereof	Free
Pork, salted or cured, per barrel of 200lbs.	0 15 0
Poultry	Free
Pumps for raising water	Free
Railway truck wheels	Free

NAME OF ARTICLE.	DUTY.
Resins and Rosin	Free
Rice per 100lbs	0 3 0
— undressed, per bushel	0 1 0
Salt, per 100lbs	0 1 0
Salt, Rock	Free
Sarsaparilla (but not the extract of)	Free
Sausages, dry or pickled, per pound.	0 0 2
Sheep	Free
Shooks, tierce, puncheon, and hogshead, and all descriptions of shooks also tierces, hogsheds, and casks	Free
Slates	Free
Soap, per 100lbs.	0 5 6
Soda, ash or sub-soda	Free
Specimens, illustrative of natural history, mineralogy, and geology	Free
Spirits, brandy per gallon	0 10 0
— gin per gallon	0 10 0
— rum the produce of, and imported from British possessions per gallon	0 10 0
— whisky per gallon	0 10 0
Spirits of wine, alcohol, and all other spirits, cordials, or spirituous compounds, per gallon	0 10 0
Stills, or any part of a still	Free
Steam engines, or any part of a steam engine	Free
Sugar, refined, per pound	0 0 2
— unrefined, per 100lbs	0 10 0
Swine	Free
Tallow, grease, tallow grease, or grease and slush	Free
Tea, per pound	0 1 0
Tiles, marble and earthen as well as paving stones	Free
Tobacco, manufactured, including cavendish, per pound	0 1 0
Tobacco, unmanufactured, per pound	0 0 6
— cigars, per pound	0 5 0
Tongues, dried, per pound	0 0 2
— salted or cured, per barrel of 200lbs	0 15 0
Tortoise, shell	Free
Tow	Free
Turtle	Free
Vegetables, fresh	Free
Wax, bees	Free
Wheat, per bushel	0 0 9
Wines, in bulk and in bottle, per gallon	0 2 6
Wood, for every one thousand feet of pitch pine lumber, by superfi- cial measurement of one inch thick	0 13 0
— for every one thousand feet of white pine lumber, or other lumber by superficial measurement of one inch thick	0 9 0
— shingles, cypress, more than twelve inches in length, per thou- sand	0 6 0
— Wallaba shillings, per thousand	0 6 0

NAME OF ARTICLE.	DUTY.
Wood, Boston chips, and all shingles not otherwise enumerated, or described, per thousand	0 4 0
— hoops	Free
— staves and heading, red or white oak or ash	Free
Wire, iron, for fences, wire fencing, iron standards, and also tomb railings	Free
On all other goods, wares, merchandise, and effects of every description, not previously enumerated, for every £100 value ...	12 10 0
And after these rates for any greater or less quantity of such goods respectively.	

Exemptions. 5—The following goods shall be exempted from duty :

EXEMPTIONS.

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

Provisions and stores imported for the use of Her Majesty's Army or Navy, and consigned by bill of lading to the Officer at the head of Her Majesty's Commissariat, the Military Store-keeper, or the Naval Commanding Officer of this Island, on the production of the bills of lading and certificate of such Officer, that they have been solely imported for the use of the Army or Navy as aforesaid.

* * * * *

Provisions and stores imported by the Local Government for the Public Service, on the certificate of the Revenue Commissioner.

Articles of Naval, Military, and Civil uniform, for the personal use of the proprietor.

Drawbacks.

6—The following Drawbacks of Duty shall be allowed :

DRAWBACKS.

Goods, wares, and merchandise, upon which *ad valorem* Duty under this Law, or any previous Act of this Is-

* Exemption from Import Duty of provisions, wines, spirits, and malt liquor for Military staff and Regimental messes repealed by Section 1 of Law 13 of 1873.

land, shall have been paid, if duly exported within two years of their first importation, a Drawback equal to the Duty paid on first importation.

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

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

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

Soap, not less than twenty boxes.

Ale, beer, or porter, not less than five hogsheads of each, in bulk, nor less than fifteen barrels of each, if in bottles.

Beef, pork, or pickled fish, not less than ten barrels of each.

Rice not less than five tierces, or twenty-five bags.

Dried fish, not less than one thousand pounds weight.

Tongues, not less than ten barrels.

Lumber, not less than five thousand feet.

Shingles, not less than five thousand.

On exportation of bread or biscuit, manufactured in this Island, the duty paid on the flour consumed in making the same, but not to exceed the duty imposed on bread or biscuit imported.

The several drawbacks under this Law shall be subject to the regulations and provisions of the several Acts and Laws for the time being in force with reference to such drawbacks.

7—*

8—*

9—†

Tonnage of foreign vessels to be ascertained as on British vessels.

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

11—*

12—*

13—*

14—*

15—*

16—*

17—*

18—*

19—*

20—*

21—*

22—*

Export duties.

23—In lieu of the duties under the Acts fifteenth Victoria, chapter thirty-nine, and the twenty-fourth Victoria, chapter

*Repealed by Sec. 1 of Law 15 of 1870.

†Repealed by Sec. 1 of Law 42 of 187

sixteen, there shall be received, levied, and collected by the Officers of the Customs of this Island, the following duties on exports :

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

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

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

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

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

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

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

Statement of quantity, how ascertained.

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

Export duties applicable under particular Laws.

*Amended by sec. 1 of Law 20 of 1887, and by sec. 1 of Law 9 of 1889.

26*—

Repeal of Acts. 27—The several Acts and sections of Acts next mentioned are hereby repealed, from the coming into operation of this Law; but such repeal shall not affect any right or duty acquired under such Acts; and notwithstanding the expiry of the Act twenty-eight Victoria, chapter ten, or repeal of the said Acts, and sections of Acts, any duties thereunder remaining to be collected, and all offences committed against the said Acts, or any of them, and any penalty incurred under either of the said Acts, may be collected and recovered, punished, or proceeded for, and received or enforced respectively, as if such Acts and sections of Acts respectively had not expired, or been repealed:

ACTS AND SECTIONS OF ACTS REPEALED.

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

Commence-
ment of Law.

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

28 Vic. c. 19,
secs. 5, 7, 13,
14, continued
in force.

29—Until otherwise provided for by Law, the fifth, seventh, thirteenth, and fourteenth sections of the twenty-eighth Victoria, chapter ten, shall be continued in force.

* Repealed by Sec. 241 of Law 18 of 1877.

JAMAICA—LAW 12 OF 1867.

A Law to continue in Force, for a Limited Period, the Acts relating to Insolvent Debtors.*

[*29th March, 1867.*]

JAMAICA—LAW 13 OF 1867.

A Law to Amend and Continue in Force, for a Limited Period, the Registrar in Chancery's Salary Act.†

[*29th March, 1867.*]

JAMAICA—LAW 14 OF 1867.

A Law to Continue in Force, for a Limited Period, the Act to Reduce the Security of the Secretary of this Island.†

[*29th March, 1867.*]

JAMAICA—LAW 15 OF 1867.

A Law to Continue in Force, for a Limited Period, the Act to Provide for the Management of the Post Office.†

[*29th March, 1867.*]

* Repealed by sec. 2 of Law 25 of 1879.

†Omitted as spent.

JAMAICA—LAW 16 OF 1867.

A Law to Re-Enact and Continue in Force, for a Limited Period, The Police Act, 1861. [*2nd April, 1867.*]

Preamble.

WHEREAS it is necessary to re-enact and continue in force "The Police Act, 1861," until the Force, constituted under that Law, shall be absorbed in the Constabulary Force, under the Law No. 8, of 1867, or be disbanded: Be it enacted by the Governor of Jamaica, with the advice and consent of the Legislative Council thereof, as follows:—

Police Act,
1861, re-enacted
and continued.

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

Governor to
notify full oper-
ation of Law
No. 8 of 1867.

2—The Governor is hereby authorized, so soon as all the officers and men of the said Police Force shall have been appointed to or enrolled in the said Constabulary Force, or shall have been disbanded from the Police Force, to declare, by notification in the Jamaica Gazette by Authority, to be signed by the Colonial Secretary, that the objects of this Law have been effected; and thereupon The Police Act, 1861, and this Law, shall cease and determine.

Said Force to
be under the
Inspector-
General, &c.

3—The Police Force, continued by this Law, shall, subject to the orders of the Governor, be under the command and superintendence of the Inspector-General of the Constabulary Force; and, in his absence, of the Deputy Inspector-General, and the Inspectors, Sub-Inspectors, Sergeants-Major, Sergeants, and Corporals of the said Constabulary Force, shall be attached to, and have the like authority in the said Police Force, continued by this Law, as they have in the Constabulary Force, but regulated by the powers and provisions of "The Police Act, 1861."

4—The officers and men of the said Police Force are hereby indemnified for having acted as Constables, or otherwise, as in exercise of the powers under “The Police Act, 1861,” since the repeal of the said Act, and may plead the general issue and give this Law in evidence in bar of any action or proceeding which may be brought against them, or any of them.

Indemnity.

JAMAICA—LAW 17 OF 1867.

A Law Imposing Licenses for the Sale of Spirits.*

[2nd April, 1867.]

JAMAICA—LAW 18 OF 1867.

A Law Imposing Licenses upon Trades and Business.

[2nd April, 1867.]

BE it enacted by the Governor of Jamaica, with the advice and consent of the Legislative Council thereof, as follows:—

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

Persons carrying on certain trades or business to take out license annually.

2—Every such person shall, at least ten days before the earliest time by this Law fixed for taking out such license, in each year make out and render to the Collector of Dues, or other authorized Officer of Revenue, of the parish in which such person carries on his trade or business, a return in such

Returns to be made.

Repealed by sec. 1 of Law 9 of 1875.

† Amended by sec. 1 of Law 1 of 1885.

form as this Law requires, containing a true statement in the several particulars embraced under the different heads in the said form; that is to say,

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

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

And every person giving in a return under this Law shall subscribe his name to the declaration, to the truth thereof, subjoined to the form on which he makes his return: Provided, that where two or more persons shall be liable to be charged as in partnership, one return only shall be required, and such return shall be made by them jointly, or by one or more, on behalf of himself, or themselves, and the rest of the persons so liable.

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

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

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

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

* Amended by sec. 1 of Law 1 of 1885.

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

otherwise he
may assess,

subject to ap-
peal.

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

In default of
return Collec-
tor, &c., may
assess and add
surcharge,

subject to ap-
peal.

7—When the Collector of Dues, or other officer as aforesaid, shall have made an assessment differing from the return given in, or where no return shall have been given in such Collector of Dues, or other officer as aforesaid, shall deliver to the party assessed, either personally, or by leaving it at his place of abode or business, a notice, shewing the assessment so by him made, which notice may be in the form C, to this Law annexed, adding the surcharge or penalty, where the assessment is liable thereto; and every such assessment, so made by the Collector of Dues, or other officer as aforesaid, shall be binding upon the person charged, unless he shall appeal therefrom, as hereinafter mentioned.

Notice of as-
sessment in
such case to be
served.

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

In case of part-
nership.

Each place of
business charge-
able.

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

License shall be
to the 5th April
annually.

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

11—*

12—*

Licenses to mas-
ters of vessels.

13—Every master, supercargo, or other person on board of any vessel arriving in any of the ports of this Island, before he shall sell, or offer for sale any goods whatsoever, shall make a return to the Collector of Dues, or other officer as aforesaid of the parish, and pay the sum in the schedule to this Law annexed, fixed for persons selling goods by retail of the first class, and take out the license therefor, under a penalty, in case of default, not exceeding ten pounds, in ad-

*Repealed by sec. 1 of Law 9 of 1873.

dition to the duty under this Law; and every such master, supercargo, or other person shall produce such license to the Collector of Customs in Kingston, or the Sub-collector at any other port prior to entry inwards of such goods for consumption in this Island.

14—Every person carrying on, or conducting any newspaper in this Island, shall, in addition to paying the duty and taking out the license by this Law required, give in at the time of paying such duty, and taking out such license as aforesaid, to the Collector of Dues, or other officer as aforesaid, of the parish in which such newspaper is published, the title of such newspaper, the place at which the same is published, and the name and residence, or names and residences of the person or persons who is, or are the proprietor or proprietors of such newspaper; and shall, in case of any change in the proprietorship, place of publication, or title of the newspaper, immediately thereupon give in to the Collector of Dues, or other officer as aforesaid, the particulars of any alteration which shall occur in respect of any of the matter aforesaid; and the name and residence of each proprietor, and the place where the newspaper is published, together with the date of publication, shall be printed at the foot or end of each such newspaper, under a penalty, in respect of each default or neglect of the provisions herein contained, not exceeding three pounds, nor less than one pound.

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

£25 or £15 license gives certain privileges.

16—Every person taking out a License to retail spirits or as a Tavern keeper, under the Law imposing Licenses on spirits, may sell on the same premises wine, malt liquors, and all other description of distilled or fermented liquor, without being required to take out a License under this Law.

Licenses to retail spirits allow of sale of wines, &c. without License under this Law.

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

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

In default Collector, &c. may assess.

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

Municipal Board of Appeal.

19—The Municipal Board of each parish shall be the Board of Appeal for such parish under this Law, and they shall sit for such purpose at such times as they shall fix, giving previous notice in the "Jamaica Gazette, by Authority," of the time and place of sitting for hearing appeals under this Law.

Clerk of Municipal Board Clerk of the Board of Appeal.

20 The Clerk of such Municipal Board shall act as the Clerk of the Board of Appeal of the parish, and shall enter the decisions of the Board in a book to be by him kept for that purpose; and all proceedings and decisions made in relation to such appeals shall be left with and kept by him.

Who may Appeal and when.

21—Any person dissatisfied with the assessment of the Collector of Dues, or other officer as aforesaid, may appeal therefrom to the Board of Appeal for the parish in which he carries on the trade, or business, giving notice, within fourteen days after receiving notice of the assessment, to the Collector of Dues, or other officer as aforesaid, of his intention to appeal.

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

Board of appeal may examine upon oath, and adjourn.

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

Decision of Board of Appeal, how to affect assessment,

and final.

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

False evidence perjury.

25—If the several sums by this Law charged for Licenses shall not be paid, and the Licenses taken out within fourteen days after the return made by any applicant, where no notice of alteration of the assessment shall have been served or within fourteen days after notice of any assessment made by the Collector of Dues, or other officer as aforesaid, and not appealed from, or within ten days after the determination of such appeal, it shall be lawful for the Collector of Dues, or other officer as aforesaid, without the necessity for any other authority than the direction under this Law, to distress for the amount of the assessment and surcharge, where surcharge shall have been added and not struck off on appeal, and the costs of the distress, on the goods and chattels of the party

In case of non-payment of duty, distress.

liable wherever found, and also upon all goods and chattels found in the place where the trade or business shall be carried on, on which a landlord might distrain for rent in arrear.

How distresses
to be proceeded
with.

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

Other remedies
for duties.

27—Notwithstanding the remedy given by this Law, the Collector of Dues, or other officer as aforesaid, may proceed for the recovery of any amount claimed, and the surcharge, before the ordinary Tribunals, and by the ordinary proceedings; and such proceedings may be brought in the name of such Collector of Dues, or other officer as aforesaid, who shall describe himself by his name and office, and such proceedings shall not abate by the death of the Collector of Dues, or other officer as aforesaid, but may be carried on, and enforced by, and in the name of the successor of such Collector of Dues or other officer.

28.—*

Penalties how
recoverable.

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

Schedule part
of Law.

30—The Schedule of this Law shall be incorporated with and deemed part of this Law.

* Repealed by sec. 3 of Law 1 of 1885.

SCHEDULE REFERRED TO IN THE FOREGOING LAW.

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

Imposing Licenses upon Trades and Business.

FORM A.
 APPLICATION FOR LICENSE UNDER LAW NO. OF 1867.
Parish of

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

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

Dated the day of 1866

Signature.

T)

(Or, as the case may be.)

Collector of Dues.

Imposing Licenses upon Trades and Business.

FORM B.

APPLICATION FOR LICENSE UNDER LAW NO. 1867.

Parish of

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

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

Dated the _____ day of _____ 186____ Signature.

To _____
Collector of Dues.
(Or, as the case may be.)

Imposing Licenses upon Trade and Business.

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

Parish of

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

Surcharge for not giving in £

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

Dated this day of 186 Collector of Dues.
 (Or, as the case may be.)

JAMAICA—LAW 19 OF 1867.

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

[13 *April*, 1867.]

JAMAICA—LAW 20 OF 1867.

A Law to Reduce the Number of Parishes.

[23rd *April*, 1867.]

WHEREAS some of the parishes in this Island, as now existing, are much smaller, both in extent and population than the other parishes, and the equalization of the several parishes in extent and population, and their reduction in number, will tend to a better and more economical administration in the Departments of Justice, Police and Revenue: And whereas it is expedient to alter the Law regarding the circuits of the Judges of the Supreme Court in connection with such reduction in the number of parishes: It is enacted by the Governor of Jamaica, with the advice and consent of the Legislative Council thereof, as follows:—

Preamble.

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

This Island divided into fourteen Parishes.

COUNTY OF MIDDLESEX.

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

Middlesex.

* Omitted because the Act which it partially repeals, Vic. 9 cap. 35, has been repealed by sec. 2 of Law 35 of 1879.

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

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

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

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

Surry.

THE COUNTY OF SURRY.

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

2. The remaining portions of the Parishes of Saint Andrew and Port-Royal shall constitute one parish, under the name of the Parish of Saint Andrew, and Halfway-Tree shall be the head station thereof; but it shall

be lawful for the Municipal and Parochial Road Boards of the Parish to meet either there or in the City of Kingston.

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

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

THE COUNTY OF CORNWALL.

Cornwall.

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

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

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

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

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

Each enlarged Parish to have one Municipal Board, &c.

2.—There shall be, in each of the parishes constituted by this Law, no more than one Municipal Board, one Board of Parochial Road Commissioners, one Clerk to these two Boards and one Custos; and the jurisdictions of these Boards, and officers respectively, shall extend over the whole parish, as constituted by this Law.

Parochial Road Commissioners to form Local Committees.

3—The Board of Parochial Road Commissioners may subdivide itself into local committees and may fix the places where the local committees shall meet: Every such committee shall report its proceedings to the Board of Parochial Road Commissioners and shall be subject to the supervision and control of the Board.

Members of Municipal Boards.

4—Where two or more of the formerly existing parishes shall have been consolidated into one parish, as constituted under this Law, all the members of the Municipal Boards, and all the Parochial Road Commissioners of the former parishes so consolidated, shall form respectively the Municipal and Parochial Road Boards of the parish constituted under this Law; and all the members of the Municipal Boards, and all the Parochial Road Commissioners of the formerly existing parishes of Saint Andrew and Port Royal shall be members respectively of the Municipal and Parochial Road Boards of the parish of Saint Andrew, as constituted under this Law, and the Municipal Board of the city of Kingston shall be the Municipal Board of the whole parish of Kingston, as constituted under this Law.

Governor to appoint one Chairman of Municipal and Parochial Boards.

5—The Governor may appoint any one of the Chairmen of the Municipal Boards and Parochial Road Boards of any formerly existing parishes, consolidated by this Law, to be the Chairman of the Municipal Board and Parochial Road Board of the parish constituted by this Law; and the Governor may appoint any two of the Churchwardens of any formerly existing parishes; consolidated by this Law, to be the Churchwardens of the parish constituted by this Law; and, upon such appointment, the powers and duties of the other persons who were Churchwardens of the said previously existing parishes

shall cease and determine; and the two newly appointed Churchwardens, shall have and exercise the powers and duties as well corporate as other of Churchwardens, over the whole newly constituted parish; and all the real and personal property of the said previously existing parishes shall vest in the Churchwardens of the newly constituted parish, who shall be a body corporate by the name of "The Churchwardens for the Parish of _____" (using the name of the newly constituted parish): The Governor shall be empowered, at his pleasure, to remove any of the persons named as Churchwardens of any parish appointed under this Law, or "The Law No. 8 of 1866;" and from time to time to appoint others in their places and to make fresh appointments in cases of vacancy.

6—The Governor may select any one of the Custodes of any formerly existing parishes, consolidated by this Law, to be the Custos of the Parish constituted under this Law, with jurisdiction over the whole area of the enlarged parish; and it shall be lawful for the Governor to appoint by commission such Custos to be the Custos over such newly constituted parish and to include in his commission all or any of the Justices of the Peace for the several formerly existing parishes, and no stamp duty shall be required in respect of any such Custos or Justices; and it shall be lawful for the Governor to give, by such commission to the said Custos and Justices, jurisdiction over the whole of the parish constituted under this Law.

Governor may select one of the Custodes of any former parishes, consolidated by this Law, to be Custos of enlarged parish.

7—Every Custos and Justice of the Peace, to be hereafter appointed, shall be appointed with jurisdiction over a parish constituted by this Law.

Future Custodes and Justices to have jurisdiction over a parish under this Law.

8—The Clerks of the Peace of the previously existing parishes, consolidated by this Law, shall continue to perform their duties as heretofore, and shall conduct the prosecutions of offences, charged to have been committed in their said previously existing parishes respectively before the Circuit Courts, as fixed by this Law; the Magistrates' Clerks of the

Clerks of the Peace and Magistrates' Clerks to continue as heretofore.

said previously existing parishes shall, within their former jurisdictions continue to exercise the same powers, and perform the like duties as they respectively exercised and performed before the coming into operation of this Law.

Courts of Petty Sessions to be held as heretofore.

9—Nothing in this Law contained shall prevent the Courts of Petty Sessions being held at several places where they are now held, and the Magistrates' Clerks, or Clerks of the Peace, in their capacity of Magistrates' Clerks, shall themselves, or by their deputies, attend those Courts as heretofore.

Appointment of Clerks of Peace and Magistrates' Clerk where vacancy in parts of any consolidated parish.

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

merly existing Parish of Port-Royal may, in like manner, be separately provided for provisionally.

11—The persons appointed to take affidavits in the Supreme and Circuit Courts, and the masters extraordinary of the Courts of Chancery for any parish, or part of a parish united by this Law with another, shall, from the coming into operation of this Law, exercise their authority within the enlarged parish, as constituted under this Law.

Commissioners
of Supreme
Court and Chan-
cery to act for
enlarged parish.

12—*

13—†

14—‡

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

May appoint
more than one
Coroner.

16—The Collectors of Dues of the several parishes of this Island, as existing before the passing of this Law, shall continue to collect and receive, under the powers of the several Acts and Laws of this Island, within the limits of the parishes to which they were appointed, the several taxes and duties until otherwise provided for by Law.

Receipt of Taxes

17—All process and proceedings pending in the now existing Circuit and other Courts shall be dealt with and determined in the Courts of the several parishes respectively constituted under this Law, in like manner as they would have been had such process or proceeding been commenced after the coming into operation hereof; and all persons bound by recognizance to give their attendance at the said Circuit Courts shall be required to attend at the respec-

Process &c.
pending at com-
mencement of
this Law pre-
served.

* Repealed by Section 32 of Law 48 of 1869.

† Repealed by Section 32 of Law 48 of 1869. This Section was subsequently by mistake again Repealed by Section 13 Law 2 of 1870.

‡ Repealed by Section 97 of Law 18 of 1882.

tive Courts hereby appointed to be held in lieu thereof, and the respective Clerks of the Peace shall give notice thereof accordingly.

**Commencement
of this Law.** 18—This Law shall come into operation on the first day of May of the year one thousand eight hundred and sixty-seven.

JAMAICA—LAW 21 OF 1867.

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

JAMAICA—LAW 22 OF 1867.

A Law to Amend the Law No. 20 of 1867, as to the Return and Panels of Jurors for the present year.†
[17th May, 1867.]

JAMAICA—LAW 23 OF 1867.

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

*Omitted as spent.

†Repealed by sec. 32 of Law 48 of 1869.

‡Repealed by sec. 2 of Law 2 of 1873.

JAMAICA—LAW 24 OF 1867.

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

[5th June, 1867.]

WHEREAS it is expedient that the charge on the Public Revenue, for or as a commutation for uniforms to the Non-commissioned Officers and Privates of the Volunteer Militia Companies, should cease and determine: It is enacted by the Governor of Jamaica, with the advice and consent of the Legislative Council thereof, as follows:—

The twenty-first section of the Act twenty-eight Victoria, chapter thirty-eight, “The Volunteer Militia Act, 1865,” is hereby repealed.

Preamble.
Repeal of 28
Vic. ch. 38 sec.
21.

JAMAICA—LAW 25 OF 1867.

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

[18th June, 1867.]

WHEREAS the Act twenty-third Victoria, chapter eighteen, entitled, *An Act to provide and regulate the salaries and fees of the Clerks of the Peace and Clerks of the Magistrates of this Island, and for other purposes*, has expired, and it is expedient to revive, and continue it amended, for a limited period: Be it enacted by the Governor of Jamaica, with the advice and consent of the Legislative Council thereof, as follows:—

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

Preamble.
Recited Act
(except secs. 6
and 8, and
Schedules B and
C), revived.

Prosecutions by
Police public
prosecutions,
&c.

2—Every prosecution before the Circuit Court, and every proceeding before a Justice of the Peace, or Justices of the Peace, in petty sessions, instituted by any member of the Constabulary or Police Force, shall be deemed a public prosecution, and a duty to be performed in furtherance of the general criminal Justice of this Island, coming within the first section of the said recited Act.

Clerk of Peace
and Magistrates'
Clerk to reside
in parish.

3—Every Clerk of the Peace and Clerk of the Magistrates now in office, or hereafter to be appointed, shall have his permanent residence within the parish in which he holds his appointment: and from and after the passing of this Law, every Clerk of the Peace, who shall fail to comply with this provision, shall be removable from office in the same manner as for any other breach of duty: Provided, that it shall be lawful for the Clerks of the Peace for the former Parishes of Kingston, Saint Andrew, and Port Royal, to reside either in the Parish of Kingston or Parish of Saint Andrew: And provided, that it shall be lawful for the Governor to allow any Clerk of the Peace to reside in a parish adjoining that in which he holds his appointment, when it may seem to the Governor to be consistent with the public interests to do so.

Proviso.

Proviso.

Not to be ab-
sent without
leave beyond
certain days.

4—Except with the sanction of the Governor, no Clerk of the Peace or Magistrates' Clerk shall be absent from his parish for more than thirty days in the entire year, nor shall any Clerk of the Peace or Magistrates' Clerk be absent from his parish for more than seven days at any one time, except by the leave, in writing, of the Governor, or of the Custos.

Future ap-
pointment of
Clerks Peace in
Governor.

5—The power heretofore exercised by the Custodes of the several parishes, to appoint the Clerks of the Peace of their respective parishes shall, upon the passing of this Law, cease and determine, and the appointment of Clerks of the Peace shall from henceforth be vested in the Governor; and every appointment so made by the Governor shall be during pleasure.

6—If any Clerk of the Peace or Magistrates' Clerk shall receive any fee to which he shall not be entitled, he shall forfeit and pay, for every such offence, a penalty not exceeding five pounds.

Penalty for receiving fees to which not entitled.

7—It shall be the duty of the Clerk of the Peace or Clerk of the Magistrates to endorse, upon every process or proceeding coming for adjudication or otherwise before the Justices of the Peace, each separate item of charge, and the fee for the same.

To make statement of fees on process.

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

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

9—Every Clerk of the Peace and Clerk of the Magistrates who shall fail to pay back to the party from whom he received the same, any fee so disallowed as aforesaid, under the last preceding section of this Law, shall be liable, for every neglect or refusal, to a penalty of five pounds, besides being responsible in any other form of proceeding in respect thereof.

Penalty on not paying back fees disallowed.

10—All penalties under this Law, and the recited Act, shall be recovered before two Justices of the Parish wherein such Clerk of the Peace holds his appointment, and may be enforced by distress and sale of the goods of the offender; and in default of goods, by imprisonment not exceeding thirty days, unless the same shall be sooner paid.

Recovery of penalties.

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

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

Continuation
of Act to 31st
Dec. 1867.

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

SCHEDULE A.

FEEES OF THE CLERK OF THE PEACE.

Drawing Indictment and attending trial, recording proceedings, and all other business connected therewith	...	...	...	£3	0	0
In private prosecutions, when not required by the parties prosecuting to act, the fee of the Clerk of the Peace	...	...	...	2	0	0
Taking deposition or examinations in all other proceedings, per sheet of one hundred and sixty words	...	...	...	0	1	6
Entering records, making copies and extracts, per sheet of one hundred and sixty words	...	...	...	0	1	0
Each certificate to be annexed to proceedings	...	...	...	0	1	6
Taking recognizance, each person	...	...	...	0	1	0
For each Calendar, not exceeding three for each Court	...	...	...	0	4	0
Entering every order of Court	...	...	...	0	1	0
Each copy	...	...	...	0	0	6
Making out and signing each Subpoena or Summons to witness	...	...	...	0	0	9
Each copy	...	...	...	0	0	3
All proceedings to be returned on writ of <i>certiorari</i> or <i>mandamus</i> , per sheet of one hundred and sixty words	...	...	...	0	1	0
Servants' wages, information, and summons, and copy	...	...	...	0	3	6
Attending at trial, and all other work connected therewith	...	...	...	0	3	0
Warrant of distress	...	...	...	0	1	6

SCHEDULE B.

FEES OF CLERKS OF THE MAGISTRATES.

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

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

 JAMAICA—LAW 26 OF 1867.

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

[18th June, 1867.]

 JAMAICA—LAW 27 OF 1867.

A Law for preventing Frauds upon Creditors by Secret Bills of Sale of Personal Chattels. [18th June, 1867.]

WHEREAS frauds are frequently committed upon creditors by secret bills of sale of personal chattels, where-
by persons are enabled to keep up the appearance of being
in good circumstances and possessed of property, and the
grantees, or holders of such bills of sale have the power of

Preamble.

* Repealed by Section 2 of Law 25 of 1879.

taking the possession of the property of such persons to the exclusion of the rest of the creditors: for remedy whereof, be it therefore enacted by the Governor of Jamaica, with the advice and consent of the Legislative Council thereof, as follows:—

Bills of sale of personal chattels to be void if not recorded.

1.—Every bill of sale, of personal chattels, made after the passing of this Act, either absolutely or conditionally, or subject, or not subject to any trusts, and whereby the grantee or holder shall have power, either with or without notice, and either immediately after the making of the said bill of sale, or any future time, to take possession of any property and effects comprised in, or made subject to such bill of sale, and every schedule or inventory which shall be thereto annexed, or therein referred to, and every attestation of the execution thereof shall, together with an affidavit of the time of such bill of sale being made or given, and a description of the residence and occupation of the person giving the same, and of every attesting witness thereto, or in case of the same, shall be made or given by any person under, or in execution of any process, then a description of the residence and occupation of the person against whom such process shall have issued, and of every attesting witness, be recorded at length in the office of enrolments at Saint Jago de la Vega, within thirty days after the making or giving of such bill of sale (in like manner as deeds relating to real property in this Island are recorded), otherwise such bill of sale shall, as against all assignees of the estate and effects of the person whose goods, or any of them, are comprised in such bill of sale, under the Laws relating to bankruptcy or insolvency, or under any assignment for the benefit of the creditors of such person, and as against the Provost-marshal-general and his Deputies, and other persons seizing any property or effects comprised in such bill of sale, in the execution of any process of any Court of Law or Equity, authorising the seizure of the goods of the person by whom, or of whose goods such bill of sale shall have been made, and against every person on whose behalf such process shall have been issued, be null and void

to all intents and purposes whatsoever, so far as regards the property in, or right to the possession of any personal chattels comprised in such bill of sale, which, at or after the time of such bankruptcy or declaration of insolvency, or of the execution by the debtor of such assignment for the benefit of his creditors or of executing such process (as the case may be), and after the expiration of the said period of thirty days shall be in the possession, or apparent possession of the person making such bill of sale, or of any person against whom the process shall have issued under, or in execution of which the said bill of sale shall have been made or given, as the case may be.

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

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

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

On payment of debt satisfaction to be entered.

4—In construing this Law, the following words and expression shall have the meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction; that is to say:—

Interpretation clause.

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

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

Personal chattels shall be deemed to be in the "apparent possession" of the person making or giving the bill of sale, so long as they shall remain or be in or upon any house, mill, warehouse, building, works, yard, land, or other premises occupied by him, or as they shall be

used and enjoyed by him in any place whatsoever, notwithstanding the formal possession thereof may be taken by or given to any other person.

JAMAICA—LAW 28 OF 1867.

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

[28th June, 1867.]

BE it enacted by the Governor of Jamaica, with the advice and consent of the Legislative Council thereof, as follows:—

1—This Law may be cited as “The Naval and Victualling Stores Law, 1867.” Short title.

2—In this Law—

Interpretation
of terms.

The term “the Admiralty” means the Lord High Admiral of the United Kingdom, or the Commissioners for executing the office of Lord High Admiral.

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

The term “in her Majesty’s service,” when applied to persons, applies also to persons in the employment of the Admiralty.

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

3—The marks described in the schedule to this Law in or on her Majesty’s naval and victualling stores, denote her Majesty’s property in stores so marked.

Marks in schedule denote her Majesty’s property in stores.

Imitation a
misdemeanor.

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

Obliteration
with intent to
conceal her
Majesty's pro-
perty, felony.

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

Knowingly re-
ceiving, &c.,
marked stores
a misdemeanor.

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

Knowledge of
stores being
marked pre-
sumed against
dealers, &c.

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

Offenders may
be summarily
convicted in
certain cases.

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

9—In order to prevent a failure of justice in some cases, by reason of the difficulty of proving knowledge of the fact that stores bore such a mark as aforesaid, if any naval or victualling stores bearing any such mark, are found in the possession of any person, not being a dealer in marine stores, and not being in her Majesty's service, and such person, when taken or summoned before any two Justices of the Peace, does not satisfy the Justices that he came by the stores so found lawfully, he shall be liable on conviction by the Justices, to a penalty not exceeding five pounds; and if any such person does satisfy the Justices that he came by the stores so found lawfully, the Justices at their discretion, as the evidence given, and the circumstances of the case require, may summon before them every person through whose hands such stores appear to have passed; and if any such person as last aforesaid, who has had possession thereof, does not satisfy the Justices that he came by the same lawfully, he shall be liable, on conviction by the Justices, to a penalty not exceeding five pounds.

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

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

Possession explained.

11—It shall not be lawful for any person, without permission in writing from the Admiral, Commodore, or Senior Naval Officer in command at Jamaica, or from some person authorized by the Admiralty, in that behalf, to creep, sweep, dredge, or otherwise search for stores in the sea or any tidal water in or about this Island, within one hundred yards from any vessel belonging to her Majesty, or in her Majesty's service, or from any mooring place or anchoring place appropriated to such vessels, or from any moorings belonging to her Majesty, or from any of her Majesty's wharves or dock-

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

yards, or victualling or other yards; If any person acts in contravention of this provision he shall be liable, on summary conviction before two Justices of the Peace, to a penalty not exceeding five pounds, or to be imprisoned for any term not exceeding three months, with or without hard labor.

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

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

None but the Admiralty to prosecute.

13—It shall not be competent for any person unless under the authority of the Admiral, Commodore, or Senior Naval Officer in Command at Jamaica, or of some person authorized by the Admiralty, to institute or carry on, under this Law, any prosecution or proceeding for any offence.

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

14—Notwithstanding any thing in any Act or Law contained, any pecuniary penalty or other money recovered under this Law shall be paid or applied as the Governor shall direct.

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

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

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

32 Geo. 3, c. 27, repealed as to future offences.

SCHEDULE.

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

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

JAMAICA—LAW 29 OF 1867.

A Law for the Better Prevention of Contagious Diseases.*

[16th July, 1867.]

* Repealed by sec. 1 of Law 8 of 1887.

JAMAICA— LAW 30 OF 1867.

A Law to Provide Duties by Licenses and Registrations,
and for the Payment of Land Tax.

[16th July, 1867.]

Preamble.

WHEREAS the Act twenty-eighth Victoria, Chapter twenty-eight, "The License and Registration Duties Act, 1865," is about to expire, and it is expedient to continue the duties under the said Act, as amended: It is Enacted by the Governor of Jamaica, with the advice and consent of the Legislative Council thereof, as follows:—

Possessors of property to make returns, pay duties, and obtain licenses under this Law.

1—On the first day of August in each year, or within ten days thereafter, the occupier or possessor of each item of property hereinafter enumerated, who is not by this or some other Act or Law exempted from the payment of taxes or duties by this Law imposed, and every person keeping or using fire arms, shall set forth a statement of such property, according to the form to be obtained from the Collector of Dues, and declare to the truth of such statement, and pay the Collector of Dues in respect thereof the Duties hereinafter specified, and obtain from him a License for the same:

Duties.

For every house of the annual value of twelve pounds, or upwards, at the rate one shilling and six pence in the pound, of such value	£0 1 6
Each head of horse-kind used for any purpose whatsoever upon a Main or Parochial Road, eleven shillings	0 11 0
Each head of horse-kind used solely for hire and for livery stable purposes, seven shillings	0 7 0
Each ass, three shillings and six pence	0 3 6
Each head of horse-kind, &c.*	

* Item Repealed by sec. 1 of Law 14 of 1870.

Each head of working cattle &c.*			
Every other &c.*			
Each wheel of a carriage, fifteen shillings.	0	15	0
Each wheel of a carriage, used solely for hire and livery stable purposes, ten shillings.	0	10	0
Each head &c.*			
Each boat, &c.*			
Each Canoe or Boat, &c.*			
Each wheel of a Cart, six shillings	0	6	0
Each wheel of a Hackney Carriage, twenty shillings.	1	0	0
Each fire-arm, registration of, and License to use on the premises of the owner of such fire-arm, two shillings	0	2	0
License to keep and use otherwise, eight shillings	0	8	0

2—Every person in possession of land as owner, tenant, or in any other character, shall on the first day of August, or within ten days thereafter in each year, pay to the Collector of Dues of his parish, or of the district of the parish in which he resides, the full amount of the Tax by Law imposed thereon, without any deduction for discount, and obtain from him an acquittance therefor ; and the eighth, ninth, and nineteenth sections of “ The Main Road Fund Act, 1857,” (twenty-first Victoria, chapter thirty-four), are hereby repealed, but without prejudice to any act done, or pending thereunder.

Return of land
tax to be made.

* Item repealed by sec. 1 of Law 14 of 1870.

As to assignments of property on which duties have been paid.

3—Any assignee of property liable to tax or duty under this Law, which shall come into his possession, or occupation after the first day of August in any year, the tax or duty upon which had been previously paid, and the License or acquittance for the same transferred by the assignor to him, and any person who shall acquire property after the period mentioned, in substitution of property of the like description upon which the duty imposed by this Law had been paid, but which had been destroyed, or had become unserviceable, shall not be liable to pay any tax or duty upon such property; and the tax or duty so previously paid shall cover, and the License or acquittance in respect thereof shall protect and enure to the property so acquired: In every such case the License shall be produced to the Collector of Dues, who shall make a memorandum thereon of the transfer or acquisition of the property transferred or acquired as aforesaid.*

What required is such case.

4—The assignor of any property, for which a License has been obtained, shall, upon transfer thereof, specify in the bill or receipt for the same, whether the License is also transferred, and if transferred, give in such bill or receipt the number, date, letter, and parish of the License; in default of such bill or receipt, or if it shall not convey the information aforesaid, the assignee of the property shall pay the duty, and take out a fresh License for the same: The assignor of property, and of the benefit of the License for the same, shall not be entitled to occupy or possess any other item of property of the like description in substitution of the transferred property, without paying the duty thereon, and obtaining a fresh License for the same.*

Licenses to enure to personal representatives and assignees for residue of term.

5—The License obtained by any person during his lifetime shall, upon his death, enure to his personal representatives, or their assignees, for the residue of the term thereof; and in all cases of assignment of property, on which the duty

* Incorporated by sec. 13 of Law 36 of 1881 with that Law, subject to its provisions.

has been paid, and the License for the same transferred, such License shall enure to the assignee for the residue of the term thereof.*

6—Whenever any property liable to Tax or Duty under this Law shall belong to, or be held in trust for any person who shall be an inmate or member of any family, the head, or principal member of such family shall be responsible for payment of the Taxes or Duties thereon, and liable to the penalties imposed by this Law in respect thereof.

When property belongs to inmate of family, principal liable for the duties.

7—Any person who shall, at any time after the first day of August in any year, enter into the occupation of any land or house chargeable with Tax or Duty, or become possessed of any dutable property which, has not been Licensed or registered, or whereon the Tax or Duty shall not have been paid as aforesaid, shall be liable to pay the whole or a portion of the Tax or Duty by Law imposed, according to the time which will elapse between the period when he entered into the occupation of the land or house; or become possessed of the property, and the next recurring period for the payment of the tax or duty thereupon, such time to be computed from the first day of the quarter during which the occupation or possession commenced, at the rate of one fourth of the whole annual tax for each quarter, or fractional part of each quarter of a year.*

As to duties in respect of property acquired during the term, and after 1st August.

INTERPRETATION CLAUSES.

8—The word “house” shall mean every inhabited or occupied dwelling-house, shop, store, wharf, warehouse, office, or place of business, of the annual value of twelve pounds, or upwards; and shall, for the purpose of such valuation, include and comprise the out-offices, yards, and curtilages; and, for the purposes of taxation under this Law, the true annual value of every house shall, when tenanted at a rent,

“House” meaning of.

*Incorporated by sec. 13 of Law 36 of 1881, with that Law, subject to its provisions.

be taken to be the rent actually payable thereon by the year ; and where otherwise occupied, the full and just yearly rent at which the same is really and *bona fide* worth to be let shall be taken as such true annual value.

Landlord liable where occupation by several.

9—Where any house shall be let in different sub-divisions, and shall be occupied by several persons or families, or by the owner thereof, together with one or more persons, and the aggregate rents and value thereof shall amount to the sum of twelve pounds or upwards, such house, shall be charged with the duties under this Law, as if the same was occupied by one person, or by one family only ; and the landlord or owner shall be deemed, for the purposes of taxation, the occupier thereof, except where the duty shall have been paid, and the house registered by some other person.

Houses which pay duties under Law No 10, 1867, not to be charged for the year 1867 under this Law.

10—The Tax or Duty on houses which were, by the “The License and Registration Act, 1865,” exempted from duty, but which is charged and payable under Law No. 10 of 1867, shall not be charged or payable under this Law for the year one thousand eight hundred and sixty-seven.

Interpretation of terms.

11—The word “carriage” shall mean all spring carriages used for the transport of persons on business or pleasure.

2. The word “cart” shall mean every cart, dray, waggon, or wain, whether on springs, or not, used for burthen.

3. The words “hackney carriage” shall mean every wheel carriage plying for hire in any town, or for the carriage of passengers.

4. The word “firearms” shall mean every musket, fowling piece, gun, carbine, rifle, pistol, or revolver.

5. The word “horsekind” shall mean every horse, mare, colt, filly, gelding, or mule.

6. The words “working cattle” shall mean all bulls, cows, speyed heifers, steers, horses, mares, geldings, and

mules, used or worked on or within the limits of an estate, and all horned stock used on estates, and for carrying produce or other commodities for, or on account of any estate or plantation.

7. The word "boat" shall mean any canoe, wherry, lighter, or other boat.

8. The word "estate" shall mean any land from which five hogsheads or forty barrels of sugar, or thirty-five hundred weight of coffee shall be produced, or pimento to the extent of twenty-five bags of one hundred and twenty pounds weight each, as an annual average is gathered.

9. The word "pen" shall mean any land upon which forty head of breeding and other stock are kept and licensed.

10. The words "Collector of Dues" shall mean any person appointed, or to be appointed, to get in or receive the duties hereby imposed.

FIREARMS LICENSE.

12—The respective registrations or licenses to keep and to use firearms shall be personal and shall not entitle any person not licensed to keep, carry, or use firearms, unless he be the servant of a licensee for that purpose, and shall carry or use the same in his master's service, and within the limits of his property.

Firearms li-
cense personal.

13—Any Policeman or Constable may require the production of his license by any person carrying or using any firearms otherwise than on public service; and if such license is not produced, he may seize and convey the firearms to the next Court of Petty Sessions of the Justices, who, in case of non-production of a license, and satisfactory evidence that the same had been obtained prior to the seizure, shall order

Firearms may
be seized by
Policeman or
Constable in
certain cases.

that such firearms shall be detained for ten days, and then sold, unless earlier redeemed.

PAYMENT IN MOIETIES.

Duties of or above £4 may be paid in moieties.

14—Whenever the duties imposed by this Law shall amount to or exceed the sum of four pounds, they may be paid by moieties, the first on or before the tenth day of August, and the second on or before the tenth day of February then next succeeding; and, upon payment of the first moiety, the Collector of Dues shall grant the license by this law required and so in like manner upon the payment of the second moiety.

How to be entered by Collector.

15—The duties to be paid by moieties as aforesaid, shall be entered and registered by the Collector of Dues separately, and apart from those paid in full; and the licenses issued and granted for moieties shall have the word “moiety” written or printed legibly on the top, and along the margin of the same respectively.

LICENSE FOR CARTS.

Separate letter and number for each parish to be assigned for carts, &c.

16—The Collector of Dues shall deliver to the persons entitled thereto, licenses for carts, hackney carriages, boats, and fire arms, and each such license shall state the distinguishing letter assigned by the Revenue Commissioner to the parish for the year, and shall be marked and distinguished conformably therewith, and shall be numbered in each separate class with the number assigned thereto in the license granted by the Collector of Dues; and a separate number shall be assigned to, and a separate license issued for each cart, hackney carriage, boat, and firearms; but any number of firearms may be included in a license for the same.

Letter and number to be on cart, &c.

17—The letter and number mentioned in the license for every cart, hackney carriage, or boat, shall be painted at the right side of such cart, hackney carriage, or bow of such boat in legible letters and numbers, of the size of at least two inches, in white, on a dark ground.

**EXEMPTION FROM THE PAYMENT OF DUTIES UNDER
THIS LAW.**

18—Horses used by Officers of the Army, for the keep of which an allowance is granted by her Majesty's regulations, are exempted from taxation under this Law; and houses belonging to the Crown, or to the Colonial Government, and school houses, except in so far as they may be used as dwelling houses, are also exempted from taxation under this Law.

Horses allowed to Military Officers, and Crown and Colonial property, &c. exempted from taxation under this Law.

19—Railway and tramway trucks and carriages shall not be liable to seizure, nor shall any such truck or carriage be liable to the payment of any tax under this Law, so long as used exclusively upon the railway or tramway; or carts used upon an estate or pen shall not be liable to seizure, nor shall any such cart be liable to the payment of any tax under this Law, so long as used exclusively within the limits of the estate or pen to which it belongs, or upon any public road running through such estate or pen, and within the limits of the same.

Railway and tramway trucks, &c. and carts on estates and pens exempted.

DURATION OF LICENSE.

20—Each license under this Law shall be in force from the 1st day of August in each year, or from the day on which granted, until the thirty-first day of July next succeeding.

Duration of license to 31st July of each year.

DUTIES OF COLLECTORS OF DUES.

21—The Collector of Dues of each parish, or district of a parish, shall fill up, in consecutive order, in the book to be for that purpose furnished to him, and in which book the license and counterfoils thereof shall be numbered from one onwards, each license granted by him, and also insert the particulars thereof in the counterfoil of each license, and shall cut out and deliver to each person paying the taxes and duties under this Law the license for the same; and he shall also transcribe the same in numerical order in a book to be kept in his office for that purpose, in such form as shall be prescribed by the Revenue Commissioner, which book shall be open

Collector of Dues to deliver license in consecutive order, and to transcribe same in book to be kept for inspection, and make returns and remittances.

to public inspection; and he shall transmit to the Receiver-general, on or before the thirtieth day of September in each year, a statement, declared to before a Justice of the Peace, of the total number of persons who shall have paid taxes or duties, with the aggregate of each head or division of items of property, and the total of such payments up to twenty-eight day of September; and, within five days after the termination of each month, shall transmit a similar statement for the period elapsed since the date to which the last return was made, in such form as the Revenue Commissioner shall from time to time direct, shewing the number, in consecutive order, of the licenses issued by him during the then preceding month, with the names of the taxpayers, the items of property, and sums paid by each, and the gross aggregate receipts of such month (including land tax); and he shall, at the same time transmit to the Receiver-general, or otherwise, as by law required, the full amount of all such duties and monies received by him.

Collector of
Dues to be paid
by salary or
otherwise, as
Governor shall
direct.

REMUNERATION OF COLLECTORS OF DUES.

22—Each Collector of Dues shall be paid such salary or remuneration as the Governor shall direct.

DUTIES OF POLICE IN EXECUTION OF THIS LAW.

Police may
seize property
not licensed,
and as to carts
&c., if not let-
tered or num-
bered.

23—Every item of property liable to duty, but which shall not have paid duty, or have been licensed, and also every cart, hackney carriage, or boat which shall not be lettered or numbered according to the register of the parish as directed by this Law, and whether the same is being used or not, shall be seized by any Policeman or Constable, and conveyed to a Justice of the Peace, who may direct the same, and all goods found in the cart, hackney carriage, or boat so seized (except the party in charge shall think fit to remove the said goods), to be kept until the case can be adjudicated by the Justices in Petty Sessions, who may direct the property so seized to be detained until redeemed or sold.

24—Out of the proceeds of such sales the Collector of Dues shall be paid the amount of the taxes or duties and the costs and charges of taking, keeping, and selling in the property seized, not exceeding one shilling in the pound, and a further sum of two shillings to the seizing officer, and the surplus, if any, shall be returned to the owner or persons from whom the property was so taken.

On sale thereof duties and expenses to be paid from proceeds.

25 The owner or persons from whom the property was so taken may, at any time before the sale thereof, redeem the same, by complying with this Law, and paying the sum of two shillings to the seizing officer, and the charges on taking and keeping the property, not exceeding one shilling per diem; and the Collector of Dues shall thereupon grant the necessary License as hereinbefore directed; upon production of which the property shall be restored; but any Justice of the Peace may direct the seizing officer to sell immediately, by public outcry, any goods seized that may be of a perishable nature, and to apply the proceeds of such sale to the like purposes as herein directed; and notwithstanding such seizure and sale, the penalties for the breach of this Law may be sued for and enforced against the offender.

Owner, &c., may redeem before sale.

EVASIONS OF THE LAW.

26—Any person allowing his license to be used by any other person, in contravention of this Law, shall be liable to a penalty not exceeding ten pounds, nor less than two pounds; and any person using such license as aforesaid, shall be liable to a like penalty.

Penalty on using the license of another person.

27—Any person who shall counterfeit or forge, or cause or procure to be counterfeited or forged, or aid in counterfeiting or forging any license, registration letter, number, or mark, or painting, or impression whatsoever, required by this Law, or who knowingly shall utter, give or procure to be given, or make use of, or procure to be made use of, or accept, or receive any counterfeited or forged license, registra-

Forging licenses, letters, numbers, &c.

tion letter, number, or mark, or painting, or impression whatsoever, required by this Law in any respect or particular, shall, for every offence, on conviction be adjudged to pay the sum of ten pounds, and to be imprisoned with hard labor for any period not exceeding six calendar months.

GENERAL PROVISIONS.

Licenses, &c.,
not liable to
stamp duty.

28—No receipt or license, registration certificate or process under this Law, shall be subject or liable to any stamp duty.

Revenue Com-
missioner to re-
fund over-paid
duties.

29—The Revenue Commissioner may refund any amount of license duty which may appear to him to have been over-paid.

Revenue Com-
missioner to ad-
vertise letter
and number of
each parish.

30—The Revenue Commissioner shall determine, and by public advertisement in the "Jamaica Gazette by Authority," communicate to the Collector of Dues, or respective Collectors of Dues of each parish, the distinguishing letter of his parish, to be affixed to licenses for the then ensuing licensing period or year, and the same shall be the distinguishing letter of the parish for that period or year, and shall be inserted in each license under this Law accordingly for such parish.

Revenue Com-
missioner may
allow compensa-
tion to Collector
of Dues for per-
sons to assist
him.

31—The Revenue Commissioner may allow any reasonable sum for remunerating any person appointed by the Collector of Dues for any parish, with his consent, for aiding him in discovering and proceeding against persons in default, or in arrear for duties, and otherwise assisting in the collection of the same.

False declara-
tion perjury.

32—If any person shall wilfully make a false declaration in respect of any matter required by this Law, every such person, upon conviction, shall be liable to, and shall suffer such penalties as are imposed on persons guilty of wilful and corrupt perjury; and every prosecution in any such respect shall be of a public nature.

Taxes and du-
ties payable, and

33—Notwithstanding the repeal or expiry of the Act twenty-eighth Victoria, chapter twenty-eight, "The License and

Registration Duties' Act, 1865," all taxes and duties payable thereunder may be enforced, and all offences committed against its provisions dealt with and punished; and all penalties imposed or incurred thereunder shall be recovered; and all bonds, recognizances, liabilities, and duties enforced under the powers, directions, and authorities of this Law, and of any Law now or hereafter to be in force for the collection of taxes and duties, and all proceedings taken or commenced under the said Act, or any other Act, shall continue and be in full force and effect.

offences committed under former Law how to be dealt with.

SHORT TITLE.

34—This Law may be cited in all proceedings as "The License and Registration Duties' Law, 1867," and shall commence and be in force on, from, and after the first day of August, one thousand eight hundred and sixty-seven.

Short title.

JAMAICA—LAW 31 OF 1867.

A Law to Regulate the Collection of the Duty on Rum, and for the Warehousing of Rum.* [13th August, 1867.]

JAMAICA—LAW 32 OF 1867.

A Law to Provide for the Collection of Taxes. †
[13th August, 1867.]

WHEREAS it is expedient to provide for the collection of taxes within this Island: It is enacted by the Governor of Jamaica, with the advice and consent of the Legislative Council thereof, as follows:—

Preamble.

* Repealed by Section 1 of Law 10 of 1878.

† Incorporated by Section 2 with Law 12 of 1880, and by Section 2—Sub-section (a) with Law 4 of 1883, and its powers, provisions, regulations, and directions incorporated in Law 16 of 1889 by Section 5 of that Law.

COLLECTION OF TAXES.

Governor may appoint Collector of Taxes, and assistants for each parish,

1—It shall be lawful for the Governor at any time to appoint a Collector of Taxes for each or any parish of this Island, and as many assistants to every such Collector, as may be necessary.

with the power and duties of Collectors of Dues and Rum Duties.

2—When a Collector of Taxes shall have been appointed in any parish, he shall, within his parish, have all the powers, and perform all the duties of a Collector of Dues, or Collector of Rum Duties, under the Laws now or hereafter to be in force; and on the appointment of such a Collector of Taxes in any parish, the officers of all Collector of Dues and Collector of Rum Duties within that parish, shall cease and determine.

Powers and duties of assistants to a Collector of Taxes.

3—Subject to the orders of the Collector of Taxes, all assistants to every such Collector of Taxes shall have the powers of the Collector of Taxes, and all such assistants shall perform such duties in the Revenue Department as the Collector, whose assistants they are, shall, subject to the orders of his official superiors, prescribe.

Collector and assistants subject to order of Revenue Commissioner and Governor.

4—In the conduct of their duties in the Revenue Department, the Collector of Taxes and his assistants shall be subject to the orders of the Revenue Commissioner and the Governor.

On appointment of a Collector of Taxes, Collectors of Dues, &c., to render accounts and pay over.

5—On the appointment of a Collector of Taxes in any parish, every Collector of Dues, and Collector of Rum Duties in that parish, shall deliver true accounts, in writing, verified on oath before a Justice of the Peace (which oath any Justice is hereby authorised to administer), of all monies collected by him since the period to which he had last previously accounted, and of all monies remaining due and uncollected by him, mentioning the names of the persons by whom owing, the amount which each owes, and the description of property in respect of which such monies are due, and shall pay over all monies in his hands to the Receiver-General, or otherwise, as by Law required.

6—Every Collector of Dues, or Collector of Rum Duties, who shall refuse or neglect to comply with any of the provisions of the last preceding clause, shall be proceeded against by the Clerk of the Peace, who, upon the receipt of a certificate from the Receiver-General, that such removed Collector of Dues or Collector of Rum Duties hath failed to comply with the requirements of this Law, shall procure the warrant of a Justice of the Peace to apprehend and bring such defaulter before any two Justices of the Peace, who, upon production and inspection of such certificate, and in the absence of proof to their satisfaction that the requirements of the Law have been complied with, shall commit the offender to the common gaol, there to remain without bail or mainprize, until he shall have given such accounts, and made such payment.

Process against
on refusal or
neglect.

7—It shall be lawful for the Governor to appoint a Collector of Taxes, or an assistant to a Collector of Taxes, to be also a Sub-agent of Immigration within his parish, or any part thereof, and within any other parish or parishes, or any part of any other parish or parishes; and any Collector of Taxes, or assistant to a Collector of Taxes, so appointed, shall, in respect of the duties of such appointment, be subject to the orders of the Agent-general of Immigration, and of the Governor.

Collector of
Taxes, or assis-
tant, may be
Sub-agent of
Immigration.

8—A Collector of Taxes, or an assistant to a Collector of Taxes in any parish, may also be appointed by the Governor to be the Clerk of the Municipal Board, and of the Parochial Road Board of his parish; and, when so appointed, in his capacity of such Clerk, shall be subject to the orders of his Municipal Board, and Parochial Road Board respectively; and any Clerk of a Municipal Board of a parish may be appointed by the Governor to be the Collector of Taxes, or an assistant to the Collector of Taxes in that parish.

He may be also
Clerk of Muni-
cipal Board and
Parochial Road
Board,

9—A Collector of Taxes, or an assistant to a Collector of Taxes in any Parish, may be appointed by the Governor to be a Sub-collector of Customs in any port within that Parish;

and Sub-col-
lector of Cus-
toms.

and, when so appointed, in his capacity of Sub-collector of Customs, shall be subject to the orders of the Collector of Customs, the Revenue Commissioner, and the Governor; and a Sub-collector of Customs may also be appointed by the Governor to be the Collector of Taxes, or an assistant to the Collector of Taxes in that Parish.

Governor may establish Parochial Treasuries. Collector of Taxes Treasurer.

10—It shall be lawful for the Governor to establish, in any Parish in which a Collector of Taxes shall be appointed, a Parochial Treasury, whereof the Collector of Taxes shall be Treasurer, in the conduct of his duties as Parochial Treasurer; when so appointed, he shall be subject to the orders of the Receiver-general, the Revenue Commissioner, and the Governor.

Duties of assistant in such case.

11—When a Parochial Treasury shall be established, an assistant to the Collector of Taxes may be employed to perform such duties connected therewith, as the Governor may sanction.

Governor, in Privy Council, to make rules.

12.—The Governor, in Privy Council, may prescribe, from time to time, regulations for the guidance of Collectors of Taxes and their assistants in every Department of their business, and may also fix, for any breach of the said regulations, such penalty as may be thought proper, not exceeding in any one case the sum of fifty pounds.

Penalties under this Law, and the rules, how recoverable.

13—All penalties under this Law, as well as penalties fixed by regulations prescribed under the authority of the last preceding clause, may be recovered in a summary manner before any two Justices of the Peace of the Parish wherein the offence shall be committed; and, in default of immediate payment, by imprisonment for any period not exceeding three months, unless the same be sooner paid.

Present officers to act until others appointed.

14—Until the Governor shall have made in any Parish an appointment of a Collector of Taxes under this Law, every person who, at the time of the passing of this Law, shall hold the office of Collector of Dues, or Collector of Rum Duty,

shall continue to hold his office, and to exercise the duties thereof within the limits in which he at present exercises the same; and every person so holding any such appointment as last aforesaid, shall hold the same, subject to removal therefrom by the Governor.

15—Upon the death or removal from office of any Collector of Dues, Collector of Rum Duties, or other officer as aforesaid, the liabilities of himself and sureties under his or their bond or bonds shall cease, except in respect of any non-payment over of monies, or any other defaults previous to his death or removal; and the Collector of Dues, or other officer as aforesaid, shall be deemed to have been in default in any case in which, within his knowledge, any tax or duty, or any instalment thereof, had fallen due, and payment thereof might have been enforced previously to his death or removal, upon proof being given that the same could have been collected or enforced previously to his death or removal.

On death, or removal of Collector of Dues, &c., liabilities on bond to cease.

16—The Collector of Dues, or other officer as aforesaid, shall give such reasonable assistance in the filling up of the forms under the License and Registration Duties Law, or any other Law under which Duties or Taxes may be receivable by him, as may be required from him by any taxpayer.

Collector of Dues, &c., to assist in filling up forms.

17—The Collector of Dues, or other officer as aforesaid, shall notify to the Receiver-general the name of every person in arrear for Taxes, who shall be the recipient of any salary payable by the Government of this Island, or entitled to any money payable out of the Public Revenue; and thereupon the Receiver-general shall retain the amount of such Taxes, and any surcharge thereon.

Collector of Dues, &c., to stop salary or pay to public officer for taxes.

18—For every neglect of duty, for which no other penalty is enforced by this or any other Law, the Collector of Dues, Collector of Rum Duty, or other officer as aforesaid, shall forfeit and pay a fine not exceeding five pounds; and the Receiver-general shall deduct, from any salary payable to

Penalty on neglect of duty.

such defaulting officer, the amount of the penalty inflicted for every such neglect or default.

ENFORCEMENT OF TAXES.

Collector of Dues, &c., may, on neglect to make return as by Law required, assess and make surcharge.

19—When no return, in respect of the Duties or Taxes, or any of them imposed by any Law of this Island, as shall be by such Law required, shall be made to the Collector of Dues, or other officer as aforesaid, such officer shall assess the person neglecting to make such return to the best of his judgment, and according to such information as he may be able to obtain, and may add thereto one-fourth part of such Duties or Taxes as a surcharge or penalty, and shall deliver to the person assessed, or leave at his usual or last known place of abode, or on the premises assessed, a statement of such Duties and Taxes, and surcharge, if any; and if, within ten days after such service, the person so charged shall not make a return as required by the Law or Laws, in that respect, and pay the Duties or Taxes for which, by such return, he shall appear liable, together with a sum equal to one-fourth of such Duties or Taxes, the assessment shall be binding and conclusive upon the person charged.

Authority to distrain.

20—If any person, making a return of the duties or taxes imposed upon him by any Law of this Island, shall not therewith pay the said duties or taxes, or if any person assessed shall not make a return of, and pay the duties or taxes to which he is liable, and the surcharge thereon within ten days after the delivery of the assessment to him, the Collector of Dues, or other officer as aforesaid, without the necessity for any other authority than is given by this Law for the recovery of the said duties or taxes so returned, or included in the assessment, and the surcharge thereon (if surcharged), and the costs of distress, may distrain the goods and chattels of the person so liable as aforesaid to the said duties or taxes wheresoever found, as well as any goods and chattels found on the land or premises in the possession of the person liable, on which a landlord might distrain for rent in arrear.

21—*

22—In case of any distress on the goods and chattels of any succeeding occupier, for the duties or taxes due by a previous occupier, it shall be lawful for such succeeding occupier to deduct the amount enforced by such distress from the next payment of rent; but as against the goods and chattels of any other than the person originally liable, such levy must be made within six months after the duties or taxes shall have become leviable.

Succeeding occupier distressed on to deduct from rent.

23—Where the duties or taxes are by any Law made payable by moieties, the surcharge, if any, shall be paid with the first moiety.

In case of payment by moieties surcharge payable with first moiety.

24—Where only one moiety of the tax or duty shall have been paid, the remaining moiety shall, within ten days after the same falls due, be paid to the Collector of Dues, or other officer as aforesaid, by the party liable thereto; or in default, the Collector of Dues, or other officer as aforesaid, without the necessity for any other authority than is given by this Law, may distrain for the same, and the costs thereon, in like manner as hereinbefore in the twentieth section directed.

Recovery of second moiety;

25—The permanent quit rent and land tax may be recovered and enforced under the provisions of this Law, as well against the occupier or tenant, as the owner or any other person interested in the land subject thereto.

Quit rents recoverable against owner, as well as tenant.

26—The cost of any such distress shall be charged on the same scale as the fees under the Act first Victoria, chapter twenty-five; but it shall not be necessary for the Collector of Dues, or other officer as aforesaid, in making a distress, to appraise the same, nor shall any charge be allowed for appraisalment.

Costs of distress.

27—A distress or levy for any tax, duty, arrear, moiety, penalty, or costs under any Law of this Island, may be made

Distress may be made on money, &c.

*Repealed by sec. 1 of Law 14 of 1869.

on any money, bonds, bills, notes, or other securities for money, belonging to the same person against whom such distress or levy shall be made, and the same shall be sold and disposed of under the provisions of this Law; and, whenever necessary for the purpose of vesting the same in the purchaser thereof, the Collector of Dues, or other officer as aforesaid, shall assign and endorse such security for money without rendering himself liable thereby.

When distress
to be sold.

28—It shall be lawful to keep any distress for the space of ten days (unless the same shall be of a perishable nature, when the same may be immediately sold); and if the same be not redeemed within ten days, or before sale, to sell and dispose of the same, or a sufficient portion thereof, to satisfy the duties or taxes, and the expenses of the distress, and a commission of five pounds *per centum* on such taxes or duties, or on the value of the distress, if the proceeds shall be insufficient to satisfy the duties or taxes; and the surplus of any sale, and any unsold goods or chattels, shall be returned, on demand, to the person distrained on.

Distress not re-
deemable but
on payment of
taxes and com-
mission.

29—No distress shall be redeemable except upon payment of the duties or taxes due, and of the commission aforesaid.

Collector of
Dues, &c. not
liable except for
wilful injury,
&c., to distress.

30—No action shall be brought, nor shall any Collector of Dues, or other officer as aforesaid, be answerable or accountable for any loss, deterioration, or injury to any goods or chattels, or other property levied or distrained upon, except for wilful negligence, ill-usage, or injury.

Distrainer not a
trespasser *ab*
initio.

31—The person making such distress shall not, by reason of any irregularity, be deemed a trespasser *ab initio*.

Properties in re-
ceivership may
be distrained on.

32—The Collector of Dues, or other officer as aforesaid, may proceed as by this Law directed, for the recovery of duties or taxes, or any arrear, moiety, penalty, or costs respectively, notwithstanding that the property in respect whereof the same shall be payable be in receivership in the

Court of Chancery, or the party proceeded against be an officer of that Court, without the necessity of any application to the Court for that purpose.

33—Upon the insolvency of any person charged with the payment of taxes or duties, the sum which shall be charged to such person, whether the same shall have become due or not, shall to the extent to which such taxes or duties may remain unpaid at the time of such insolvency, be the prior charge and lien upon the estate and effects of such insolvent in the hands of the official or other assignee of such estate, and shall be paid by him out of such estate and effects, if any; and every such insolvent shall be relieved and discharged from such payment.

Taxes prior lien
in insolvency.

34—Whenever it shall come to the knowledge of any Collector of Dues, or other officer as aforesaid, that any person in possession of a house, whether as owner or otherwise, which is liable to taxation under any Law of this Island, is poor and indigent, and unable to pay the tax or duty upon house, or cannot afford to pay more than a portion of such taxes or duties, he shall refrain from enforcing the payment of any such taxes or duties, or portion thereof, until he has transmitted to the Municipal Board a statement of the case, in which he shall give the name of the party, and the amount due by him for taxes or duties, with a description of the house liable to the taxes or duties, and any evidence he may have of the poverty of such person, or his inability to pay the whole of the tax or duty with which he is charged.

Relief to indigent persons.

35—It shall be lawful in every such case for the Collector of Dues, or other officer as aforesaid, to examine on oath (and he is hereby authorized to administer such oath), the person liable for the duties or taxes, and any other person who may be willing to give information respecting his circumstances, and to take down in writing the statement of such persons, to be forwarded with his statement to the Municipal Board.

Examination by
Collector of
Dues, &c.

Municipal Board
to recommend,
and Revenue
Commissioner
to relieve.

36—The Municipal Board in every such case may institute such further inquiry as they shall consider necessary; and, when satisfied that the person is poor and destitute, and unable to pay the duties or taxes for which he is liable, or to pay the whole of them, shall report the case, with their recommendation, to the Revenue Commissioner, who may direct the Collector of Dues, or other officer as aforesaid, not to levy for the same, or for the whole thereof, as such Revenue Commissioner may think proper: In all such cases the duties or taxes shall not be charged on the house in respect whereof the same is payable, nor shall any subsequent occupier of the same house be liable in such case for the unpaid duties or taxes thereon.

ACTIONS BY PERSONS AGGRIEVED.

In what cases a
replevin for
taxes may issue.

37—Before a writ of replevin shall issue in respect of any goods or chattels distrained on for duties or taxes, the claimant shall file an affidavit showing how and in what manner the goods and chattels so distrained on were not so liable, and the grounds upon which the adverse claim is founded, and shall procure an order of a Judge of the Supreme or other competent Court, authorizing the issue of such writ of replevin, an attested copy of which order shall be served with the copy declaration of replevin; and the Provost-marshal-general, or his deputy, before executing any such writ, shall require the joint and several bond of the plaintiff, and of two sufficient sureties, to be approved of by the Provost-marshal-general, or his deputy, and by the Collector of Dues, Collector of Rum Duties, or other officer as aforesaid, in a penalty to the Collector of Dues, Collector of Rum Duty, or other officer as aforesaid, sufficient to cover the value of the goods to be replevined, and the further sum of fifty pounds to cover the probable costs, and to be conditioned for the payment of the sum distrained for, and of the costs of distress, and of the defence, or for a return of the goods, and payment of the defendant's costs, in case of judgment against the plaintiff, or of a nonsuit or discontinuance; and unless such attested

copy order shall be served with the copy declaration, and such bond be delivered as aforesaid, the Provost-marshal-general or his deputy shall abstain from executing such writ.

38—An action of replevin shall not abate by the death of the defendant, but shall be continued by suggestion and substitution of the person on whom his rights shall devolve; and every such replevin shall, when issued from the Supreme Court, be tried at latest within two Courts after issue joined, unless the Supreme Court, or Judge of the Circuit Court, shall retain the same for sufficient cause, on oath, or unless the same shall be continued at the instance of the defendant; and unless so tried, the action shall thereupon be peremptorily discontinued without any order for the purpose; and if the amount distrained for, and the costs of suit be not paid, or the goods and chattels returned, and costs paid upon demand, the Collector of Dues, Collector of Rum Duties, or other officer, may enforce the penalty of the bond against the party and his sureties, without prejudice to the defendant's other remedies for the recovery of his costs.

Replevin not to abate by death of officer.

39—In any action to be brought against any Collector of Dues, Collector of Rum Duties, or other officer or person, for any distress or other act in the execution of his duty, the defendant may, with the plea of not guilty, make avowry of, or justify the taking of the said distress, or any such other act charged, and allege generally that the same was so made or done by virtue of this or any other Law in that behalf, without setting forth any other matter or circumstance constituting such justification; and the plaintiff may reply thereto the general replication *de injuria*, and upon the trial of the issue thereon the whole matters relied upon by both parties may be given in evidence.

Pleading by Collector, &c., on replevin.

40—In any action to be brought for recovery of the value of any distress for duties or taxes which may have been sold, no greater damages than the net proceeds of sale, after payment of all expenses attending the same, shall be recoverable,

Damages recoverable against Collector, &c.

unless the plaintiff shall prove that by fraud, or want of care, the distress hath been sold at an undervalue, or that before the sale he had given written notice to the Collector of Dues, Collector of Rum Duties, or other officer, or person distraining, of his intention to replevy such goods, within a time to be mentioned in such notice, not exceeding ten days from the taking, and had required the sale to be delayed to enable him to replevy the same, and tendered a reasonable sum to cover the additional expenses occasioned thereby, and that the sale was notwithstanding proceeded with before the expiration of such time.

41—*

RECOVERY OF PENALTIES.

Recovery of penalties, forfeitures, and taxes by other process than distress.

42—All penalties and forfeitures imposed by this Law, or by "The License and Registration Duties Law, 1867," or by any other Law in force for raising and imposing duties or taxes, may be recovered, and all taxes, duties, and arrears, required to be paid to the Collector of Dues, or other officer as aforesaid, and not paid to him pursuant to the provisions of this Law, or "The License and Registration Duties Law, 1867," or other such Law as aforesaid, as well as the surcharge thereon, may, instead of the process of distress hereinbefore directed, also be recovered in a summary manner before two Justices of the Parish wherein such offence or default was committed, or the offender or defaulter resides; and, in case of non-payment, may be enforced by distress and sale of the offender's or defaulter's goods, or imprisonment not exceeding three months, unless such penalty, taxes, duties, arrears, and costs shall be sooner paid, and may be enforced under the provisions of the thirteenth Victoria, chapter thirty-five, or any other Act or Law in respect to summary proceedings, and the forms of the said last-mentioned Act may be adapted to meet the requirements of this Law, and "The License and Registration Duties Law, 1867," or other such Law as afore-

* Repealed by Section 1 of Law 14 of 1869.

said; and, notwithstanding anything in the said Act of the thirteenth Victoria, chapter thirty-five contained, the taxes, duties, and arrears, and the surcharge, and any penalty attaching to such non-payment, may be included in, and recovered in one proceeding.

43—Nothing in the said Act, thirteenth Victoria, chapter thirty-five contained, shall preclude the Collector of Dues, or other Officer as aforesaid, from proceeding by distress, or under the provisions of the preceding section, for the recovery of the said taxes, duties, arrears, and surcharge, at any time until full payment shall have been made to the Government of this Island for the same.

No limitation
as to recovery
for taxes.

44—In all legal proceedings, the production of a certificate, purporting to be signed by the Receiver-general, or other officer to whom the duty shall appertain, or by any Collector of Dues, or other officer as aforesaid, stating the number and description or the value of property, in respect of which the person therein named appears to have paid taxes or duties; and any book, record, statement, or return made by any of those officers in the execution of this Law, or “The License and Registration Duties Law, 1867,” or other such Law as aforesaid, shall be received as *prima facie* evidence of the truth of the statements therein contained; and any certificate, purporting to be signed as aforesaid, that the person therein named does not appear, from any document in his office, authorized to occupy, or keep, or use any property within the meaning of this Law, or “The License and Registration Duties Law, 1867,” or other such Law as aforesaid, or any greater number of any such items respectively than shall be expressed in any such certificate, shall be also received as *prima facie* evidence of the truth of the facts therein stated.

Certificates of
certain officers
evidence.

45—The Justices adjudicating under this Law may award to the informer a sum not exceeding a moiety of the penalty to be imposed.

Justices may
give moiety of
penalty to in-
former.

APPLICATION OF LAW.

This Law to apply to taxes, the collection of which not otherwise provided for.

46—The powers and provisions of this Law shall apply to the collection and enforcement of all taxes, duties, and penalties which are or shall be raised or imposed by any Law not otherwise specifically providing for the collection of the same.

Repeal of Acts.

47—The Act of the twenty-seventh Victoria, session one, chapter thirty-one, to provide for the collection of taxes, is hereby repealed, but without prejudice to any Act or proceeding done or commenced thereunder; and every proceeding commenced may be carried on to completion, and any offence committed against, or penalty incurred under any provision of the recited Act, may be punished or enforced, notwithstanding such repeal, agreeably to the provisions thereof.

Short Title.

48—This Law may, for all purposes, be cited as “The Tax Collection Law, 1867.”

 JAMAICA—LAW 33 OF 1867.

A Law to Provide for the Better Security of the Public Revenue.

[13th August, 1867.]

Preamble.

WHEREAS it is expedient to provide for the better security of the Public Revenue, in the manner hereinafter mentioned: It is enacted by the Governor of Jamaica, with the advice and consent of the Legislative Council thereof, as follows:

1—*

2—*

3—*

* Repealed by sec. 10 of Law 45 of 1872.

4—The security given by any person now in the collection, receipt, or payment of the Public Revenue shall, notwithstanding the passing of this Law, continue and be in force until such person shall be required to give security under this Law.

Present security in force in the meantime.

5—*

6—*

7—*

8—The Island Secretary shall keep a separate book for recording all bonds to the Crown, and an index thereto.

Island Secretary to keep separate book and index for Crown Bonds.

9—*

10—Immediately upon the filing of any declaration, and an entry thereof made by the Clerk of the Court, in a book to be kept for that purpose, against any person having, or who shall have had the collection, receipt, or payment of any monies of the Public Revenue, his heirs, executors, or administrators, or against any surety upon any such security bond, under this or any former Law, his heirs, executors, or administrators, all the lands, tenements, and hereditaments of, or to which any such person, principal or surety as aforesaid, his heirs, executors, or administrators shall, at the time of filing such declaration, or at any time afterwards be seized, possessed, or entitled for any estate or interest whatsoever at law or in equity, whether in possession, reversion, remainder, or expectancy, or over which such person shall have any disposing power, shall be charged with, and bound by the said declaration, and all damages thereafter to be entered upon, or assessed in respect thereof, as fully and effectually as if a judgment had been entered up and registered in the Supreme Court.

Filing of action by the Crown, and entry by Clerk of Supreme Court equal to registered judgment.

11—Upon affidavit, shewing that any person having, or having had the collection, receipt, or payment of any monies

Attachment may issue

* Repealed by sec. 10 of Law 45 of 1872.

against person in collection, receipt, or payment of Public Revenue not paying over or accounting for money.

of the Public Revenue, hath neglected to pay or account for any sum of money by him received, a Judge of the Supreme Court may issue an attachment, to be tested as of the date of its issue, directed to the Provost-marshal, or his deputy, authorizing him to arrest the body, and to seize and secure the goods, chattels, and personal property of such person where-soever the same can be discovered and found; and in case the accounts of such person shall not be duly delivered, or the monies detained by him shall not be paid or satisfied to the Receiver-general, or otherwise, as by Law directed, within fourteen days after such seizure, or if the sale shall not be stayed by order of a Judge, as next mentioned, the Provost-marshal, or his deputy, shall sell and dispose of all such goods, chattels, and personal property so seized as aforesaid, or such part thereof as may suffice to satisfy and pay the sum so due and unaccounted for, together with the costs of recovering the same; and the surplus, if any, shall be restored to the person against whom such attachment shall have issued.

Judge, on application, may admit to bail or stay execution.

12—Any person, against whom such attachment shall issue, may apply to a Judge of the Supreme Court, upon affidavit, to be admitted to bail, or for a stay of execution under the said attachment, to enable him to make application to the Supreme Court to discharge the same, and the Judge may make order accordingly.

Governor may direct discharge of principal or surety imprisoned.

13—It shall be lawful for the Governor, upon application of any person who shall have had the collection, receipt, or payment of any monies of the Public Revenue, or of any surety of such person who may be committed to prison under any process or judgment against such person or surety in respect of such monies, or on his bond, to direct his discharge from imprisonment in respect of his detainer under such process or judgment; and an order in writing, signed by the Revenue Commissioner for the time being, shall be a sufficient authority to the keeper of the gaol or prison, in which any such person shall be detained, to discharge such person out of

custody; but no such order, nor the discharge thereunder, shall operate to satisfy the said process or judgment, or to discharge the liability of any other person liable jointly with such person as surety, or with such other person so discharged.

Not to affect security.

14—Upon full performance of the condition of the bond of any person entrusted with the collection, receipt, or payment of any portion of the Public Revenue; and, upon the final discharge of any such person from his office, and on the certificate in writing of the officer authorized to pass his accounts, that the same have been duly audited and passed, such person, or his sureties, shall be entitled to have delivered up to them the bond or bonds entered into by such person; and also at the public expense to have satisfaction entered on the margin of the records respectively of the said bond, and of any judgment recovered thereon.

On full performance of condition of bond and on final discharge of officer, bond may be given up, and satisfaction entered.

SCHEDULE A.*

SCHEDULE B.*

JAMAICA—LAW 34 OF 1867.

A Law to Authorise the Jamaica Railway Company to Make and Maintain a Branch or Continuation Line of Railway from Spanish Town to Old Harbour, and for Raising Additional Capital.†

[6th September, 1867.]

* Repealed by Section 10 of Law 45 of 1872.

† Repealed by Section 1 of Law 22 of 1868.

JAMAICA—LAW 35 OF 1867.

A Law to provide District Courts.*

[11th October, 1867.]

JAMAICA—LAW 36 OF 1867.

A Law for the Trial of Small Causes.*

[11th October, 1867.]

JAMAICA—LAW 37 OF 1867.

A Law to Confer upon the District Courts a Limited Jurisdiction in Matters Relating to Land.*

[11th October, 1867.]

JAMAICA—LAW 38 OF 1867.

A Law to Confer upon the District Courts a Limited Jurisdiction in Equity.*

[11th October, 1867.]

* Repealed by Section 261 of Law 22 of 1874.

JAMAICA—LAW 39 OF 1867.

A Law to Confer upon the District Courts a Limited Jurisdiction in Criminal Matters.*

[11th October, 1867.]

JAMAICA—LAW 40 OF 1867.

A Law to Limit and Define the Classes of Prisoners Sentenced to the General Penitentiary, and to provide a Prison for Convict Lepers and Invalid Prisoners from the General Penitentiary.†

[15th October, 1867.]

JAMAICA—LAW 41 OF 1867.

A Law for Regulating Hawking and Peddling.

[15th October, 1867.]

WHEREAS it is expedient to repeal the Act fourth Victoria, chapter eleven, entitled *An Act to repeal and amend the Acts of this Island, regulating hawking and peddling*, and the Act sixth Victoria, chapter thirty, entitled *An Act to amend an Act, entitled "An Act to repeal and amend the Acts of this Island, regulating hawking and peddling."* Be it therefore enacted by the Governor of Jamaica, with the advice and consent of the Legislative Council thereof, as follows:

1—The said recited Acts are hereby repealed; but such repeal shall not affect any license granted thereunder, the term of which shall not have expired; and, notwithstanding such repeal, all penalties and forfeitures under the said re-

Preamble.
Repeal of 4 Vic.
c. 11, and 6 Vic.
c. 30.

* Repealed by sec. 261 of Law 22 of 1874.

† Repealed by Section 97 of Law 18 of 1882.

cited Acts, or either of them, incurred previously to such repeal, may be recovered and enforced under the provisions of such Acts, or either of them.

No hawker or pedlar to sell goods, &c., without license.

2—It shall not be lawful for any hawker, pedlar, or other person, to go from place to place, or from house to house, to sell any goods, wares, merchandize, or other articles of traffic (except such as are hereinafter excepted), unless such hawker, pedlar, or other person shall have a license, as required by this Law.

License to be as in schedule A, on psyment of 40s. and to 31st December.

3—Every hawker, pedlar, or other person, before he shall carry about for sale, or expose for sale any goods, wares, merchandize, or other articles of traffic (except such as are hereinafter excepted), shall take out a license for such purpose, in the form, or to the effect prescribed in schedule A, to this Law annexed, which license shall be granted by the Municipal Board of the parish in which he resides; and he shall pay for such license to the Collector of Dues of the parish, or district of the parish, the sum of forty shillings; and such license shall only continue in force to the thirty-first day of December of the year in which granted: Provided, that no license shall be granted to any person unless he shall produce to the said Municipal Board, at the time of making his application for a license, a certificate of good character, satisfactory to the said Board: And provided, that such license, so granted, shall extend only over the parish for which the same was granted, and no further: And provided, that every person who shall, at the time of the coming into operation of this Law, hold a license, duly granted under the said repealed Acts, and still subsisting, shall, until the term of such license shall have run out and expired, be deemed to be duly licensed under this Law; and such person shall be subject to the duties, penalties and forfeitures by this Law imposed upon hawkers and pedlars.

Proviso.

Proviso.

Proviso.

Transferable license may be

4—Any person having goods, wares, and merchandize for sale may apply to the Municipal Board of the parish in

which he resides, and the said Municipal Board, if satisfied of the good character of the party applying, may grant to such person a transferable license, in the form, or to the effect prescribed in schedule B to this Law, for which license such person shall pay to the Collector of Dues of the parish, or district of the parish, the sum of fifty shillings; and every such last-mentioned license shall continue in force to the thirty-first day of December of the year in which granted: Provided, that such license shall only authorize one person to sell for his employer, and shall extend only over the parish for which the same was granted.

granted as in
schedule B.

5—Every person holding a license, granted under the former Acts, is hereby required, upon the expiration of such license, before he trades as a hawker and pedlar, to take out a license under this Law, for the residue of the period to the thirty-first day of December, one thousand eight hundred and sixty-eight; and every person who, after the first day of January, one thousand eight hundred and sixty-eight, shall be desirous to trade as a hawker or pedlar under this Law, may take out a license, according to the requirements of this Law, either personal, or transferable as aforesaid, and shall pay a proportionate part of the duty imposed for such license, for every quarter of a year (each fractional part of a quarter being reckoned as a quarter), which shall elapse to the thirty-first day of December of the year in which such license shall be granted.

On expiration
of license under
former Acts
new license to
be taken out
for residue year.

6—The Collector of Dues shall keep a register, in which all licenses granted, and the names of the persons obtaining them (including all licenses in force under the repealed Acts), shall be inserted; and the said list shall be exhibited in the office of the said Collector of Dues.

Collector of
Dues to keep
register of li-
censes.

7—The Collector of Dues shall, once in every quarter of a year, forward a copy of the register as aforesaid, signed and certified as a correct copy, to the Inspector of Police of his parish, which said copy shall be kept in a conspicuous part of the police station-house, for the use and guidance of the Constabulary or Police Force of the parish.

Copy of the re-
gister to be
sent quarterly
to Inspector of
Police.

Penalty on trading without license.

8—Every hawker, pedlar, or other person who shall go from place to place, or from house to house, for the purpose of selling, or who shall expose for sale any goods, wares, merchandize or other articles of traffic (except such as are hereinafter excepted), not having a license for the parish in which he shall so trade as aforesaid, shall, upon conviction before any two Justices of the parish wherein the offence shall occur, forfeit and pay a sum not exceeding three pounds.

Articles which may be sold without license.

9—Nothing contained in this Law shall extend to prohibit any person or persons from selling any bread, fresh fish, milk, fruit, vegetables, ground provisions, vegetable roots, or other vegetables commonly known by the name of breadkind, or to limit the real worker or workers, maker or makers, of any goods, wares, or manufactures of this Island, including any pickled, salted, preserved or smoked victual, actually and *bona fide* manufactured in this Island, or his, or their children, or known agents or servants usually residing with such real workers or makers only, from carrying about or exposing to sale, and selling by retail, or otherwise, any of the said goods, wares, or manufactures of his, her, or their own making.

Constable may seize hawker or pedlar selling without license, or refusing to produce license.

10—It shall be lawful for any Constable or Peace-officer to seize and detain any hawker, pedlar, or other person found travelling from place to place, or house to house, and trading without a license, contrary to the provisions of this Law; or who being so found, shall refuse or neglect, on demand, to produce his license; and such Constable or Peace-officer shall take such person, so seized, before a Justice of the Peace of the parish wherein the offence shall have been committed; and such Justice shall, on the confession of the party, or upon due proof on oath made of the offence, convict such offender in a penalty not exceeding three pounds; and if the penalty imposed be not immediately paid, the Justice shall, by warrant under his hand, commit the offender to any prison, with or without hard labour, for the space of thirty days (to be reckoned from the day of commitment), unless the penalty shall be sooner paid.

11—Under a warrant of distress for the recovery of any penalty against any person convicted under this Law, the goods, wares, and merchandize, or other articles of traffic, offered or exposed for sale by such offender, may be distrained on, and sold for, or towards payment of such penalty.

Goods offered or exposed for sale liable to meet penalty.

12—If any person or persons shall produce or show any forged or counterfeit license for the purpose of evading this Law, every such person, on conviction before any two Justices of the Peace, shall, for every such offence, forfeit a sum not exceeding five pounds; and in default of immediate payment of such penalty, be and stand committed to any prison of such parish, for any period not exceeding ninety days, with or without hard labour, as to such Justices shall seem meet.

Penalty on producing forged or counterfeit license.

13—In case any person shall lend or hire any license which shall have been granted as aforesaid, or shall permit any transferable license to be used otherwise than by this Law permitted, or shall trade with, or under colour of any license which shall not have been granted to him, or, in the case of a transferable license, which shall not have his name endorsed thereon, every person so offending shall, for every such offence, forfeit and pay a sum not exceeding three pounds.

Penalty on illegal dealing with license.

14—Any person who, being entrusted with a license transferable as hereinbefore mentioned, shall refuse or neglect on demand to restore it to the party to whom it was granted, shall, on being convicted of such default before any two Justices, forfeit a sum not exceeding forty shillings; and the said Justices may, in addition to such penalty, require the immediate delivery up of the said license, or on refusal or neglect, may commit such party to any prison, with or without hard labour, for thirty days, or until he shall deliver up the same.

Penalty on refusal to restore to owner transferable license.

15—Except where otherwise provided, all penalties and forfeitures under this Law shall be recovered before any two Justices of the Peace of the parish where the offence was committed; and, in default of payment of the penalty, the

How penalties recovered.

party shall be liable to imprisonment, with or without hard labour, not exceeding thirty days.

Commencement
of Law.

16—This Law shall commence and come into operation on the first day of January, one thousand eight hundred and sixty-eight.

SCHEDULE A.

FORM OF LICENSE.

This is to certify, that A. B. of the parish of _____ hath been this day duly licensed as a fit and proper person, to hawk and peddle in the parish of _____ any goods, wares, merchandize, or other articles of traffic, from the day of the date hereof, until the thirty-first day of December, one thousand eight hundred and _____. This license is not transferable to any other person.

Given under my hand this _____ day of _____

[To be signed by the Collector of Dues.]

SCHEDULE B.

FORM OF TRANSFERABLE LICENSE.

This is to certify, that A. B. of the parish of _____ hath been this day duly licensed as a fit and proper person to hawk and peddle in the parish of _____ by such person (being his servant), to whom he shall entrust this license, any goods, wares, merchandize, or other articles of traffic, from the day of the date hereof, to the thirty-first day of December, one thousand eight hundred and _____

Dated the _____ day of _____ 18 _____

[To be signed by the Collector of Dues.]

NOTE—The name of the servant employed must be endorsed on the license, with the date and signature of the master, thus:

“C. B. my servant, is this day entrusted with the within license.

Dated the _____ day of _____ 18 _____

A.B.”

And so *toties quoties* on any change of the servant employed.

JAMAICA—LAW 42 OF 1867.

A Law to Amend the Law No. 11 of 1867, "A Law for Laying a Duty on Imports, Exports, and the Tonnage of Vessels," and to Repeal the Ninth Section thereof.*

[15th October, 1867.]

JAMAICA—LAW 43 OF 1867.

A Law to Repeal the Act Twenty-Ninth Victoria, Chapter Fifteen, entitled "An Act to Encourage the Introduction into this Island of a Company styled the West India Manufacturing Company, and for other purposes."†

[15th October, 1867.]

JAMAICA—LAW 44 OF 1867.

A Law to Repeal certain parts of the Public Audit Act, 1857, and of the Receiver-General's Act, and of certain Acts passed in Aid of such Acts.†

[16th December, 1867.]

JAMAICA—LAW 45 OF 1867.

A Law to Continue in Force, for a Limited Period, certain Expiring Laws.†

[16th December, 1867.]

* Repealed by Section 1 of Law 15 of 1870.

† Omitted as spent.

JAMAICA—LAW 1 OF 1868.

A Law to Repeal certain Clauses of Acts relating to the Court of Chancery.*

[17th January, 1868.]

JAMAICA—LAW 2 OF 1868.

A Law for Laying an Additional Duty on Imports.†—

[8th February, 1868.]

JAMAICA—LAW 3 OF 1868.

A Law to Provide for the Regulation of the Audit and Receiver-General's Departments. ‡

[22nd February, 1868.]

Preamble.

WHEREAS it is necessary to make provision for a complete and effectual audit of the Public Accounts: And whereas it is also necessary to provide for the keeping and adjusting of the accounts of the Public Revenue, and for the better securing the regular and punctual collection, receipt, and expenditure thereof: Be it enacted by the Governor of Jamaica, with the advice and consent of the Legislative Council thereof, as follows:

* Repealed by sec. 45 of Law 28 of 1868.

† Omitted as spent.

‡ This Law and Law 4 of 1868 have been since incorporated with Law 20 of 1868 by the 5th sec. of the said Law.

1—This Law may be cited, for all purposes, as “The Audit and Receiver-General’s Departments’ Law, 1868.” Short Title.

2—The Act twenty-first Victoria, chapter one, entitled *An Act to provide for the audit of the Public Accounts*, and the Act twenty-eighth Victoria, chapter thirty-one, continuing the same, and increasing the salary of the sole Commissioner of Audit, and for other purposes, and the Act twenty-first Victoria, chapter four, entitled *An Act to regulate the office of Receiver-General*, are hereby respectively repealed, but without prejudice to any right, power, or authority, liability, or duty thereunder given, or imposed in respect of any matter or thing, subject to the provisions of the said Acts, or any of them, which are hereby declared to continue in force and exist, and may be proceeded with, inquired into, and disposed of, agreeably to the provisions of the said Acts, or any of them; and all penalties under the said Acts, or any of them, may be recovered and enforced as if this Law had not passed. Repeal of Acts,
21 Vic. c. 1,
28 Vic. c. 31,
21 Vic. c. 4.

3—It shall be lawful for the Governor to nominate and appoint a fit person to be Auditor-General of Public Accounts, in this Law referred to as Auditor-General, and also to nominate and appoint a fit person to be Receiver-General. Governor to
appoint Audit-
or-General and
Receiver-Gen-
eral.

4—The duties, powers, and authorities imposed upon, and given to the Receiver-General under the Acts and Laws in force, so far as they are not inconsistent with this Law, shall continue to be, and be performed and exercised by the Receiver-General under this Law. Powers to Re-
ceiver-General.

5—The Auditor-General and Receiver-General, to be appointed under this Law, shall respectively hold their offices during pleasure; and, on the removal, death, resignation, or other vacancy in either of the said offices, the Governor may nominate and appoint a successor to such officer, who shall have the same powers, authorities, and duties. To hold offices
during pleasure.

6—The Governor shall from time to time appoint the officers, clerks, and other persons in the respective departments Governor to
appoint offi-
cers, &c.

of the Auditor-General and Receiver-General, who shall hold their offices and places during pleasure, and may, from time to time, regulate the grades or classes into which the said officers, clerks, and persons shall be divided, in conformity with the Law in force for the time being in relation to the strength and cost of those establishments.

To make rules.

7—The Governor shall have power to make, from time to time, orders and rules for the conduct of the internal business of the respective departments of the Auditor-General and Receiver-General, and to prescribe regulations and forms for the guidance of all parties having the receipt, collection, and payment of the Public Revenue, in making up and rendering their accounts periodically for examination.

To give directions as to payments and accounts.

8—The Governor may, from time to time, direct, where not otherwise determined by Law, in what manner and at what periods respectively, the several persons having the receipt and collection of the Public Revenue, shall pay their collections into the Colonial Bank, or otherwise, as may by Law be directed, and the respective times of their making up and rendering their accounts.

Duties of Auditor-General.

9—The Auditor-General shall examine and audit, and in accordance with the regulations that may be prescribed for his guidance in that behalf by the Governor, the books and accounts of the Receiver-General; the books and accounts of the departments of the Customs and Post Office; the books and accounts of the Collectors and Assistant Collectors of Taxes, or other officers having the collection of the internal taxes, including the books and accounts of the Collectors of Rum Duties; the accounts and vouchers of the General Penitentiary, and of the several Gaols and District Prisons of this Island; the accounts and vouchers of the Public Hospital and of the Lunatic Asylum; the accounts and vouchers for the pay and disbursements of the Jamaica Constabulary and Police Force; and the books, accounts, and vouchers of every receiver of public money, and all other books, accounts, and vouchers

which the Governor may direct to be examined as public accounts.

10—The Auditor-General shall have power from time to time to send for, and have the custody of any books, accounts, vouchers, or papers under the control of any public or parochial officer, and to call for any returns from any such officer relating to, or in anywise concerning any of the public accounts under the examination of the Auditor-General, or the expenditure of any public money, or any other matter of inquiry which he is or may be authorized to make, which may be necessary for the purpose aforesaid; and to keep such books, accounts, vouchers, and papers for such time as he may require the same; and also to send for and examine upon oath, (which oath the Auditor-General is hereby authorized to administer), such officer touching any matter or thing relating to the said public accounts, or any of them, or the expenditure of any public money, or any other matter of inquiry as aforesaid.

Powers of Auditor-General.

11—Any officer so examined, who shall wilfully give false evidence, shall be deemed guilty of perjury, and on conviction shall be liable to the pains and penalties by any Law in force in this Island imposed upon persons guilty of such offence, and every prosecution in such respect shall be deemed a public prosecution.

False evidence perjury.

12—The said offices of Auditor-General and Receiver-General shall be under the supervision and control of the Revenue Commissioner.

Offices under Revenue Commissioner.

JAMAICA—LAW 4 OF 1868.

A Law to Repeal “The Receiver-General Moneys’ Transfer Act, 1857,” and the other Acts and Laws in Aid or Amendment thereof, and to make other Provision for the Deposit of the Public Moneys.*

[22nd February, 1868.]

Preamble.

WHEREAS it is expedient to repeal “The Receiver-General Moneys’ Transfer Act, 1857,” and the other Acts and Laws in relation thereto, and to make other provisions with reference to the transfer and deposit of the Public Moneys: Be it enacted by the Governor of Jamaica, with the advice and consent of the Legislative Council thereof, as follows:

Short title.

1—This Law may be cited for all purposes as “The Receiver-General Moneys’ Transfer Law, 1868.”

Repeal of Acts,
21 Vic. c. 39,
24 Vic. c. 7,
28 Vic. c. 20,
secs. 2 to 6, No.
8 of 1866, sec.
10 to 14.

2—The Acts twenty-first Victoria, chapter thirty-nine, “The Receiver-General Moneys’ Transfer Act, 1857,” twenty-fourth Victoria, chapter seven, “An Act to amend the Receiver-General Moneys’ Transfer Act, 1857,” (twenty-first Victoria, chapter thirty-nine); the second, third, fourth, fifth, and sixth sections of the twenty-eight Victoria, chapter twenty, “An Act in aid of the twenty-first Victoria, chapter four (“Receiver-General’s Office Regulation Act”), and chapter thirty-nine (“Receiver-General Moneys’ Transfer Act”); and the tenth, eleventh, twelfth, thirteenth, and fourteenth sections of the Law No. 8 of 1866, are hereby respectively repealed, without prejudice to any thing done under the said Laws, or any of them, whilst they respectively were in force; and all offences committed against the said Laws, or any of them, may be punished as if such Laws were in force.

*This Law and Law 3 of 1868 have been since incorporated with Law 20 of 1868 by the 5th sec. of the said Law.

3—It shall be lawful for the Governor from time to time to enter into arrangements with the Colonial Bank, or any other banking institution that may be carrying on business in this Island, for the deposit therein of the public monies of this Island, and for paying thereafter, from time to time into such Bank or banking institution, the taxes, duties, dues, and monies of the Public Revenue, which shall be collected and gathered in : Provided, that such arrangements shall not entail any expense on the public : and all public monies and Revenue of this Island, from time to time paid into such Bank or banking institution, shall be placed therein to the credit of an account to be opened in the books thereof, entitled “ The Account of the Public Moneys of the Receiver-General,” inserting the name in full of the Receiver-General for the time being.

Governor to arrange with Bank.

4—The Governor, with the advice of the Privy Council, shall from time to time establish such rules and regulations as may be necessary for keeping the accounts of the Receiver-General with such Bank or banking institution, and the accounts of such Bank or banking institution in relation thereto, and also for the payment and appropriation of the monies paid therein, and from time to time alter or revoke such rules and regulations, and make others in lieu thereof ; and may also suspend or discontinue the payment of the said monies into such Bank or banking institution ; and the Receiver-General, observing the rules and regulations so prescribed, shall not be answerable for any money, bills, notes, or drafts which shall have been so paid, or caused to be paid into such Bank or banking institution ; and the Bank or banking institution shall be answerable for all the monies, bills, notes, and drafts which shall be actually received by it on account of such Receiver-General as aforesaid.

Governor, with advice of Privy Council, to make rules.

5—The said Bank, or banking institution, or some person duly authorized in that behalf, shall daily, upon receiving any money, bills, notes, or drafts on account of the Receiver-General, deliver to the person ^{or} paying such money, bills,

Bank to give receipts, to be delivered to Receiver-General.

notes, or drafts a receipt for the same, which receipt shall be lodged with the Receiver-General by the person to whom it was given, and the Receiver-General shall deliver to such person, in lieu of the said receipt, a receipt signed by him, which receipt, when countersigned by the Auditor-General, or such other person as the Governor shall appoint for that purpose, shall be a sufficient discharge for the amount mentioned therein.

Bank not to pay out monies except in accordance with rules.

6—The said Bank, or banking institution, shall not pay, apply, or dispose of any part of the money, bills, notes, or drafts, which may be paid in and placed to the account of such Receiver-General, or transfer the same, or any portion thereof from such account, except in accordance with the rules and regulations for the time being of the Governor, with the advice of the Privy Council, unless any such notes, bills, or drafts shall be required by the Solicitor of the Crown for the purpose of instituting legal proceedings thereon, in which case such notes, bills, or drafts, or any of them, shall be delivered to such Solicitor, or his clerk, on the order of the Governor.

All monies to be paid into the Bank.

7—Every sum of money which shall be due upon any debenture, bond, certificate, or other instrument for the payment of any money out of the Receiver-General's Office, or shall be directed to be paid by any Act or Law of the Legislature, and all warrants issued by the Governor, shall be paid by the Receiver-General out of any money, paid as aforesaid, into such Bank, or banking institution, on account of the Receiver-General, in accordance with the rules and regulations for the time being in respect thereof; and every such payment shall be made by a cheque or draft, which cheque or draft shall be signed by the Receiver-General, and countersigned by such public officer or officers as shall be by any such rule or regulation appointed for that purpose; and, in every such cheque or draft, the name of the party in whose favour, and the number of the account or voucher in payment whereof such cheque or draft shall be drawn, shall be inserted.

8—Upon the death, resignation, or removal of the present, and of any other Receiver-General hereafter to be appointed, the balance of cash for which he shall at that time have credit on his account as such Receiver-General with the said Bank or banking institution shall, as soon as a successor shall be appointed to the said office, vest in such successor; and, until such such successor shall be appointed in such person or persons as shall for the time being be duly authorized to execute the duties of the said office, in trust for the service of the public, and be forthwith transferred, carried over, and placed to the account of such successor or other person or persons as aforesaid, to be applied to the service accordingly, and such monies shall not, in the event of the death of such Receiver-General, constitute assets of the deceased, or be in any manner subject to the control of his legal representatives.

On death, or removal of Receiver-General, to be transferred to his successor.

JAMAICA—LAW 5 OF 1868.

A Law for Converting the Taxes on Houses into a Tax for the Support of the Poor.* [13th March, 1868.]

WHEREAS it is proper that the charge of the poor, in the several parishes of this Island, should be placed under the control of the Municipal Boards thereof; and, in order to secure a provision for their support, it is expedient to raise the necessary funds in manner hereinafter provided: Be it therefore enacted by the Governor of Jamaica, with the advice and consent of the Legislative Council thereof, as follows:

Preamble.

1—There shall be granted and raised, for the purposes of this Law, the following taxes or duties; that is to say:

Taxes on houses

* This Law, as amended by Law 27 of 1869, has been since incorporated with that Law by its 3rd Section.

Of £8, or upwards annual value.

On every house of the annual value of eight pounds or upwards, a tax or duty after the rate of one shilling and sixpence in the pound of such value.

Below £8.

On every house under the annual value of eight pounds (not being dwellings of laborers located on any estate or pen), a tax or duty thereon as follows; that is to say:

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

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

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

Taxes in lieu of tax under Law No. 30 of 1867.

2—The taxes or duties under this Law shall be in lieu of the tax or duty on houses under "The License and Registration Duties Law, 1867," which last-mentioned tax or duty shall not be raised for any period after the thirty-first day of July, one thousand eight hundred and sixty-eight.

Persons in possession of houses to make return to Collector of Taxes, and pay, &c.

3—Every person in the possession of any house, by this Law made liable to the tax or duty hereby imposed, shall, on the first day of August next ensuing, or within ten days thereafter, give in to the Collector of Taxes, or other officer having the collection of the taxes or duties of the parish, or district of the parish in which such house is situate, a just and true return of such house, and the annual value thereof; and, if under the annual value of eight pounds, shall shew whether the owner or occupier thereof holds any lands not assessed to the tax or duty on houses under this Law; and the person

making such return shall sign a declaration to the truth thereof, and pay to the Collector of Taxes, or other officer as aforesaid, the full amount of the duties imposed on such houses by this Law, and obtain from him an acquittance of the same.

4—The word “house” shall mean every occupied or inhabited dwelling-house, shop, store, wharf, warehouse, office, or place of business; and, if or above the annual value of eight pounds, shall, for the purpose of such valuation, include and comprise the out-offices, yards, and curtilages attached thereto; and for the purpose of taxation under this Law, the true annual value of every house shall, when tenanted at a rent, be taken to be the rent actually payable thereon by the year; and when otherwise occupied, the full yearly rent at which the same might be let shall be taken as such true annual value.*

Interpretation clause.

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

Payment of tax exempts others coming into possession.

6—If any house, unoccupied at the first day of August in any year, shall, at any time thereafter during such current year as aforesaid, become occupied, the owner or occupier shall, within fourteen days after the house shall become occupied, make a return, and sign the declaration to the truth thereof, in the form to this Law annexed, in respect of such house, to the Collector of Taxes, or other officer as aforesaid of the parish, or district of the parish wherein such house is situate, and shall pay to such Collector of Taxes, or other officer as

Provision as to houses occupied after 1st August.

* By Section 1 Law 15 of 1882 laborers' houses not to be deemed inhabited houses within the meaning of Law 5 of 1868, as amended by Law 27 of 1869.

aforesaid, the tax or duty, or proportion thereof, calculated for so many quarters of a year (the fractional part of a quarter being reckoned as a quarter) as shall remain of the current year, according to the annual value of such house.

Where several persons in possession.

7—If any house, charged with the tax or duty under this Law, shall be in the possession of more than one person, the Collector of Taxes, or other officer as aforesaid, may, to enforce payment, proceed against all or any of the parties, or the landlord thereof, as well as against any goods on any such premises on which a landlord might distrain for rent in arrear.

False declaration perjury.

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

9*—

Current year.

10—The current year, in respect of the taxes or duties imposed by this Law, shall be from the first day of August in each year until the thirty-first day of July next succeeding, both such last-mentioned days being included.

Provisions, &c., of Laws No. 30 and 32 of 1867, or other Laws in force, applicable.

11—All the powers, provisions, clauses, regulations, directions, surcharges, and penalties contained in, or imposed by “The License and Registration Duties Law, 1867,” and “The Tax Collection Law, 1867,” or any other Law or Laws, which for the time being may be in force relating to license and registration duties, and the collection of taxes, shall be in full force and effect, with respect to the taxes or duties granted by this Law respectively, so far as the same are or shall be applicable in all cases not hereby expressly provided for; and shall be observed, applied, enforced, and put in execution for, and in the raising, collecting, levying, and

*Repealed, so far as it exempts from taxation houses belonging to, or in the possession of, the Colonial Government by Section 1 of Law 1 of 1876.

recovering the said taxes or duties, and otherwise in relation thereto, so far as the same shall not be superseded by, and shall be consistent with this Law, as fully and effectually, to all intents and purposes, as if the same had been herein repeated and specially enacted *mutatis mutandis*, with reference to the taxes and duties granted by this Law.

12—The monies of the respective taxes or duties under this Law shall be accounted for to the Receiver-General by the several Collectors of Taxes, or other officers as aforesaid; and be paid into the Colonial Bank, to the credit of the Receiver-General or otherwise, as by Law directed, as collected and received, within five days after the expiration of each month; and each such Collector of Taxes, or other officer as aforesaid, shall keep such books, and make such returns in relation to the said taxes or duties, as and in such form as the Governor shall from time to time direct.

How monies of taxes to be accounted for.

13—Each Collector of Taxes, or other officer as aforesaid, who shall neglect to comply with the requirements of this Law, shall be subject and liable, in addition to the payment of the monies received and not accounted for, to the like penalties, recoverable in the like manner, as are in “The License and Registration Duties Law, 1867,” and “Tax Collection Law, 1867,” imposed on Collectors of Taxes, or other officers as aforesaid, neglecting to comply with the provisions of those Laws, as to the duties therein mentioned.

Penalty on officers accountable.

14—The monies which shall be raised by the means of the taxes or duties as aforesaid, in each respective parish of this Island, shall be by the Receiver-General, under the warrant of the Governor, paid to the order of the Municipal Board of such parish, who shall appropriate and apply the same to the support of, and medical attendance on, the poor of the said parish.

Taxes to be applied for the poor.

15—If in any year the amount so raised shall be more than sufficient for the purposes aforesaid in any parish of this Island, then and in every such case it shall be the duty of the

Provisions for increase or decrease of tax.

Municipal Board of such parish, in making the estimates for the then following year, to return to the Revenue Commissioner a statement of the amount expected to be in hand at the end of the financial year then about to expire, and the amount which the Board considers it will require for the succeeding year in addition, for the purposes aforesaid; and if on the other hand there shall be a deficiency in any year, the Municipal Board of the parish shall return, in their estimates aforesaid, the amount, as near as they can ascertain it, of that deficiency, and state the sum which will be required to meet the same, and the support of, and medical attendance on, the poor for the succeeding year.*

Powers of Revenue Commissioner.

16—The Revenue Commissioner may call for returns, documents, and evidence from the Municipal Board of any parish, in relation to the number of and expenses for the poor; and, on the examination and consideration thereof, may allow or diminish the sum called for as aforesaid, as he may consider it to be sufficient, or more than sufficient for the purposes aforesaid; and thereupon the Revenue Commissioner may make such rateable increase or decrease in the rate or scale of assessment on houses as aforesaid, as he may consider will meet, or be sufficient to meet, the expenditure and outlay in such parish for the purposes aforesaid for the year to come.†

As to allowance of rates.

17—On such allowed rates as to any parish being fixed by the Revenue Commissioner, and sanctioned by the Governor, the Revenue Commissioner shall cause the same to be published in the "Jamaica Gazette by Authority," and give notice thereof to the Collectors of Taxes, or other officers aforesaid, in such parish; and thereupon the assessment for the then succeeding year in such parish shall be regulated and made agreeably to the rate so fixed, sanctioned, and published for such particular parish.‡

* Powers of Revenue Commissioner extended by sec. 5 of Law 7 of 1886, which see.

† Powers of Revenue Commissioner further extended by sec. 5 of Law 7 of 1886, which see; and Powers of Revenue Commissioner further extended by sec. 6 of said Law.

‡ Powers of Revenue Commissioner extended by sec. 5 of Law 7 of 1886.

JAMAICA—LAW 6 OF 1868.

A Law to Repeal the Act Twenty-Eighth Victoria, Chapter Thirty-Five, "An Act further to Check Frivolous and Vexatious Suits and Defences."

[13th March, 1868.]

Preamble.

WHEREAS the Act twenty-eighth Victoria, chapter thirty-five, entitled *An Act further to check frivolous and vexatious suits and defences*, has not been found available in practice, and has been found to operate prejudicially: Be it enacted by the Governor of Jamaica, with the advice and consent of the Legislative Council thereof, as follows :

Repeal of 28
Vic. c. 35.

The said Act of the twenty-eighth Victoria, chapter thirty-five, is hereby repealed.

JAMAICA—LAW 7 OF 1868.

A Law to Preclude Persons, not being District Court Judges, or their Deputies, from being Coroners in Districts other than Kingston, and to Provide for the Service and Execution of Process directed to the Coroner.

[9th April, 1868.]

Preamble.

WHEREAS by "The District Courts Law, 1867," every Judge of a District Court, with the exception of the Judge of the District Court of the district wherein the City of Kingston is situated, is declared to be the Coroner for his district, or any part thereof, wherever a Coroner shall not have been, or be otherwise appointed; and, by "The District Courts Criminal Jurisdiction Law, 1867," such Judge may, when necessary, appoint a fit person to hold any particular inquest in his stead: And whereas it is expedient that the duties of Coroner in every District where a district Court is, or shall

be appointed to be holden, other than that of Kingston, should be performed by the Judge of such District Court, or his deputy, as aforesaid; and it is expedient to declare how the service and execution of process, when directed to the District Court Judge as Coroner, should be performed: Be it enacted by the Governor of Jamaica, with the advice and consent of the Legislative Council thereof, as follows:

1—In any district of this Island, except the District of Kingston, wherein a District Court is or shall be established, the Judge of such District Court is, or shall be the sole Coroner within such district, and the office, duties, and powers of any other person within the same district, who is, or may be the Coroner of the said district, or of some part thereof, shall, in cases where District Courts have been already established, cease and determine within the said district, from the passing of this Law; and in other cases, from the appointment of a District Court.

Judge of District Court to be Coroner.

2—The sixtieth section of the Law No. 8 of 1866, *A Law for making alterations in the Law consequent on the constitution of the Legislative Council, created by order of the Queen in Council, dated the eleventh day of June, one thousand eight hundred and sixty-six*, so far as it empowers the Governor to appoint any person to the said office of Coroner in any parish, or part of a parish forming the district, or part of the district of a District Court, is hereby repealed.

Law No. 8 of 1866, sec. 60, as to appointment of Coroners in districts, repealed in certain respects.

3—The duties of Coroner, in relation to the service and execution of process directed to him, shall and may, in all cases where the Judge of a District Court is or shall be the Coroner, be duly and legally executed and performed by the Bailiff of his District Court.

Certain duties of Coroner to be performed by Bailiff of district.

JAMAICA—LAW 8 OF 1868.

A Law for the Appointment of Additional Trustees of certain of the Charities, and other Institutions of this Island.*

[9th April, 1868.]

Preamble.

WHEREAS the several charitable and other institutions, in the schedule to this Law annexed, were, under and by virtue of certain Acts of the late Legislature of this Island, vested in Trustees: And whereas certain of the said Trustees, who were Trustees by virtue of their offices, or by election under Laws which have been repealed, have ceased to be Trustees: And whereas it is necessary to fill up the vacancies which have in consequence occurred in the number of Trustees of the said charities, and other institutions: Be it enacted by the Governor of Jamaica, with the advice and consent of the Legislative Council thereof, as follows:

Appointment of new Trustees.

1—The Members of the Municipal Boards of the respective Parishes in which the charitable or other institutions mentioned in the schedule to this Law annexed are situated, shall become and be, upon the passing of this Law, Trustees of the said charitable and other institutions respectively, in the room and stead of any of the before-mentioned Trustees, whose office has determined as aforesaid; and it shall be lawful for the Governor from time to time to appoint such additional Trustees as he shall think fit to any of the said charitable or other institutions.

Powers, &c. given to new and old Trustees.

2—The Trustees appointed by and under this Law, shall, together with the other Trustees of the said respective charitable and other institutions aforesaid, appointed or to be appointed by or under any Act in force, be the Trustees of the said institutions, and shall conjointly have and exercise, with such subsisting Trustees, and the Trustees who shall from time

*Repealed, so far as it affects the Saint Jago de la Vega school, by sec. 6 of Law 30 of 1869.

to time be appointed in their room, all and every the powers, functions, duties, and authorities of, belonging, and appertaining to, the Trustees of the charitable or other institutions of which they shall become members as aforesaid, as fully and effectually as the Trustees originally appointed, or authorized to be appointed under any of the Acts of this Island.

3—The Trustees of every such charitable or other institution as aforesaid shall, from and after the passing of this Law, have full power and authority to act by a quorum of their members, such quorum to consist of at least three members.

Three a quorum.

4—The election of Parochial Trustees, and all other Acts authorized to be done by the Governor, President of the Council, Speaker of the Assembly, Bishop, or Suffragan, Chief Justice, and Attorney General, or any three of them, in relation to the Jamaica Free School, may hereafter be done by the Governor, Bishop, or Suffragan, Chief Justice, and Attorney General, of any three of them; and Acts authorized to be done by the Chief Justice, Attorney General, and Speaker, or any two of them, may be done by the Chief Justice and Attorney General.

Electors of Jamaica Free School.

5—The Governor, Chief Justice, Attorney General, and Bishop, or Suffragan, shall continue to be visitors of the Manchester Free School.

Visitors of Manchester Free School.

SCHEDULE TO WHICH THIS LAW REFERS.

NAMES OF INSTITUTIONS.

The Jamaica Free School.
Manchester District School.
Manchester Free School.
Manning's Free School.
Rusea's Free School.
St. Jago de la Vega Free
School.
St. James' Free School.
Titchfield Free School.
Vere District School.
Munro & Dickenson's Free
School & Charity.
Bath of St. Thomas the
Apostle.
Milk River Bath.

JAMAICA—LAW 9 OF 1868.

A Law for Granting to her Majesty certain sums of Money, required for Defraying certain Expenses of the Civil Government, and certain other Expenses connected with the Public Service, for the Financial Year One Thousand Eight Hundred and Sixty-Seven—Sixty-Eight.*

[9th April, 1868.]

JAMAICA—LAW 10 OF 1868.

A Law for Laying a Duty on Dogs.

[9th April, 1868.]

BE it enacted by the Governor of Jamaica, with the advice and consent of the Legislative Council thereof, as follows:

1—There shall be granted and charged, in respect of dogs kept in the City of Kingston, and in the Towns of Saint Jago de la Vega, Linstead, Saint Ann's Bay, Falmouth, Montego Bay, Lucea, Savanna-la-Mar, Black River, Mandeville, Chapelton, Port Maria, Annotto Bay, Port Antonio, Morant Bay, and Port Royal, on and after the first day of August, one thousand eight hundred and sixty-eight, the following duties, to be paid annually, upon the taking out of the licenses hereinafter mentioned:

Duty on dogs to be paid in towns annually.

For every dog, of whatever description or denomination, the annual duty of four shillings, to be paid by the person who shall keep such dog, and for which a license to keep the same shall be taken out.

On each dog 4s.

* Omitted as spent.

To Collector of Taxes, and licenses granted by him.

2—The returns under this Law shall be made to, and the said duties shall be paid to, and the licenses shall be granted by the Collector of Taxes, or other officers appointed to collect the Internal Revenue of the City of Kingston, and the several parishes, or districts of this Island, in which such other towns are situate; and the limits of the City of Kingston shall be as defined for the purposes of the Law No. 1 of 1867, and the limits of the said other towns, when not otherwise defined by Law, shall be such as are or may be fixed under the Law No. 23 of 1867, for the purposes of "The Spirit License Law, 1867."

Limits of towns.

Powers, &c., of Laws No. 30 of 1867, and No. 32 of 1867, &c., applicable to this Law.

3—All the powers, provisions, clauses, regulations, and directions contained in "The License and Registration Duties Law, 1867," and "The Tax Collection Law, 1867," or any other Law relating to license and registration duties, and the collection of taxes, now or hereafter in force, shall respectively be of full force and effect, with respect to the duties hereby granted, and the licenses relating thereto, and the penalties hereby imposed, so far as the same are applicable; and shall be observed, applied, and enforced for, and in the collecting, regulating, and recovering of the duties hereby granted, and the surcharge thereon, if and when the same shall be chargeable under the Laws aforesaid; and the licenses relating to the said duties, and the penalties hereby imposed, and otherwise in relation to the said duties, licenses, and penalties, so far as the same shall be consistent with, and not superseded by, the express provisions of this Law, as fully and effectually as if the same had been herein repeated and specially enacted, with reference to the said last-mentioned duties, licenses, and penalties respectively: Provided, that nothing herein contained shall authorize the granting of a license under this Law, upon payment of less than the duty for a whole year.

Proviso.

Persons to make returns, &c.

4—All persons in the City of Kingston, and other towns aforesaid, keeping dogs, are hereby required to make a return thereof, and pay the duty, and take out a license under this

Law, on the first day of August in each year, or within ten days thereafter; and where, after the time for making such return as aforesaid, any person shall be possessed of a dog he shall, within ten days after he shall so be possessed of such dog, make a like return, and pay the duty, and obtain a license, as by this Law is required.

5—The returns to be made, and the licenses to be taken out under this Law, shall be in such form as the Revenue Commissioner shall direct, and every license to be granted under this Law shall commence on the day on which the same shall be granted, and shall terminate on the thirty-first day of July following.

Licenses to expire at 31st July.

6—Every officer who shall be authorized to grant licenses under this Law shall keep a register of all such licenses granted by him, specifying the name and place of abode of every person licensed, and the number of dogs which each person shall be licensed to keep; and any Justice of the Peace, or Constable, or other officer of the peace may, at any convenient time, inspect the register of licenses granted for the current or preceding year.

Officer to keep register.

7—If any person shall keep a dog without having in force a license granted under this Law authorizing him so to do, or shall keep a greater number of dogs than he shall be licensed to keep, he shall, for every such offence, forfeit the sum of two pounds; and every person in whose custody, charge, or possession, or in whose house or premises any dog shall be found or seen, shall be deemed to be the person who shall keep such dog, unless the contrary be proved.

Penalty for keeping dogs without license, &c.

8—Any Constable may take possession of any dog found not to be licensed as aforesaid, and may detain such dog until the owner thereof shall have claimed him, and shall have paid all expenses incurred by reason of his detention, and shall have taken out the license by this Law required; and if the owner of such dog shall not claim him, and comply with the other requirements of this section, within two clear days from

Constable may detain any dog not licensed.

the time of taking possession of such dog as aforesaid, such dog may be destroyed: Nothing in this section contained shall preclude the recovery of the penalty for keeping such unlicensed dog.

May call for license.

9—If any person who shall have taken out a license under this Law shall not produce and deliver such license, to be examined and read by any Officer of Revenue, or Constable, within a reasonable time after such Officer or Constable shall request the production of the same, he shall forfeit the sum of forty shillings.

Duties not payable on dogs under three months.

10—The duties imposed by this Law shall not be payable in respect of any dog under the age of three months.

Recovery of penalties.

11—The penalties under this Law shall be recovered before any two Justices of the Peace of the parish in which the offence shall be committed, and, in default of payment of the penalty, the Justices may award imprisonment not exceeding one month, unless the penalty shall be sooner paid.

JAMAICA—LAW 11 OF 1868.

A Law further to Amend the Law of Evidence.

[9th April, 1868.]

Preamble.

WHEREAS the Law touching evidence requires further amendment: Be it therefore enacted by the Governor of Jamaica, with the advice and consent of the Legislative Council thereof, as follows:

Husbands' and wives' evidence against each other.

1—On the trial of any issue joined, or of any matter, or question, or on any inquiry arising in any suit, action, or other proceeding in any Court of Justice, or before any person having by Law, or by consent of parties, authority to

hear, receive, and examine evidence, the husbands and wives of the parties thereto, and of the persons on whose behalf any such suit, action, or other proceeding may be brought, or instituted, or opposed, or defended, shall, except as hereinafter excepted, be competent and compellable to give evidence, either *viva voce* or by deposition, according to the practice of the Court, on behalf of either or any of the parties to the said suit, action, or other proceeding.

2—Nothing herein shall render any husband competent or compellable to give evidence for or against his wife, or any wife competent or compellable to give evidence for or against her husband in any criminal proceeding. * * *

Exceptions.

3—No husband shall be compellable to disclose any communication made to him by his wife during the marriage, and no wife shall be compellable to disclose any communication made to her by her husband during the marriage.

Not compellable to disclose communication made during marriage.

4—This Law may be cited as “The Evidence Amendment Law, 1868.”

Short Title.

5—This Law shall not extend to any suit, action, or other proceedings commenced before the passing of this Law.

Not to extend to proceedings commenced.

* Amended by striking out words by sec. 1 of Law 3 of 1877, as amended by Law 12 of 1877.

JAMAICA—LAW 12 OF 1868.

A Law to Amend the Clergy Act.

[29th April, 1868.]

Preamble.

WHEREAS by the Law No. 20 of 1867, *A Law to reduce the number of Parishes*, the several parishes of this Island were reduced to the number of fourteen, and the previously existing Parishes of Saint Dorothy, Saint John, Saint Thomas in the Vale, Vere, Port Royal, Saint David, Saint George, and Metcalfe were merged into, and became united to some of the subsisting parishes, as consolidated under that Law : And whereas it is expedient, by reason of such alteration of the parishes, to reduce the number of Rectors to be appointed in this Island, and that such duties as were performed by the Rectors of the subsisting parishes of this Island, with reference to the parishes to which they were appointed, should be exercised over the entire area of the new parishes respectively : And whereas it is expedient to suspend the power of filling up any Rectory or Island Curacy that has or may become vacant by a permanent appointment, until the expiry of the Clergy Act now in force : Be it enacted by the Governor of Jamaica, with the advice and consent of the Legislative Council thereof, as follows :

Vacancies in certain Rectories not to be filled up.

1—It shall not be lawful to fill up any vacancy which exists, or which, before the expiration of the Act twenty-second Victoria, chapter twenty-three, entitled *An Act to consolidate and amend the Laws relating to the Clergy of this Island*, shall occur in any of the Rectories of the former Parishes of Saint Dorothy, Saint John, Saint Thomas in the Vale, Vere, Port Royal, Saint David, Saint George, and Metcalfe, and the said Rectories as they are, or shall become vacant, are and shall be abolished.

Extension of area of certain Rectories.

2—The jurisdiction, authorities, and duties which, prior to the passing of the Law No. 20 of 1867, were had, exercised, and performed by the Rectors of the then existing Parishes of Saint Catherine, Clarendon, Saint Mary, Kingston, Saint

Thomas in the East, and Portland, within and over their respective parishes, shall, from henceforth, be had, exercised, and performed by the said respective Rectors, within the entire area of the present Parishes of Saint Catherine, Clarendon, Saint Mary, Kingston, Saint Thomas, and Portland respectively, save and except where, in any former parish, now a district of some new parish, there shall be a Rector appointed before the passing of the said Law, whose jurisdiction, authorities, and duties shall not be interfered with, or determined by this Law, until the expiration of the said Act of the twenty-second Victoria, chapter twenty-three, or until the occurrence of a vacancy in such Rectory as last-mentioned, whichever shall first happen.

3—Until the expiration of the said Act twenty-second Victoria, chapter twenty-three, *An Act to consolidate and amend the Laws relating to the Clergy of this Island*, in the event of any vacancy occurring in any Rectory, except those mentioned in the first section of this Law, or in any Island Curacy of this Island, the power of appointing permanently to such Rectory or Curacy shall thereupon be suspended, and in abeyance : Provided, that it shall be lawful for the Governor in the meantime to provide, out of any lapsed stipend for the conduct of the duties of such Rectory or Island Curacy, by provisional arrangements, where necessary.

Until expiration of Clergy Act, appointments to be provisional.

JAMAICA—LAW 13 OF 1868.

A Law to Amend the Law Relating to Small Penalties.

[29th April, 1868.]

WHEREAS it is expedient to amend the Law relating to small penalties: Be it enacted by the Governor of Jamaica, with the advice and consent of the Legislative Council thereof, as follows :

Preamble.

Short title. 1—This Law may be cited, for all purposes, as “The Small Penalties Law, 1868.”

Law to come into force 1st. August, 1868. 2—This Law shall come into operation on the first day of August, one thousand eight hundred and sixty-eight.

Interpretation of penalty. 3—The word “penalty,” in this Law, shall include any sum of money recoverable in a summary manner.

Limit of imprisonment in relation to the following penalties. 4—Where, upon summary conviction, any offender may be adjudged to pay a penalty not exceeding five pounds, such offender, in case of non-payment thereof, may, without any warrant of distress, be committed to prison for any term not exceeding the period specified in the following scale, unless the penalty shall be sooner paid.

FOR ANY PENALTY.	The Imprisonment not to Exceed
Not exceeding ten shillings.	Seven days.
Exceeding ten shillings, and not exceeding one pound. }	Fourteen days.
Exceeding one pound, and not exceeding two pounds. }	One month.
Exceeding two pounds, and not exceeding five pounds. }	Two months.

Not to affect power imposing hard labour. 5—Nothing in this Law contained shall affect the power of imposing hard labour in addition to imprisonment, in cases where hard labour might, on non-payment of the penalty, have been so imposed, if this Law had not passed.

Applicable to all Laws imposing such penalties. 6—This Law shall apply to penalties, including costs recoverable in a summary manner, in pursuance of any Act of the former Legislature of this Island, or any Law of the present Legislature, whether passed before or after the commencement of this Law; and all provisions of any Act or Law

authorising, in the case of non-payment of a penalty not exceeding five pounds, a longer term of imprisonment than is provided by this Law, shall be repealed.

7—This Law shall not apply to any penalty imposed by any Act or Law relating to the Revenue of this Island. Not to Revenue penalties.

JAMAICA—LAW 14 OF 1868.

A Law to Authorize the Transfer, into the Names of Trustees in England, of the Funds now standing in the Names of the Receiver-General and Registrar in Chancery, and the Receiver-General and certain other Public Officers of this Island. [7th May, 1868.]

WHEREAS great inconvenience has arisen from the public monies, and monies of the Chancery deposits, which have been invested in English securities, under the authority of certain Laws of this Island, standing in the names of Trustees resident in this Island, and it is desirable to make other provision in the premises: Be it enacted by the Governor of Jamaica, with the advice and consent of the Legislative Council thereof, as follows: Preamble.

1—So much of the Act eighteenth Victoria, chapter thirty-three, “The Chancery Deposits Act, 1855,” and of the Act nineteenth Victoria, chapter five, amending the said Act, as renders it necessary to invest the monies of the chancery deposits, and other monies therein mentioned, in the names of the Receiver-General and Registrar in Chancery, shall be, and the same is hereby repealed, without prejudice nevertheless to any Act, matter, or thing done under or in pursuance of the said Acts, or either of them. Repeal of so much of 18 Vic. c. 33, and 19 Vic. c. 5, as requires investment in names of Receiver-general and Registrar in Chancery.

Monies to be transferred as herein mentioned.

2—The monies of the said Chancery deposits, and all other monies under the said recited Acts, standing in the Public Funds of the United Kingdom in the names of Hugh Williams Austin, Alexandre Bravo, Edward Jordon, C. B., and Robert Russell, or in the names of the Receiver-General and Registrar in Chancery of this Island, and all monies which have been invested in the said funds, and now stand in the names of the said Hugh Williams Austin, Alexandre Bravo, and Edward Jordon, shall, upon the passing of this Law, be by them transferred to, and vested in, the Permanent Under Secretary of State for the Colonial Department, and in the Crown Agents for this Colony for the time being.

Subject to trusts and purposes declared by Law.

3—Such monies respectively shall remain and be subject in all respects to the trusts and purposes declared in and by the Acts and Laws now passed, or hereafter to be passed relating thereto, and shall be held, applied, and dealt with accordingly.

How the monies of the Chancery deposits to be drawn.

4—Whenever any monies invested, or to be invested under the said recited Acts of the eighteenth Victoria, chapter thirty-three, and nineteenth Victoria, chapter five, shall be by any decree or order of Court directed to be paid out to any person in any matter, cause, or suit, the office copy, or certificate of the Registrar of the Court of Chancery of such decree or order, as well as any report to which such decree or order shall refer, as specifying the money to be so paid, shall be by the Receiver-General transmitted to the Public Officers in whose names the monies under this Law shall be invested, which decree or order, or decree or order and report, as the case may be, shall be the authority to such Public Officers to sell and dispose of the said fund, and to remit the monies therefrom to the said Receiver-General for payment to the said party or parties entitled thereto.

Other monies to be drawn under direction of the Governor

5—Whenever any other public monies of this Island, invested in the names of such Public Officers in England as aforesaid, shall be required to be sold and disposed of, it shall be lawful for the Governor of this Island, through a Secretary

of the Government, to direct such sale or disposal of the said funded monies, and the application thereof, and the direction of the Governor, so communicated as aforesaid, shall be the authority to such Public Officers for the sale and disposal and application of such last mentioned funded monies.

through a Secretary of Government.

JAMAICA—LAW 15 OF 1868.

A Law to Repeal the First and Second Sections of the Act Fourth George the Fourth, Chapter Thirteen, entitled “An Act for the more effectual Punishment of Treason, Treasonable Conspiracies, and Seditious Meetings, for preventing the Administering and Taking of Unlawful Oaths, and for other purposes,” and to make other provisions instead thereof.*

[7th May, 1868.]

JAMAICA—LAW 16 OF 1868.

A Law to Repeal the Act Twenty-First Victoria, Chapter Three, “The Board of Works Act, 1857,” and to make other Provision for the Superintendence of the Public Buildings.

[7th May, 1868.]

WHEREAS it is expedient to repeal “The Board of Works Act, 1857,” which has been continued by the Act twenty-seventh Victoria, session one, chapter twenty-three, and to make other provisions for the superintendence,

Preamble.

* Repealed by sec. 1 of Law 10 of 1869.

care, and construction of the buildings of the Colonial Government: Be it enacted by the Governor of Jamaica, with the advice and consent of the Legislative Council thereof, as follows:

21 Vic. c. 3,
and 27 Vic.
sess. 1, c. 23,
repealed.

1—The Act of the twenty-first Victoria, chapter three, “The Board of Works Act, 1857,” and the Act twenty-seventh Victoria, session one, chapter twenty-three, continuing the same in force, are hereby respectively repealed, without prejudice however to any contract, release, covenant, or agreement made, or entered into, whilst the said Acts, or either of them, were in force.

Director of
Roads to per-
form duties
herein men-
tioned.

2—The Director of Roads, as Superintendent of Public Works, shall be, and he is hereby authorized and empowered to expend, under the directions of the Governor, the monies which may from time to time be granted for and towards the repairing and altering of the buildings belonging to the Colonial Government throughout this Island, and to complete and finish the buildings which may have been already commenced, and to commence, complete, and finish those which may hereafter be directed to be commenced; and he is hereby authorized and empowered to make contracts for materials, workmanship, and labour, and to hire labourers for carrying on, repairing, and finishing the same.

To take earth
and stones
from certain
lands.

3—The Director of Roads shall have full power and authority to order the digging and carrying away of earth or stones for the use of the said buildings out of lands not in cultivation, and not enclosed as a garden, or yard, on making such reasonable satisfaction to the parties entitled thereto, as he and the said parties shall agree upon; and, in case of difference, the amount of such compensation shall be settled by the Judge of the District Court of the district within which such earth or stones shall have been taken; and, in places where there shall be no District Court, then by two Justices of the Peace of the Parish, to be mutually selected by the Director of Roads and the owner of the land.

4—In every contract, release, covenant, or agreement relative to the buildings of the Colonial Government, with or by the Director of Roads, or to which such Director of Roads shall be a party, it shall be sufficient to describe him by the style or title of Director of Roads, without naming him ; and every such contract, release, covenant, or agreement, deed, or instrument, may be executed by the Director of Roads, by signing his name, or, if the instrument so executed be in the form of a deed, by signing, sealing, and delivering the same as his deed, and may be enforced by or against the Director of Roads for the time being.

Contracts, &c., with Director of Roads, how to be made.

5—The Director of Roads shall and may sue and be sued in respect of any cause of action or suit relating to the buildings of the Colonial Government ; and, in any action or suit to be brought by or against the Director of Roads, it shall be sufficient to describe him as Director of Roads, without naming him, and such action or suit shall not abate by the death, resignation, or departure from this Island, or removal from office of the person holding the office of Director of Roads, but shall and may be continued, carried on, and enforced by or against his successor, or other person for the time being holding the office of Director of Roads.

Director of Roads may sue and be sued.

6—The Director of Roads shall be exempt from personal responsibility for any thing done in the exercise of the powers given by this Law ; and all damages and costs which shall or may be recovered against the Director of Roads in any action or suit for any thing done in the exercise of the powers given by this Law, shall be paid out of the Public Revenue, on the warrant of the Governor.

Free from personal responsibility.

JAMAICA—LAW 17 OF 1868.

A Law to Amend "The Immigration Act, 1858," in respect to the Immigrants' Colonization and Return Passage Fund.*
[25th May, 1868.]

JAMAICA—LAW 18 OF 1868.

A Law to Provide for the Management of the Post Office in this Island.†
[25th May, 1868.]

BE it enacted by the Governor of Jamaica, with the advice and consent of the Legislative Council thereof, as follows :

Post Office under Postmaster for Jamaica.

1—The Post Office in and throughout this Island shall be under the management of the Postmaster for Jamaica, already appointed, or hereafter to be appointed.

Offices in the Post Office to be held during pleasure.

2—The Postmaster for Jamaica, and the several district Postmasters, and the other officers and persons who are, or shall be employed in the service of the Post Office Department, shall hold their offices and places during pleasure; and on the removal, death, or resignation of the Postmaster for Jamaica, or of any of the said other officers or persons, the Governor may from time to time appoint a successor, with the like powers, authorities, and duties.

Commissions and appointments existing at commencement of this Law continued in force.

3—All commissions, and appointments granted to any of the officers of the Post Office, in force at the commencement of this Law, shall continue in force as if the same had been granted under this Law.

* Repealed by Section 2 of Law 23 of 1879.

† Law 12 of 1886, by its 1st Section, and Law 18 of 1887, by its 7th Section, have been since incorporated with this Law.

4—All places now used for the receipt and delivery there of letters, newspapers, parcels, and book-packets for transmission by the post, shall remain and be continued as such; and the Governor may from time to time appoint other places for the like purposes, and appoint at any such place or places District Postmasters, or other officers, whose appointment shall be in every respect as, and subject in like manner as other appointments of officers; and the Governor may discontinue any place appointed, or to be appointed for the purposes aforesaid.

Places now used as Post Offices retained, but Governor may appoint others, and may discontinue any.

5—No person hereafter appointed shall be capable of holding the office of Postmaster for Jamaica, or of being an officer of the Post Office, unless such person shall have first made and subscribed the following declaration before a Justice of the Peace, acting for the place where such person resides, which declaration such Justice shall (on application to that effect), administer and take accordingly :

Future officers of the Post Office to take the declaration in this section.

“I, _____ do solemnly and sincerely declare, that I will not wittingly or willingly open or delay, or cause or suffer to be opened or delayed, contrary to my duty, any letter or anything sent by the post, which shall come into my hands or custody by reason of my employment relating to the Post Office, except by the consent of the person or persons to whom the same shall be directed, or by an express warrant, in writing, under the hand of the Governor, or under his authority for that purpose, or except in such cases where the party or parties to whom such letter, or anything sent by the post shall be directed, and who is or are chargeable with the payment of the postage thereof, shall refuse or neglect to pay the same, and except such letters, or anything sent by the post, as shall be returned for want of true directions, or when the party or parties to whom the same shall be directed cannot be found; and that I will not in any way embezzle any such letter, or anything sent by the post as aforesaid; and I make this solemn declaration con-

Declaration.

scientiously intending to fulfil and obey the same, and by virtue of the provisions of "The Post Office Law, 1868."

This declaration was made before me
the day of

Officers of Post
Office not liable
to serve as ju-
rors, &c.

6—No officer of the Post Office shall be compelled to serve in any corporate, or public, or parochial office or employment, or on any jury or inquest, or in the Militia, any Law or custom to the contrary notwithstanding; nor shall any officer of the general Post Office in Kingston be engaged in any trade or business.

Exclusive privi-
lege of the Post
Office.

7—The Postmaster for Jamaica, by himself or by the other officers and servants of the Post Office, shall have the exclusive privilege of conveying from one place to another, between which postal communication is or may hereafter be established, and of receiving, collecting, sending, despatching, and delivering all letters, except in the following cases, that is to say :

Exceptions.

1. Letters sent by a private friend in his way, journey, or travel, so as such letters be delivered by such friend to the party to whom they shall be directed :
2. Letters sent by a messenger on purpose, concerning the private affairs of the sender or receiver thereof :
3. Process, or proceeding, issuing out of a Court of Justice :
4. Letters sent out of the Island by a private vessel (not being a packet-boat) :
5. Letters of merchants, owners of vessels, of merchandize, or the cargo or loading therein sent by such vessels of merchandize, or by any person employed by such owners for the carriage of such letters, according to their respective directions, and delivered

to the respective persons to whom they shall be directed, without paying or receiving hire or reward, advantage or profit for the same, in anywise :

6. Letters concerning goods or merchandize sent by common known carriers to be delivered with the goods which such letters concern, without hire or reward, or other profit or advantage for receiving or delivering such letters :

But nothing herein contained shall authorize any person to make a collection of such excepted letters for the purpose of sending them in the manner hereby authorized :

The following persons are expressly forbidden to carry a letter, to receive, or collect, or deliver a letter, although they shall not receive hire or reward for the same (that is to say):

Persons prohibited to carry letters.

1. Drivers of mail carts or carriages, mail-couriers, or persons in charge of mails :
2. Common known carriers, their servants or agents, except a letter concerning goods in their carts, waggon, or carriages, or on their pack animals :
3. Owners, masters, or commanders of ships, vessels, steam-boats, or boats called, or being passage or packet-boats, or droghers, wherries, or ferry-boats sailing or passing coastwise or otherwise, between, to, or from places within this Island, or their servants or agents, except in respect of letters of merchants, owners of ships, or goods on board :
4. Passengers or other persons on board any such ships, vessels, steam-boats, or boats called, or being passage or packet-boats, or droghers, wherries, or ferry-boats, except messengers sent specially concerning the private affairs of the sender or receiver thereof.

Rates of postage in schedule demandable

8—The several rates of inland postage specified in the schedule to this Law annexed, shall be payable and demandable on all letters, newspapers, parcels, and book-packets passing through the Post Offices in this Island.

Prepayment of postage on letters and newspapers optional.

9—The postages on all letters, and newspapers, not intended to be sent out of the Island, passing through the Post Offices of this Island, or posted at, to be delivered from any Post Office, may, at the option of the parties sending the same, be chargeable on the delivery thereof as addressed, or be prepaid in coin, or by adhesive postage stamps, equal to the amount chargeable on such letters, or newspapers, respectively placed thereon.

Postage on all Parcels to be prepaid.

10—The postages on all parcels * * * not intended to be sent out of this Island, passing through the Post Offices, or posted at, to be delivered from any Post Office, shall be prepaid by adhesive postage stamps, of a value equal to the amount of the postage chargeable thereon respectively : Provided, that no parcel * * * shall be forwarded by the Post, unless the same shall be prepaid as aforesaid. * * *

11—†

Governor, with advice of Privy Council, may vary rates, and direct postage to be prepaid.

12—It shall be lawful for the Governor, with the advice and consent of the Privy Council, from time to time to vary and alter the rates set forth in the schedule to this Law annexed, provided that the rates in the said schedule shall not be at any time exceeded ; it shall also be lawful for the Governor, with the advice and consent aforesaid, to direct that the postage of all letters and newspapers posted in this Island, addressed to any place within this Island, shall be prepaid at the time of the same being posted, either in coin or by adhesive postage stamps placed thereon, equal to the amount chargeable on such letters or newspapers respectively ; ‡ ‡ ‡ ‡

* Amended by sec. 17 of Law 12 of 1886 by omitting words, and by sec. 18 of said Law not to apply to Parcels above maximum weight of Post Parcels.

† Repealed by sec. 15 of Law 12 of 1886.

‡ Portion of sec. repealed by sec. 15 of Law 12 of 1886.

13—No printed newspaper, parcel, or book-packet shall be sent by the post at rates other than letter-rates, unless the following conditions shall be observed :

Conditions on which newspapers, parcels, and book-packets may be sent by post.

- 1. It shall be sent without a cover, or in a cover open at the sides or ends :
- 2. There shall be no words or communication written upon any part of such newspaper, parcel, or book-packet, or upon any part of the cover thereof, except the name and address of the person to whom sent ; and, in the case of a parcel or book-packet, the name and address of the person sending the same :

3.—*

Provided, that it shall not be compulsory to send by Post any newspapers, parcels, or book-packets.

14—The Postmaster for Jamaica, or the district postmasters, may examine any such newspaper, parcel, or book-packet, whether sent by the post without a cover, or in a cover open at the sides or ends, in order to discover whether it is contrary in any respect to the conditions hereby required to be observed ; † † † † †

Officers to examine same, to discover if any condition disregarded.

15—Letters transmitted by post, either to or from the Governor, shall be exempt from inland postage ; and the Governor may from time to time authorize the transmission, free of inland postage, of the correspondence, on public business, of any Public Department, or public officer.

Postage of Governor, and of any Public Department authorized by the Governor, free.

16—Letters transmitted by the post may be registered upon payment of the rates in the schedule to this Law annexed, in addition to the ordinary postage ; but such registration shall not render the Postmaster for Jamaica, or any officer of

Registration of letters.

* Sub-section 3 repealed by sec. 13 of Law 12 of 1886, and provisions of the whole sec. made not applicable to Foreign Parcels by sec. 14.

† Portion of sec. repealed by sec. 13 of Law 12 of 1886, and other provisions substituted.

the Post Office, or the Public Revenue, in any manner liable for the loss of any such registered letter, or its contents ; and all registered letters shall be delivered to the Post Office, and also be delivered by the Post Office at or between such hours in the day, and under such regulations in every respect, as the Governor shall from time to time appoint.

Governor to provide postage stamps.

17—The Governor shall from time to time cause to be provided proper and sufficient postage stamps, for expressing and denoting the rates or duties of postage, and such stamps shall be kept in the custody of the Receiver-General and Commissioner of Stamps.

18—*

19—*

Duties denoted by postage stamps stamp duties, and subject to Stamp Duties Law.

20—The rates or duties which shall be expressed or denoted by such stamps as aforesaid, shall be denominated and deemed to be stamp duties, and shall be under the control and management of the Receiver-General, and Commissioner of Stamps for the time being ; and all the powers, provisions, clauses, regulations, directions, fines, forfeitures, and penalties contained in, or imposed by the Law or Laws for the time being in force in relation to stamp duties, shall (so far as the same may be applicable, and may be consistent with the provisions of this Law), in all cases not hereby expressly provided, be in full force and effect, with respect to the stamps to be provided under or by virtue of this Law, and to the paper on which the same shall be impressed, or to which the same shall be affixed, and shall be observed, applied, enforced, and put in execution for the raising, levying, collecting, and recovery of the rates or duties denoted thereby, and for preventing, detecting, and punishing all frauds, forgeries, and other offences relating thereto, as fully and effectually, to all intents and purposes, as if such powers, provisions, clauses,

* Repealed by sec. 6 of Law 18 of 1887.

regulations, and directions, fines, forfeitures, pains, and penalties had been repeated and specially enacted with reference to the stamps and rates of duties under this Law.

21—All letters to or from the United Kingdom of Great Britain and Ireland, or any of her Majesty's colonies, or dominions, or any foreign country, which shall have been pre-paid according to the respective rates now or hereafter to be established by her Majesty's Postmaster-General, or other Legislative or proper authority, shall pass through the Post Offices of this Island free of any further or other postage or charge thereon; and on letters to or from the United Kingdom, or any of her Majesty's colonies, or dominions, or any foreign country, whether wholly unpaid or insufficiently paid, there shall be charged such addition to the ordinary rate of postage as the Governor may agree upon with the Imperial Post Office authorities, or the Governor, or other proper authority in any of such colonies, or dominions, or as may be sanctioned by her Majesty's Government in the case of any foreign country; but on any letters to or from any of her Majesty's colonies, or dominions, or any foreign country, respecting which no special agreement shall have been made, there shall be chargeable the ship-letter postage, set forth in the schedule to this Law, in addition to the ordinary inland rate of postage.

Postage on letters to or from the United Kingdom, the colonies, and foreign countries.

22—It shall be lawful for the Postmaster for Jamaica, or the person in charge of the Post Office at any outport, to pay to the master of any inward bound vessel for each letter, not from the United Kingdom, which he shall deliver to such Post Office, the sum of two pence as a gratuity: Provided, that in case of letters from the United Kingdom the gratuity paid shall be one penny; and it shall be lawful for the Postmaster for Jamaica, or the person in charge of any Post Office as aforesaid, to pay to the master of any outward bound vessel a gratuity of two pence for each letter, addressed to any place not within the United Kingdom (the gratuity upon letters to the United Kingdom being payable on delivery there), which

Gratuity to masters of ships taking or delivering letters.

he shall undertake to deliver at any port or place at which the vessel shall touch in the course of her voyage.

Exemptions
from sea-
postage.

23—The following persons shall be entitled to have their letters free from sea-postage; (that is to say), the owners, charterers, or consignees of any inward bound vessel, and the owners, charterers, or consignees, or shippers of goods on board any such vessel; but the letters brought by any one vessel to any one such person shall not collectively exceed six ounces in weight; and the owner, charterer, or consignee shall be described as such on the address and superscription: In the case of owners, shippers, or consignees of goods, it shall also appear by the ship's manifest that they have goods on board the vessel; and the persons hereby exempted shall be entitled to have their letters, which come within the above conditions, before the master of the vessel delivers the other letters in his charge to the Post Office: Provided, that if the master of the vessel shall deliver any such ship-letter into the Post Office the same shall cease to be privileged, and shall be liable to the full rate of sea and inland postage.

Masters of ves-
sels to deliver
all letters at
Post Office.

24—Every master or commander of a vessel, such vessel not being a Post Office packet, arriving in this Island, shall cause all letters on board his vessel, not exempted under the preceding clause, to be collected and enclosed in some bag or other envelope, and to be sealed with his seal, and shall deliver the same to the Postmaster at the port or place where the vessel shall report; and shall sign a declaration in the presence of such Postmaster, or other person authorised by the Postmaster, who shall also sign the same; and such declaration shall be in the following form (that is to say):

Declaration.

“I, A. B., master, or commander of the (state name of ship or vessel), arrived from (state place), do, as required by Law, solemnly declare that I have, to the best of my knowledge and belief, delivered, or caused to be delivered to the Post Office, every letter-bag,

package, or parcel of letters that were on board the (state vessel's name), except such letters as are exempted by Law."

And no officer of the Customs shall permit any such vessel to report until such declaration shall have been made and produced.

25—Every master of a vessel who shall refuse, or wilfully neglect to make such declaration, shall forfeit the sum of twenty pounds; and every officer of the Customs who shall permit such vessel to report, before the requisites of this Law have been complied with, shall forfeit the sum of twenty pounds; and every master of a vessel who shall break bulk, or make entry before all letters on board, not exempted from postage, shall be sent to the Post Office, shall forfeit twenty pounds; and every master of a vessel, or any other person on board any ship liable to the performance of quarantine, who shall on demand neglect or refuse to deliver to the person or persons appointed to superintend the quarantine, all such letters in his possession, shall forfeit twenty pounds.

Penalty on refusing, &c., to make or require declaration on making entry before delivery of letters.

26—The person or persons appointed to superintend such quarantine is or are hereby authorized and required to receive and collect such letters; and due care and precaution having been exercised in respect to them, to deliver them to the Post Office for transmission in the usual manner.

Persons appointed to superintend quarantine to receive such letters.

27—The Governor may appoint any person to demand from the masters of vessels arriving at or off a port of the Island, all letters on board the same, liable to postage, and the master of any such vessel shall forthwith deliver all such letters on board to such person, on his demanding the same.

Governor may appoint a person to demand letters from masters of vessels.

28—Every person, being either the master of a vessel inward bound, or one of the officers, or one of the crew, or a passenger thereof, who shall knowingly have any letter, not exempted from postage, in his possession, after the master shall have sent the ship's letters to the Post Office, shall for-

Penalty on masters, crew, and passengers having letters.

feit, for every letter, five pounds; and whether the letter be in the baggage, or on the person of the offender, or otherwise in his custody, it shall be held to be in his possession; and every such person who shall detain any such letter, after demand made, either by the officer of Customs, Quarantine officer, or other person authorised to demand ship-letters, shall forfeit for every letter, ten pounds.

Officers of Customs to search any vessel for letters.

29—Any officer of Customs may search any vessel for letters which may be on board contrary to this Law, and may seize all such letters, and forward them to the nearest Post Office; and the Customs' officer, who shall so seize and send them, shall be entitled to a moiety of the penalties which may be recovered for any such offence.

Penalty on masters of vessels refusing to take letters, or not delivering on arrival, and on persons breaking the seal of a letter-bag.

30—Every master of a vessel arriving in this Island, who shall not duly deliver, or caused to be delivered, a letter-bag entrusted to him for delivery, without the same having been wilfully opened, shall forfeit twenty pounds; and every person to whom letters may have been entrusted by the master of a vessel to bring on shore, who shall break the seal, or in any manner wilfully open the same, shall forfeit twenty pounds.

Penalty on persons conveying letters otherwise than by post.

31—Every person who shall convey, otherwise than by the post, any letter required by this Law to be conveyed by post, shall, for every letter, forfeit five pounds; and every person who shall be in the practice of so conveying letters required to be conveyed by post, shall, for every week during which the practice shall be continued, forfeit fifty pounds; and every person who shall perform, otherwise than by post, any services incidental to conveying letters from place to place, whether by receiving or by taking up, or by collecting, or by ordering, or by despatching, or carrying or re-carrying, or by delivering a letter required to be conveyed by post, shall forfeit, for every letter, five pounds; and every person who shall be in the practice of so performing any such incidental services shall, for every week during which the practice shall

be continued, forfeit fifty pounds; and every person who shall send, or cause to be sent a letter, required to be conveyed by post, otherwise than by the post, or shall either tender or deliver a letter so required to be conveyed, in order to be sent otherwise than by the post, shall forfeit for every letter five pounds; and every person who shall be in the practice of committing any of the acts last-mentioned, shall for every week during which the practice shall be continued, forfeit fifty pounds; and every person who shall make a collection of excepted letters, for the purpose of conveying or sending them otherwise than by the post, shall forfeit for every letter five pounds; and every person who shall be in the practice of making a collection of excepted letters for that purpose, shall forfeit, for every week during which the practice shall be continued, fifty pounds: And it is hereby declared, that the term "post" shall herein include all post communications by land or by water (except by outward bound vessels, not being Post Office packets): And the above penalties shall be incurred whether the letter shall be sent singly or with any thing else, or such incidental service shall be performed in respect to a letter either sent or to be sent singly, or together with some letter or thing; and in any proceeding for the recovery of any such penalty, the onus shall lie upon the party proceeded against to prove that the Act, in respect of which the penalty is alleged to have been incurred, was done in conformity to this Law.

32—Every person employed by or under the Post Office, who shall, contrary to his duty, open or procure, or suffer to be opened a post-letter, or shall wilfully detain, or delay, or procure, or suffer to be detained or delayed a post-letter, shall be guilty of a misdemeanor, and, being convicted thereof, shall suffer such punishment, by fine or imprisonment, or by fine and imprisonment, as to the Court shall seem meet.

Persons in employment of Post Office opening or wilfully detaining a post-letter misdemeanor.

33—Every person employed by or under the Post Office, who shall steal, or for any purpose whatever embezzle, secrete, or destroy a post-letter, shall be guilty of felony, and shall, at the discretion of the Court, be imprisoned, with or

Stealing or embezzling letters felony.

without hard labour, for any term not exceeding two years ; and if any such post-letter, so stolen or embezzled, secreted or destroyed, shall contain any chattel or money whatsoever, or any valuable security, every such offender shall be imprisoned, with or without hard labour, for any term not exceeding four years.

Stealing out of a letter felony.

34—Every person who shall steal from or out of a post-letter, any chattel, or money, or valuable security, shall be guilty of felony, and shall be imprisoned, with or without hard labour, for any term not exceeding four years.

Stealing post-letter-bag or letter from post-letter-bag felony.

35—Every person who shall steal a post-letter-bag, or a post-letter from a post-letter-bag, or shall steal a post-letter from a Post Office, or from an officer of the Post Office, or from a mail, or shall stop a mail with intent to rob or search the same, shall be guilty of felony, and shall be imprisoned, with or without hard labour, for any term not exceeding four years.

Stealing bag sent by Post Office packet or any letter therefrom felony.

36—Every person who shall steal or unlawfully take away a post-letter-bag, sent by a Post Office packet, or who shall steal or unlawfully take a letter out of such bag, or shall unlawfully open such bag, shall be guilty of felony, and shall be imprisoned, with or without hard labour, for any term not exceeding four years.

Receivers of such stolen letters, &c., guilty of felony.

37—Every person who shall receive any post-letter or post letter-bag, or any chattel, or money, or valuable security, the stealing, taking, or embezzling whereof shall amount to a felony under this Law, knowing the same to have been feloniously stolen, taken, embezzled, or secreted, and to have been sent, or to have been intended to have been sent by the post, shall be guilty of felony, and may be indicted and convicted, either as an accessory after the fact, or for a substantive felony ; and, in the latter case, whether the principal felon shall or shall not have been previously convicted, or shall or shall not be amenable to justice ; and every such receiver,

however convicted, shall be liable to imprisonment, with or without hard labour, for any term not exceeding four years.

38—Every person who shall fraudulently retain, or shall wilfully secrete, keep, or detain, or, being required to deliver up by an officer of the Post Office, shall neglect or refuse to deliver up a post-letter, which ought to have been delivered to any other person, or a post-letter-bag or post-letter, which shall have been missent, whether the same shall have been found by the person secreting, keeping, or detaining, or neglecting, or refusing to deliver up the same, or by any other person, shall be guilty of a misdemeanor, and, being convicted thereof, shall be liable to be punished, by fine or imprisonment, or by fine and imprisonment, in the discretion of the Court.

Fraudulently retaining a letter which ought to have been delivered to another misdemeanor.

39—Every person who shall solicit, or endeavour to procure any other person to commit a felony or misdemeanor, punishable under this Law, shall be guilty of a misdemeanor, and, on conviction, be liable, at the discretion of the Court, to imprisonment for any term not exceeding two years.

Soliciting to commit felony or misdemeanor or misdemeanor

40—The offence of every offender against this Law may be dealt with and indicted and tried and punished and be laid and charged to have been committed in any parish or place where the offence was committed, or where the offender shall be apprehended or be in custody; and where the offence shall be committed in or upon or in respect of a mail, or upon a person engaged in the conveyance and delivery of a post-letter-bag or post-letter, or in respect of a post-letter-bag or post-letter, or a chattel, or money, or valuable security sent by the post, such offence may be dealt with and indicted and tried and punished and laid and charged to have been committed as well in any parish or place in which the offender shall be apprehended or be in custody, as also in any parish or place through any part whereof the mail, or the person, or the post-letter-bag, or the post-letter, or the chattel, or the

Venue in indictments.

money, or the valuable security sent by the post in respect of which the offence shall have been committed, shall have passed in due course of conveyance or delivery by the post. . .

Property may be laid in Postmaster for Jamaica.

41—In any case where an offence shall be committed in respect of a post-letter-bag, or a post-letter, or a chattel, money, or valuable security sent by the post, it shall be lawful to lay, in the indictment against the offender, the property of the post-letter-bag, post-letter, chattel, money, or valuable security in the Postmaster for Jamaica; and it shall not be necessary, in the indictment to allege, or to prove upon the trial or otherwise, that the post-letter-bag, or any such post-letter, or valuable security, was of any value; and in any indictment to be preferred against any person employed under the Post Office, it shall be sufficient to state that such offender was employed under the Post Office of Jamaica at the time of the committing of such offence, without stating further the nature or particulars of his employment.

Penalty on persons employed to convey or deliver a post-letter-bag or post-letter guilty of carelessness, negligence, or misconduct.

42—Every person employed by or under the Post Office to convey or deliver a post-letter-bag, or a post-letter, who shall, whilst so employed, or whilst the same shall be in his custody, care, or possession, leave a post-letter-bag, or a post-letter, or suffer any person, not being the guard or person employed for that purpose, to ride in or upon any carriage or cart used for the conveyance of a post-letter-bag, or post-letter, but not authorized to carry passengers, or upon any animal used for the conveyance of a post-letter-bag, or post-letter; or if any person, so employed as aforesaid, shall be guilty of any act of drunkenness, or of carelessness, negligence, or other misconduct, whereby the safety of a post-letter-bag, or a post-letter shall be endangered, or who shall collect or receive, or convey, or deliver a letter otherwise than in the ordinary course of post, or who shall give any false information of an assault or attempt at robbery upon him, or who shall loiter on the road or passage, or wilfully misspend his time, so as to retard or delay the progress or arrival of a post-letter-bag, or post-letter, or who shall not use due and proper care and diligence safely to convey a post-letter-bag, or post-

letter, at the rate of speed appointed by, and according to the regulations of the Post Office for the time being, being thereof convicted, shall forfeit five pounds.

43—Every person authorized by virtue of his office to frank official letters, who shall superscribe a letter as belonging to his office or department which does not concern the business thereof, shall, for every such offence, forfeit twenty pounds; and every clerk, or person employed in the office of any person so authorized to frank official letters as aforesaid, who shall superscribe a letter as belonging to such office or department, which does not concern the business thereof, shall, for every such offence, forfeit the sum of ten pounds; and every person who shall, with intent to evade any duty of postage, falsely superscribe a letter as being the owner, or the charterer, or the consignee of a vessel conveying the same, or as the owner, or the shipper, or the consignee of goods shipped in such vessel, shall, for every such offence, forfeit ten pounds.

Penalty on
franking letters
for other than
official purposes.

44—And whereas the letters of soldiers and seamen are permitted to pass through the Post Office, under certain conditions, at a reduced rate of postage: Be it enacted, that every person having the command of a ship, or vessel, or regiment, or corps, or detachment, who is authorized to write his name, and the name of the ship, or of the vessel, or of the regiment, or corps, or detachment commanded by him, upon a single letter from a seaman, or soldier, privileged to send his letter at a reduced rate of postage, who shall wilfully write his name upon a letter that is not from and on the private concerns only of such seaman, or soldier so privileged, shall, for every such offence, forfeit five pounds; and every person, not having at the time the command of the ship, or vessel, or regiment, or corps, or detachment, to which a seaman or soldier so privileged belongs, who shall write his name upon a letter, in order that the same may be sent at a reduced rate of postage, shall, for every such offence, forfeit five pounds; and every person who shall procure a seaman or soldier to obtain the signature of his commanding officer upon a letter to be

Penalty on the
unauthorized
transmission of
soldier's or sea-
mens' letters.

sent by the post, which shall not be on the private concerns of such seaman or soldier, and every such seaman or soldier who shall so obtain the signature of his commanding officer, in order to avoid the payment of the rates of postage, by Law established, shall, for every such offence, forfeit five pounds; and every person who shall wilfully address a letter to such seaman or soldier, having the privilege aforesaid, which shall be intended for another person, or which shall be concerning the affairs of another person, with intent to evade the payment of the rate of postage by Law established, shall, for every such offence, forfeit five pounds.

Governor to make and alter or amend rules, &c.

45—The Governor may from time to time make, alter, or amend rules, orders, and regulations for the general government, guidance, and conduct of the Post Office, and all and every the officers, clerks, agents, and servants in such department; and, until such rules, orders, and regulations shall be made, or in so far as any which may have been already made, may not extend or apply, the Post Office shall be regulated, and the officers, clerks, agents, and servants thereof shall be governed by the rules, orders, and regulations which are, or may be in practice in the Post Office department, under the management and control of the Postmaster-general in England.

Jamaica Gazette evidence of rules, &c.

46—The publication, in the “Jamaica Gazette by Authority,” of any rule, regulation, warrant, or order made in pursuance or under the authority of this Law, shall be sufficient evidence of such rule, regulation, warrant, or order.

Governor may sanction arrangements with the government or postal authorities of the United Kingdom, the colonies, or any foreign country.

47—It shall be lawful for the Governor, from time to time to make orders, rules, and regulations for authorizing, sanctioning, or giving effect to any arrangements which require to be made with the government, or the postal authorities of the United Kingdom, or of any of her Majesty’s colonies or dominions, or of any foreign country, with regard to the collecting and accounting for, or disposing of postage, the transmission of mails, and other matters connected with posts

LAW 18, 1868.

and postal business, and the remuneration or indemnity to be paid or received under any such arrangements.

48—It shall be lawful for the Governor from time to time to make orders and regulations :

Governor may make orders :

1. With the sanction of the Postmaster-general, or other the Imperial postal authorities, in respect to the money-order system established with the United Kingdom, and the payment of any orders drawn by Postmasters in the United Kingdom on Postmasters in this Island.

as to money-order system with United Kingdom,

2. For providing, when he deems it expedient, means for avoiding the risk of transmitting small sums of money through the post, and establishing a system of money-orders within this Island, and fixing the terms on which such orders may be obtained.

as to money-orders within the Island,

3. For establishing the money-order system, so as to include the granting of money-orders on Postmasters in her Majesty's colonies or dominions, and in the United States of North America, and the payment of any orders drawn by such Postmaster on Postmasters in this Island, on such terms and conditions as he may deem expedient.

as to money-orders with the colonies or foreign countries.

49—All duties of postage continued or imposed by this Law, or any previous Act of this Island, may be sued for and recovered with full costs of suit in a summary manner, before any two Justices of the Peace of the Parish where the duties were demandable or payable, on the complaint of any Postmaster.

Recovery of duties of postage.

50—All pecuniary penalties and forfeitures imposed by this Law and the Act twenty-sixth Victoria, session one, chapter seven, or any Act thereby continued in force, hereby declared to be recoverable, notwithstanding the expiration or repeal of the said last-mentioned Act, may be recovered and enforced with full costs of suit, on the complaint of any Postmaster, in a summary manner, before any two Justices of the

Recovery of penalties.

Peace of the Parish where the offence was committed, or the offender be apprehended, and, in default of payment, may be enforced by imprisonment not exceeding ninety days.

Justices may mitigate penalties.

51—The Justices before whom any person shall be convicted of an offence under this Law, subjecting him to a penalty thereunder, shall have power to mitigate the same when they see cause so to do : Provided, that all reasonable costs and charges in prosecuting for such offence shall always be allowed over and above the sum to which the penalty is mitigated.

Monies of postage to be paid by Postmaster for Jamaica to General Revenue.

52—All monies received and collected for postage shall be paid by the Postmaster for Jamaica to the credit of the General Revenue of the Island, at such times and in such manner as the Governor shall direct.

Interpretation clause.

53—In this Law the term “mail” shall include every conveyance by which post-letters are carried, whether it be by a coach, or cart, or horse, or other conveyance ; and also a person employed in conveying or delivering post-letters ; and also every vessel which is included in the term “packet-boat ;” the term “post-letter-bag” shall mean a mail of letters, or a box, or a parcel, or any other envelope in which post-letters are conveyed, whether it does or does not contain post-letters ; and the term “master of a vessel” shall include any person in charge of a vessel, whether commander, mate, or other person ; and the expression “officer of the Post Office” shall include the Postmaster for Jamaica, and any district Postmaster, agent, officer, clerk, letter-carrier, guard, post-boy, rider, or any other person employed in any business of the Post Office, whether appointed by the Governor, or employed by the Postmaster for Jamaica, or by any person under him, or on behalf of the Post Office ; “persons employed by or under the Post Office” shall include every person employed in any business of the Post Office, according to the interpretation given to officers of the Post Office ; the term “packet-boat” shall include vessels employed under the general Post Office in the United Kingdom, or by or under the Post Office of this Island, for the transmission of post-letters, and also

ships or vessels (though not regularly employed as packet-boats) for the conveyance of post letters under contract, and also a ship of war, or other vessel in the service of her Majesty, in respect of letters conveyed by it; the term "postage," shall mean the duty chargeable for the transmission of post-letters; the term "post-letter" shall mean any letter, book, packet, or parcel transmitted by the post under the authority of the Postmaster-general of the United Kingdom, or of this Law; and a letter shall be deemed a post-letter, from the time of its being delivered at the Post Office, to the time of its being delivered to the person to whom it is addressed; and a delivery to a letter carrier, or other person authorized to receive letters for the post, shall be deemed a delivery to the Post Office; and a delivery at the house or office of the person to whom the letter is addressed, or to him, or to his servant, or agent, or other person considered to be authorized to receive the letter, according to the usual manner of delivering that person's letters, shall be a delivery to the person addressed; the term "Post Office" shall mean any house, building, room, or place where post-letters are received or delivered, or in which they are assorted, made up, or despatched; the term "ships" shall include vessels other than packet-boats; the term "ship-letter" shall mean a letter transmitted inwards or outwards over seas by a vessel not being a packet-boat; the term "vessel" shall include any ship or other vessel other than a packet-boat.

54—Notwithstanding the expiry or repeal of the twenty-sixth Victoria, session one, chapter seven, for the management of the Post Office department in this Island, any offence committed against, or penalty incurred under any provision of the said Act, or any Act thereby continued in force, may be prosecuted and punished, or proceeded for, as if the said Act had not expired or been repealed; and all bonds to the Crown, which shall have been given by the officers of the Post Office, and their respective sureties, for good conduct in their respective offices, or otherwise, shall remain in force; and all contracts entered into for the Post Office service, and all

Offence against and penalties under 26 Vic. ses. 1 c. 7, may be punished and recovered notwithstanding repeal.

bonds, intruments, and other securities, for the due performance of the same, shall continue and remain in full force and effect; but it shall be lawful for the Governor to require new or additional security from any officer or contractor, to such amount, and with such sureties, and to determine any contract, and to enter into any new contract, as he may think fit.

Short title.

55—This Law may be cited for all purposes as “The Post Office Law, 1868.”

Commencement of this Law.

56—That this Law shall come into operation upon the first day of July, 1868.

SCHEDULE OF POSTAGES.

LETTERS. *

	Not exceeding half an Ounce in Weight.	Above half an Ounce, and not exceeding one Ounce in Weight.	For each additional half Ounce, or fractional part of half an Ounce.	Remarks.
For a letter posted for Town or office delivery at a Post Office within the "Penny Post" limit approved by the Government in Privy Council	One penny	Two pence	One penny	
For a letter to be conveyed for delivery at any Post Office other than as stated above	Two pence	Four pence	Two pence	
For a letter to or from a Seaman or Soldier in Her Majesty's service	One penny	..	...	If exceeding half an Ounce in Weight, or if not properly addressed to him, or if from him not properly franked by his Commanding Officer, the letter ceases to be privileged, and is liable to the ordinary rates of postage.

* Above portion of the Schedule is new, having been substituted for the old portion of the Schedule by Sec. 19 of Law 12 of 1886.

BOOK PACKETS.

	Not exceeding four Ounces in Weight.	Above four Ounces, and not exceeding eight Ounces in Weight.	For each additional four Ounces, or fractional part of four Ounces in Weight.	
For a book-packet	Two pence	Four pence	Two pence	No book-packet may exceed three lbs. in weight, nor exceed two feet in length, or one foot in width or depth.

PARCELS.

For a parcel	Not exceeding four Ounces in Weight.	Above four Ounces, and not exceeding eight Ounces in Weight.	No Parcel may exceed eight Ounces in Weight, nor exceed two Feet in length, or one Foot in width or depth.
	Three pence	Six pence	

NEWSPAPERS AND PRICES CURRENT.

For each newspaper	One half penny
For each price current	One half penny

SHIP LETTERS.

For a ship letter	Not exceeding half an ounce in Weight.	Above half an Ounce, but not exceeding one Ounce in Weight.	For each additional half Ounce or fractional part of half an Ounce in Weight.
	Four pence	Eight pence	
			Four pence

REGISTRATION.

By the pre-payment of four pence any letter, newspaper, parcel, or book-packet may be registered for transmission by post within the Island.

The ordinary rate of postage, together with the registration fee, must be paid at the time of posting.

Any letter or thing marked, registered, or containing value, posted without having been duly registered, is liable to a registration fee of eight pence.

RE-DIRECTION.

Every re-directed letter, newspaper, parcel, or book-packet is liable to an additional postage at the ordinary rate, except such as are addressed to the Military or Navy, which must be delivered without additional charge for re-direction.

JAMAICA—LAW 19 OF 1868.

A Law to Consolidate and Amend the Laws Relating to
Main Roads. *

[25th May, 1868.]

* Repealed by sec. 1 of Law 10 of 1879.

JAMAICA—LAW 20 OF 1868.

A Law for Abolishing the Office of Receiver-General, and for Transferring the Powers and Duties of that Officer to an Officer to be called the Treasurer.

[26th May, 1868.]

Preamble.

WHEREAS a vacancy has occurred in the office of Receiver-General, and it is expedient to abolish that office, and to transfer the powers and duties hitherto had and performed by that officer to an officer to be appointed by the Governor, and to be called the Treasurer: Be it enacted by the Governor of Jamaica, with the advice and consent of the Legislative Council thereof, as follows:

Governor to appoint a fit person Treasurer.

1—It shall be lawful for the Governor to nominate and appoint a fit person to be Treasurer, who shall hold his office during pleasure, and on the removal, death, resignation, or other vacancy in the said office, the Governor may nominate and appoint a successor to such officer, who shall have the same powers, authorities, and duties.

On his appointment that of Receiver-General abolished, and his duties and powers transferred to Treasurer.

2—Upon the appointment of Treasurer the office and appointment of Receiver-General shall cease and be abolished; and the Treasurer under this Law shall be charged with all the duties, and have all the powers conferred or imposed on the Receiver-General under any of the Acts and Laws in force.

Department under supervision of Revenue Commissioner.

3—The Treasurer's department shall be under the supervision and control of the Revenue Commissioner.

Account under Law No. 4 of 1868 to be in name of Treasurer.

4—The account by "The Receiver-General Moneys' Transfer Law, 1868," directed to be kept in the name of the Receiver-General, shall, from such appointment of Treasurer, be kept in the name of such Treasurer for the time being.

5—This Law shall, from such appointment of Treasurer as aforesaid, be incorporated with, and read as part of “The Audit and Receiver-General’s Departments Law, 1868,” and “The Receiver-General Moneys’ Transfer Law, 1868,” respectively.

Laws No. 3 of 1868, and No. 4 of 1868 incorporated with this Law.

JAMAICA—LAW 21 OF 1868.

A Law to Authorize Justices of the Peace to take Affidavits in the Court of Chancery and Supreme Court.

[26th May, 1868.]

WHEREAS considerable inconvenience is experienced by the suitors of the Courts in taking affidavits in the Court of Chancery and the Supreme Court, owing to the limited number of Masters, and Masters Extraordinary of the former Court, and of Commissioners to take affidavits in the Supreme Court: Be it enacted by the Governor of Jamaica, with the advice and consent of the Legislative Council thereof, as follows:

Preamble.

1—From and after the passing of this Law, it shall be lawful for every Justice of the Peace, within his jurisdiction, to administer all such oaths, and take all such declarations and affirmations as can now be administered or taken, or at any time hereafter may, by any Law, be directed to be administered or taken by or before a Master, or Master Extraordinary of the Court of Chancery, or a Commissioner for taking affidavits in the Supreme Court.

Justices to administer oaths, &c., in like manner as Masters in Chancery and Commissioners of Supreme Court.

2—All persons swearing, declaring, affirming, or attesting before any Justice of the Peace under this Law, shall be liable to all such penalties, punishments, and consequences, for any wilful and corrupt false swearing, declaring, affirming

False swearing, &c., perjury.

or attesting contained therein, as if the matter sworn, declared, affirmed, or attested had been sworn, declared, affirmed, or attested before the Court of Chancery, or any of the Masters, or Masters Extraordinary thereof, or before the Supreme Court, or any Commissioner for taking affidavits therein.

JAMAICA—LAW 22 OF 1868.

A Law to Repeal the Law No. 34 of 1867, entitled "A Law to Authorize the Jamaica Railway Company to Make and Maintain a Branch or Continuation Line of Railway from Spanish Town to Old Harbour, and for Raising Additional Capital," and to Re-enact the same with certain Amendments.*

[27th May, 1868.]

* Not printed for this reason. It was intended by the Legislature to repeal this Law by sec. 168 of Law 12 of 1889, and Schedule E to that Law. By mistake however 22 Vic. c. 68 was printed in the Schedule instead of Law 22 of 1868. Consequently this Law is not repealed. As the error will doubtless be remedied by the Legislative Council at an early date the Law is omitted now.

JAMAICA — LAW 23 OF 1868.

A Law to Raise by Loan Eight Thousand Pounds, for the Purchase and Adaptation of certain Premises in Kingston for the Public Service.

[2nd June, 1868.]

WHEREAS it is expedient and necessary to authorize the raising of the sum of eight thousand pounds, for the purchase of certain premises in Kingston, and for the adaptation of the same for the Public Service : Be it enacted by the Governor of Jamaica, with the advice and consent of the Legislative Council thereof, as follows :

Preamble.

1—It shall be lawful for the Governor of this Island to raise, by Loan on Debenture, the said sum of eight thousand pounds, for the purchase and adaptation of certain premises in Kingston for the Public Service.

Governor authorized to raise £8000.

2—Such Debentures shall be signed by the Revenue Commissioner and the Treasurer, and shall be in such form, and for such sums as the Governor shall determine, and shall be transferable and negotiable, and shall be redeemable at the furthest at the end of twenty-five years from the date of the earliest of such Debentures.

Debentures redeemable in twenty-five years.

3—Such Debentures may be paid off at any time, and from time to time during the said period of twenty-five years, by annual drawings, under the authority of the Governor, and the Debentures, which shall be so redeemable and payable, shall be paid at the expiration of twelve months' notice in "The Jamaica Gazette by Authority" of the numbers of the Debentures so to be paid off, and the day of payment : Provided, that it shall be lawful for the Governor to redeem and pay off the whole Loan at any time within the said twenty-five years, on twelve months' notice thereof being given in "The Jamaica Gazette by Authority ;" and interest shall cease on all such Debentures, of which notice of payment shall be given as aforesaid, from the day fixed for payment

To be paid off by annual drawings at twelve months' notice.

Proviso. Whole loan payable at twelve months' notice.

thereof ; but such interest shall be carried to, and continued to be paid as part of the sinking fund under this Law, until the whole Loan shall be fully paid off.

Interest at £6 per centum half yearly.

4—The Treasurer from time to time shall pay the half-yearly interest, as the same shall fall due, on all such Debentures, at the rate of six pounds per centum per annum.

The interest and £2 per cent. on the whole sum as a sinking fund, to be raised annually.

5—There shall be raised and included, in the general estimates of each year, the interest payable as aforesaid, and an additional sum after the rate of two pounds per centum on the said sum of eight thousand pounds, as a sinking fund for the redemption of the Debentures to be issued under this Law ; and all sums of money which shall be borrowed under the authority of this Law, and the interest and sinking fund, shall be a charge on, and paid out of the General Revenue of this Island.

Monies to be carried to credit of account under this Law

6—All monies to be borrowed under the provisions of this Law shall be paid to the Treasurer, and shall be entered in his books to the credit of an account of the Loan under this Law.

Lost debentures may be renewed.

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

JAMAICA—LAW 24 OF 1868.

A Law to Declare the Days upon which the next Circuit Courts for the Western Circuit shall be held.*

[12th June, 1868.]

JAMAICA—LAW 25 OF 1868.

A Law to Authorise the Governor to Relieve the Titchfield School Trust from its present Liabilities, and to Provide for the future Management and Carrying Out of the Trust.

[16th June, 1868.]

WHEREAS the property of the Titchfield School Trust **Preamble.** has been for several years in receivership in the Court of Chancery, and the objects of the Trust have been and are in abeyance: And whereas it is desirable, in accordance with a petition presented by the Trustees of the said Charity, that the property should be taken out the Court of Chancery, and the Trust be relieved from its debts, in order that the purposes of the Trust may, as far as possible, be carried into effect: Be it enacted by the Governor of Jamaica, with the advice and consent of the Legislative Council thereof, as follows:

1—It shall be lawful for the Governor to make arrangements, in such manner as he may think fit, for the purpose of taking the property of the said Trust from and out of the control of the Court of Chancery of this Island, and of carrying into effect the objects of the Trust.

Governor may make arrangements to take property out of Chancery and carry on trust,

2—For that purpose it shall be lawful for the Governor to direct the payment, to such persons as he shall name, out of the Public Revenue of this Island, of such sum or sums of

and may direct payment to such persons as he shall name for such purpose,

* Repealed by Section 2 of Law 25 of 1879.

money as may be necessary for discharging the debts and claims against the said Trust, and for releasing the property from the control of the Court of Chancery.

and authorise them to adjust claims and effect compromises.

3—The Governor may empower the persons so named, subject to his approval, to settle and adjust the legal and equitable debts and claims of the creditors and others, and, where expedient, to effect compromises thereof.

Office of Trustees determined and Governor may make new appointments.

4—The office and place of the present Trustees of the said Charity shall be and are hereby determined; and it shall be lawful for the Governor to name and appoint such persons to be Trustees of the said Charity as he shall think proper, which last-mentioned Trustees shall hold their office during pleasure; and the Governor may, from time to time, upon the removal, death, or resignation of any Trustee, appoint another in his place.

Property chargeable with advance, and rents applicable thereto and to objects of Charity.

5—The property of the Trust shall be and remain charged with any advance which may be made by the Government of this Island for the purposes aforesaid, and the rents and profits thereof shall be applicable, and applied in such proportions, and by such instalments as the Governor may direct, towards repayment of the said advances, and for effecting the object of the Charity as aforesaid.

JAMAICA—LAW 26 OF 1868.

A Law for Laying a Duty upon Persons Possessing certain Descriptions of Lands.

[20th June, 1868.]

Preamble.

WHEREAS it is expedient to impose a duty on persons possessing land of the different descriptions hereinafter mentioned: Be it enacted by the Governor of Jamaica, with the advice and consent of the Legislative Council thereof, as follows:

1—There shall be imposed upon all persons in the possession of land of the several descriptions hereinafter mentioned, whether as owners, tenants, or in any other character, for every acre, or fractional part of, an acre so possessed, the several rates of duty specified and set down against the same respectively, in the following schedule:

Duties in schedule imposed upon persons in possession of the several descriptions of land there mentioned.

For every acre, or for any fractional part of an acre of land cultivated in canes, coffee, ginger, arrowroot, corn, ground nuts, cotton, tobacco, cocoa, vegetables, or ground provisions (three pence)	£0 0 3
For every acre, or for any fractional part of an acre of land in guinea grass (three half pence)	0 0 1½
For every acre, or for any fractional part of an acre of land in common pasture, or in pimento, or in common pasture and pimento (three farthings)	0 0 0¾
On every acre, or any fractional part of an acre of land in ruinate, or in wood (a farthing)	0 0 0¼

2—Every person liable to the duty as aforesaid shall, on the first day of August next, and on the first day of August in every succeeding year, or within ten days thereafter, respectively give in to the Collector of Taxes, or other officer of the Revenue, who is or may be appointed to collect and receive this tax in the parish where such lands are situate, a just and true return of all lands, of the several descriptions above specified, in his possession, shewing the name of the property, and the name of any property of which it formerly was a part, and shall state, to the best of his knowledge or belief, the name of the owner, or reputed owner of the land, the name of the occupier thereof, and the character in which he holds the said land, and the number of acres of each of the

Who are to make returns at 1st August annually,

several descriptions of land mentioned in the schedule to the immediately preceding section of this Law, with a declaration at foot to the truth thereof, and the return and declaration shall be to the effect set forth in the schedule to this Law annexed.

and to pay to the Collector of Taxes, &c., the duties.

3—Every person making, or required to make such return as aforesaid, shall pay to the Collector of Taxes, or other officer as aforesaid, the duties according to the respective rates hereinbefore mentioned for the number of acres, reckoning as an acre any fractional part of an acre of the said several descriptions of land, included in such return; and the duties under this Law shall be paid on the first day of August in each year, or within ten days thereafter; and, in every case where no return shall have been made, as required by this Law, shall be liable to the surcharge of one-fourth part of such duties.

Where two or more persons in possession, each liable.

4—Where two or more persons shall be seized or entitled, in undivided shares or proportions, either as tenants in common, joint tenants, coparceners, or otherwise, any one or more of them shall be liable for the said duty, as if he was, or they were solely seized or entitled.

Powers, &c. of Tax Collection Law, 1867, applicable to this Law.

5—All the powers, provisions, regulations and directions contained in "The Tax Collection Law, 1867," shall be of full force and effect, with respect to the duties hereby granted, so far as the same are applicable; and shall be observed, applied, and enforced for and in the collecting, regulating, and recovering of the duties hereby granted, and the surcharge thereon, if and when the same shall be chargeable, and otherwise in relation to the said duties, so far as the same shall be consistent with, and not superseded by the express provisions of this Law, as fully and effectually as if the same had been herein repeated and especially enacted with reference to such last-mentioned duties.

SCHEDULE.

LAND TAX RETURN UNDER LAW 26 OF 1868.

Names of Owner and Occupier.	Names of Property and Locality.	CULTIVATED LANDS.											TOTAL.					
		In Canes.	In Coffee.	In Ginger.	In Arrowroot.	In Corn.	In Ground Nuts.	In Cotton.	In Tobacco.	In Cacao.	In Vegetables.	In Provisions.		Lands in Guinea Grass.	Lands in Common Pasture.	Land in Wood and Ruinate.	Lands in Common Pasture.	Lands in Pimento.
		Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.

JAMAICA, SS.

I,
 and other lands in the parish of
 do solemnly and sincerely declare, that the foregoing is a true and faithful account of all cultivated
 belonging to (1)

on the 1st August, 18
 Declared before me, this 18 day of

J. P. or Collector.

(1) Insert name of property.

JAMAICA—LAW 27 OF 1868.

A Law to Authorize the Governor to make Temporary Provision for the Office of the Official Assignee for Middlesex and Cornwall.*

[*27th June, 1868.*]

JAMAICA—LAW 28 OF 1868.

A Law to Consolidate the Offices of the Registrar in Chancery and Clerk of the Patents and of the Clerk of the Supreme Court and Crown.†

[*3rd July, 1868.*]

JAMAICA—LAW 29 OF 1868.

A Law for Authorizing the Use, for General Purposes, of the Marine Hospitals of Montego Bay and Falmouth.

[*3rd August, 1868.*]

BE it enacted by the Governor of Jamaica, with the advice and consent of the Legislative Council thereof, as follows :

Premises vested in Churchwardens of respective parishes, and placed under control of Municipal Boards thereof.

1—The buildings and premises constituting the marine hospitals at Montego Bay and Falmouth respectively, or such of them as are not already vested in the Churchwardens of the respective Parishes of Saint James and Trelawny, are hereby vested in such Churchwardens, and their respective

* Repealed by sec. 3 of Law 25 of 1871.

† Repealed by sec. 2 of Law 25 of 1879, as amended by sec. 1 of Law 4 of 1880.

successors, and the said hospitals are hereby placed under the control and direction of the Municipal Boards of the said respective parishes.

2—The respective Municipal Boards shall apply the said respective buildings and premises to the purposes of parochial hospitals for the respective Parishes of Saint James and Trelawny, or to such other parochial purposes as the Governor may from time to time sanction: Provided always, that they shall set apart, in such respective buildings, a ward or wards for the receipt and accommodation of patients from the mercantile marine.

Municipal Boards to apply premises for parochial purposes.

Proviso.

3—From and after the coming into operation of this Law, the services of the officers, servants, and attendants heretofore attached to the said respective hospitals, shall cease and determine; and it shall be lawful for the Governor to appoint to the said hospitals such officers, servants, and attendants as he may deem necessary, whose appointment shall be during pleasure.

Services of former officers, &c., determined, and Governor may appoint others.

4—This Law shall come into operation on the first day of September, one thousand eight hundred and sixty-eight.

Law to come into operation on 1st September, 1868.

JAMAICA—LAW 30 of 1868.

A Law to Amend the Laws relating to the District Courts.*
[3rd August, 1868.]

* Repealed by sec. 261 of Law 22 of 1874.

JAMAICA—LAW 31 OF 1868.

A Law to Enable the International Ocean Telegraph Company to Work Telegraphs in and through this Island!

[3rd August, 1868.]

Preamble.

WHEREAS a Company has been incorporated in the United States of America, by the name of "The International Ocean Telegraph Company," for the purpose of connecting, by means of telegraphic wires and cables, the United States with the Island of Cuba and other West India islands, and with the State of Panama, and the continent of South America, and have already laid down and put in operation a Sub-marine Telegraph between the Island of Cuba and the State of Florida, and desire to land one or more Telegraphic cable or cables on the shores of Jamaica, and to work the said telegraph in, through, and across this Island; it is therefore, on the petition of the said International Ocean Telegraph Company, enacted by the Governor of Jamaica, with the advice and consent of the Legislative Council thereof, as follows:

PRELIMINARY.

Short title.

1—This Law may be cited as "The International Ocean Telegraph Company's Law, 1868."

Interpretation clause.

2—In this Law the term "telegraph" means a wire or wires used for the purpose of telegraphic communication with any casing, coating, tube, or pipe inclosing the same, and any apparatus connected therewith for the purpose of telegraphic communication; the term "post" means a post, pole, standard, stay, strut, or other above ground contrivance for carrying, supporting, or suspending a telegraph; the term "work" includes telegraphs and posts; the term "street" means a public way, situate within a city, town, or village, or between lands continuously built upon, on either side, and repaired at the public expense, including the footpath of such way, and any bridge forming part thereof; the term "public road," means a public highway for carriages, being repaired

at the public expense, and not being a street, including the footpaths of such public highway, and any bridge forming part thereof, and also any land by the side and forming part of such a public highway; the term "land" means land not being a street or public road, and not being land by the side and forming part of a public road; the term "body" includes a Body of Trustees or Commissioners, Municipal Board, Road Board, Grand Jury Board, Company, or Society, whether incorporated or not; and any provision referring to a body applies to a person, as the case may require; the term "person" includes Corporation, aggregate or sole; the term "Judge of the District Court" means the Judge of the District Court for the district in which the matter requiring the cognizance of any such Judge arises, and where there may be no District Court in such district, then the Judge of the District Court for the district nearest to the place where the matter requiring cognizance arises.

GENERAL POWERS OF THE COMPANY.

3—Subject to the restrictions and provisions hereinafter contained, the said Company may land any telegraphic cable or cables in connection with their works in the United States at any place or places on, and sink any such cable or cables at any place or places off the shores of this Island; and, subject to the same restrictions and provisions, they may execute the following works:

General description of works which the Company may execute, subject to the restrictions of this Law.

1. They may place and maintain telegraphs within the Island of Jamaica, in connection with such cable or cables.
2. They may place and maintain a telegraph under, over, along, or across any street or public road, and place and maintain posts in or upon any street or public road, and may alter or remove the same.
3. They may, for the purposes aforesaid, open or break up any street or public road, and alter the position

thereunder of any pipe for the supply of water or gas (not being a main pipe).

4. They may place and maintain a telegraph and posts under, in, upon, over, along, or across any land or building, or any railway or canal, river, stream, lagoon, swamp, morass, or pond, or any arm, estuary, or branch of the sea, or the shore, or bed of any tidal water, and may alter or remove the same.

Company may enter upon lands, &c., to make surveys and set out and appropriate parts required,

And, for the purposes of this Law, the said Company, their contractors, agents, servants, and workmen, and other persons by them authorized, shall be, and they are hereby empowered from time to time to enter in the day time into and upon the lands, tenements, and hereditaments of any person whomsoever, according to the provisions and restrictions of this Law, and to survey and to take levels of the same, or any part thereof, and also to set out and appropriate such parts thereof as the said Company are by this Law empowered to take or use for the purposes of this Law; and in or upon such lands, tenements, or hereditaments, and in or upon any lands, tenements, or hereditaments adjoining thereto, to bore, dig, cut, trench, embank, and sough, and to remove or lay, and also to use, work, and manufacture any earth, stone, rubbish, trees, gravel, or sand, or any other materials or things whatsoever which may be dug or obtained therein, or otherwise in the execution of any of the powers of this Law, and which may be necessary or proper for making, maintaining, altering, repairing, or using the said telegraphs; or which may obstruct the making, maintaining, altering, or repairing, or using the same or any of them according to the true intent and meaning of this Law; and also for the purposes and according to the provisions and restrictions of this Law, to construct or make in, under, upon, across, or over the said telegraphs, or other works by this Law authorized; and in, under, upon, or across, or over any lands, tenements hereditaments, or any roads, streets, ways, lanes, or other

public passages or places, hills, valleys, rivers, canals, lagoons, swamps, morasses, brooks, streams, or other waters whatsoever, such inclined planes, tunnels, embankments, bridges, arches, piers, roads, ways, passages, conduits, drains, culverts, cuttings, and fences; and also to erect and construct such houses, wharves, warehouses, toll-houses, station-houses, landing-places, and other buildings, machinery, and apparatus, and other works and conveniences as the said Company, or the person acting on their behalf in the execution of all or any of the powers of this Law, shall think proper; and also from time to time to alter, repair, or discontinue the before-mentioned works, or any of them, and to substitute others in their stead, either in and upon the same, or in and upon any other lands, tenements, and hereditaments; and to do and execute all other matters and things necessary for making, maintaining, altering, repairing, and using the said telegraphs: Provided always, that the said Company shall not be deemed to acquire any right other than that of user only in the soil of any street or public road, under, in, upon, over, along, or across which they may place any work.

4—In the exercise of the powers given by the last foregoing section, the said Company shall do as little damage as may be, and shall make full compensation to all Bodies and persons interested, for all damage sustained by them by reason or in consequence of the exercise of such powers, the amount and application of such compensation to be determined in manner hereinafter mentioned.

doing as little damage as may be, and making compensation.

5—In the exercise of the aforesaid powers, the said Company shall also be subject to the following restrictions:

Provision as to water or gas pipes.

1. They shall cause as little detriment or inconvenience as circumstances admit to the Body or person to or by whom any pipe, for the supply of water or gas, belongs or is used.
2. Before they alter the position of any such pipe they shall give to the Body to whom the same belongs notice

of their intention to do so, specifying the time at which they will begin to do so, such notice to be given twenty-four hours at least before the commencement of the work for effecting such alteration.

3. The said Company shall not execute such work, except under the superintendence of the Body to whom such pipe belongs, unless such Body refuses or neglects to give such superintendence at the time specified in the notice for the commencement of the work, or discontinues the same during the work; and the Company shall execute the work to the reasonable satisfaction of such Body.
4. The said Company shall pay all reasonable expenses to which such Body may be put on account of such superintendence.

And the body to whom any such pipe belongs may, when and as occasion requires, alter the position of any work of the said Company constructed or to be constructed under, in, or upon a street or public road, on the same conditions as by the last foregoing and present sections are imposed on the said Company, in relation to such a body *mutatis mutandis*.

Company may
sue and be sued
and take and
hold lands, &c.

6—The said Company, by their name of “The International Ocean Telegraph Company,” shall have power to contract, sue, and be sued; and, notwithstanding that the said Company are an alien body, they shall have the power to purchase and hold, and be seized and possessed of lands, and acquire and have grants of rights or liberties of way or user in the soil only of lands in this Island for the use of their undertaking, as fully and amply as the same might be held by any subject of her Majesty, and they may from time to time sell and dispose of all or any of such lands, which they may not require for the use aforesaid.

Lands to be
offered to

7—Before the said Company dispose of any such superfluous lands, they shall, unless such land be situate within a

town, or be lands built upon or used for building purposes, first offer to sell the same to the person then entitled to the lands (if any) from which the same originally were severed, or if such person refuse to purchase the same, or cannot, after diligent inquiry, be found, then the like offer shall be made to the person, or to the several persons whose lands shall immediately adjoin the land so proposed to be sold, such persons being capable of entering into a contract for the purchase of such lands; and where more than one such person shall be entitled to such right of pre-emption, such offer shall be made to such persons in succession, one after another, in such order as the said Company shall think fit.

owners of lands from which they were originally taken, or to adjoining owners.

8—If any such persons be desirous of purchasing such lands, they shall, within six weeks after such offer of sale, signify their desire in that behalf to the said Company, or if they decline such offer, or if for six weeks they neglect to signify their desire to purchase such land, the right of pre-emption of every such person, so declining or neglecting, in respect of the lands included in such offer, shall cease, and a declaration, in writing, made before a Justice by some person not interested in the matter in question, stating that such offer was made and was refused, or not accepted within six weeks from the time of making the same, or that the person or all the persons entitled to the right of pre-emption were out of the country, or could not after diligent inquiry be found, or were not capable of entering into a contract for the purchase of such lands, shall, in all Courts, be sufficient evidence of the facts therein stated.

Right of pre-emption to be claimed within six weeks.

9—If any person, entitled to such pre-emption, be desirous of purchasing any such lands, and such person and the said Company do not agree as to the price thereof, then such price shall be ascertained by arbitration, and the costs of such arbitration shall be in the discretion of the arbitrators.

Differences as to price to be settled by arbitration.

10—After any lands, tenements, or hereditaments, intended to be taken or used by the said Company for the purposes of their said undertaking, shall have been set out and ascer-

Persons capacitated by this Law may enter into contracts and give titles.

to, and to the use of the said Company, their successors and assigns for ever, according to the true intent and meaning of the said Law : In witness whereof I have hereunto set my hand and seal, this day of in the year of our Lord

“ THE INTERNATIONAL OCEAN TELEGRAPH
COMPANY.”

I, A. B. of in consideration of the Form of grant,
sum of paid to me by “ The International
Ocean Telegraph Company,” do hereby, in pursuance
of “The International Ocean Telegraph Compa-
ny’s Law, 1868,” grant unto the said Company,
and their successors, all the right and liberty of
way or user (or such other rights as may be grant-
ed), of and in all that (here describe the lands
to be affected), together with all rights and appur-
tenances thereunto belonging: To have and to
hold the same unto, and to the use of the said Compa-
ny, their successors and assigns for ever, according to
the true intent and meaning of the said Law: In wit-
ness whereof I have hereunto set my hand and seal,
this day of in the year of our
Lord

And all such conveyances and grants as aforesaid shall be valid and effectual in the Law, to all intents, to vest in the said Company, their successors and assigns, the lands, tenements, and hereditaments thereby conveyed, or the rights and liberties thereby granted, freed, and discharged from all other estates, rights, titles, interests, and incumbrances whatsoever affecting the same.

11—Where any lands, tenements, or hereditaments, which shall be purchased by the said Company, shall be subject solely or jointly with other lands, tenements, or hereditaments not so purchased, to or with any rent service, rent charge, or chief rent, or other rent, or payment, or incumbrance, it shall Company may agree for release of land, &c., for such consideration as agreed or fixed by Judge of District Court.

be lawful for the said Company to agree for the release of such lands, tenements, and hereditaments so to be purchased, from such rent payment or incumbrance, and for an apportionment of such rent payment or incumbrance, where necessary, for such consideration in money as shall be agreed upon between the said Company and the party who, under the provisions of this Law, shall agree to sell or apportion the same rent payment or incumbrance, or as shall be assessed by the Judge of the District Court, as hereinafter mentioned; and in case any difference shall arise respecting the apportionment of such rent payment or incumbrance, or the money or equivalent offered for the same, then the value and the apportionment of the same shall be determined by the Judge of the District Court in manner hereinafter mentioned, which Judge shall apportion such rent payment or incumbrance according to the relative values of the lands, tenements, and hereditaments so to be purchased, and of the lands, tenements, and hereditaments not so purchased, out of or from which such rent payment or incumbrance shall be jointly issuing; and all contracts, conveyances, and assurances, which shall be made by and between the said Company and any such party as aforesaid respecting such release, shall be valid and effectual in the Law, and shall extinguish the whole or a proportionate part of such rent payment or incumbrance, as the case may be, which shall be within the powers and regulations of this Law: Provided always, that when the said lands, tenements, and hereditaments so to be purchased shall be released from any rent payment or incumbrance affecting the same jointly with other lands, tenements, and hereditaments, such other lands, tenements, and hereditaments shall be charged only with the remainder of such rent payment or incumbrance, and such apportionment shall not prejudice the remedies for such remainder, but the same shall at all times thereafter remain as effectual as if the lands, tenements, and hereditaments not so purchased had been originally charged with the amount only: Provided also, that when a part only of any rent payment or incumbrance shall be released, it shall be lawful for the said Company, on tender for that pur-

pose of any deed or instrument creating or transferring such rent payment or incumbrance, to execute a memorandum, endorsed on such deed or instrument, declaring what part of the lands, tenements, and hereditaments originally subject to such rent payment or incumbrance shall have been purchased by virtue of this Law, and what proportion of the said rent payment or incumbrance shall have been released, and also declaring the amount of the rent payment or incumbrance which subsists and continues payable; and such memorandum shall be evidence in all Courts of the facts thereby stated, but not so as to exclude any other evidence of the same facts.

12—On or before the expiration of one calendar month next after notice in writing from the said Company, or their agent duly authorized, of their intention to take or use any land, tenement, or hereditament, or any part thereof, for the purposes of this Law, shall have been given to any Body or person seized, possessed of, or entitled in, or authorized by this Law to accept and receive satisfaction or compensation for the value of the same, or any estate, share, or interest therein, or charge thereon, or for any injury or damage sustained on account of the execution of this Law, such Body or person shall deliver, or cause to be delivered at the office of the said Company, a statement in writing of the particulars of the estate, share, interest, or charge which they or he claim to be entitled to, or to be authorized to receive satisfaction or compensation for, and of the injury or damage sustained by them or him, and of the amount of the sum of money which they or he may expect and be willing to receive in satisfaction or compensation for the value of such estate, share, interest, or charge, and for such injury or damage respectively.

One month after notice in writing from Company any Body or person entitled to give particulars of their estate and claim for compensation.

13—All Bodies and persons by this Law capacitated to sell and convey any lands, tenements, or hereditaments, or to grant any rights or liberties in any lands, tenements, or hereditaments through, under, in, upon, over, along, or across

Bodies and persons capacitated to convey may accept compensa-

tion, in case of disagreement, to be settled by Judge of District Court.

which the said works hereby authorized are intended to be made, or any share, estate, or interest therein, may accept and receive satisfaction or compensation for the value of such lands, tenements, and hereditaments, or the interest, right, or user therein, by them or him conveyed; and also compensation for and on account of any damage sustained by them or him by reason or on account of any of the works by this Law authorized, or of the execution of any of the powers of this Law, in such gross sums as shall be agreed upon between the said owners (including persons hereby capacitated as aforesaid) and occupiers respectively and the said Company; and in case the said Company and such parties respectively shall not agree as to the amount or value of such purchase money, satisfaction, or compensation, the same respectively, or either of them, concerning which they shall not so agree, shall be ascertained and settled by the Judge of the District Court, who is hereby authorized to regulate the proceedings on any such inquiry, and shall summon and compel the attendance before him of the parties and their witnesses, and examine them, or any of them upon oath, and may call for and compel the production, upon oath, of all books and documents, and shall inquire of, assess, and ascertain, and give judgment for the sum of money to be paid for purchase money, or by way of satisfaction or compensation, either for the damages which shall before that time have been done or sustained as aforesaid, or for the future temporary or perpetual, or for any recurring damages which shall have been so done or sustained as aforesaid, and the cause or occasion of which shall have been in part only obviated, removed, or repaired; and for damage, loss, or injury as aforesaid in such manner, with reference to the apportionment of damages or otherwise, as he may think fit; and the judgment thereupon to be pronounced, and all orders made by the said Judge in any such matter, shall be entered of record in the office of the Clerk of the District Court, and be binding and conclusive to all intents and purposes upon all parties and persons whomsoever, and may be enforced and carried out in the same manner as any other judgment or order of the District Court; and such Judge shall

have and exercise in the premises all or any of the powers for compelling the attendance and swearing of parties and witnesses, and otherwise as may for the time being be vested in him as such Judge of the District Court.

14—Upon payment or legal tender of any sum or sums of money which shall have been agreed upon between the parties, or awarded by the Judge of the District Court in manner aforesaid as the purchase money for any lands, tenements, or hereditaments, or for any estate or interest, right, or user in any lands, tenements, or hereditaments, or as a satisfaction, recompense, or compensation for any damages, as hereinbefore mentioned, to the respective proprietors of such lands, tenements, or hereditaments, and other persons respectively interested therein, and entitled to receive such money or satisfaction, recompense or compensation respectively, or if the parties so respectively entitled or interested as aforesaid cannot be found, or shall refuse to receive such moneys as aforesaid, or shall refuse, neglect, or be unable to make a good title to, or shall refuse to execute the necessary conveyances or assurances of the premises, or in case such money shall be liable to be invested in the purchase of other lands, tenements, or hereditaments, then and in any of such cases, upon payment of such money into the Public Treasury, as is hereinafter directed, within three calendar months after the same shall have been so agreed upon, or awarded, or after such tender, refusal, neglect, or disability shall be made or discovered for the use of the party entitled thereto, it shall be lawful for the said Company forthwith to enter upon and take possession of such lands, tenements, and hereditaments, and to make and construct the works by this Law authorized, and in respect of which such satisfaction, recompense, or compensation shall have been agreed upon or awarded; and the lands, tenements, and hereditaments whereupon such entry shall have been made, and whereof such possession shall have been taken, and the fee simple and inheritance thereof, together with the yearly profits thereof, and all the estate, use, trust, and interest of every person whomsoever therein,

Upon payment or tender of such compensation, or in case the parties cannot be found, or refuse, or are unable to make a good title on investment in the Public Treasury thereof, Company may enter, and premises vest in them.

shall thenceforth be vested in, and become the sole property of the said Company, to and for the purposes of this Law; and such payment, tender, or investment shall not only bar all the right, title, interest, claim, and demand of all such persons, and operate to merge outstanding or other terms of years, but also shall bar the dower of the wife of every such person, and all estates' tail, and other estates in reversion and remainder or otherwise, of his issue, and of every other person whomsoever therein: Provided, that until such payment, tender, or investment as aforesaid shall have been made, it shall not be lawful for the said Company, or for any person acting under their authority, to bore, dig, or cut into, or enter upon such lands, tenements, or hereditaments for any of the purposes of this Law, without the previous consent of the owners and occupiers thereof respectively.

In case of not making titles, &c., money to be paid into the office of the Treasurer.

15—In case any person, to whom any money shall be awarded under this Law for any estate or interest, right or user, shall refuse to accept the same, or shall refuse, neglect, or be unable to make a good title to any lands, tenements, or hereditaments, or to any right or user therein, for the purposes of this Law, or shall be absent from this Island, or cannot be found, or if any person entitled unto, or to convey such lands, tenements, or hereditaments, or right or user therein, be not known or discovered, or be not shown so to be to the satisfaction of the Company, or be absent from this Island, then, and in every such case, it shall be lawful for the said Company to cause the money so awarded to be paid into the Public Treasury, to be placed to the credit of the parties interested in the said lands, tenements, or hereditaments (describing them, so far as the said Company can do so), and the Treasurer of this Island shall give a receipt for the same, mentioning and specifying therein for what and for whose use the same is received; and the Treasurer shall pay out such moneys according to any order of the Judge of the District Court of the district in which such lands, tenements, or hereditaments are situated: Provided always, that such moneys, while deposited in the Public Treasury, shall not bear interest.

16—No action, suit, or information, nor any proceeding of what nature soever, shall be brought, commenced, or prosecuted against the said Company, or any person for anything done in pursuance of this Law, or in the execution of the powers or authorities, or any of the orders made, given, or directed in, by, or under this Law, unless twenty-eight days' previous notice in writing shall be given by the party intending to commence and prosecute such action, suit, or information to the intended defendant, nor unless such action, suit, or information shall be brought or commenced within six calendar months next after the fact committed, or in case there shall be a continuation of damage, then within three calendar months next after the doing or committing such damage shall have ceased, nor unless such action, suit, or information shall be laid and brought in the parish or place where the matter in dispute or cause of action shall arise; and the defendant in such action, suit, or information may plead the general issue 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 it shall appear to have been so done, or that such action, suit, or information shall have been brought otherwise than as hereinbefore directed, then, and in every such case, the District Judge or the jury shall find for the defendant, and thereupon, or if the plaintiff shall become non-suited, or suffer discontinuance of his action, suit, or information, after the defendant shall have appeared thereto; or if, upon demurrer or otherwise, judgment shall be given against the plaintiff, the defendant shall have costs, and shall have such remedy as defendants have for recovering costs of suit by Law in any other cases.

Limitation of actions, &c.

17—All materials imported for the construction, maintenance, or use of any of the works of the said Company, shall be admitted free of all duties or imposts; and all instruments and documents under this Law, and all conveyances of land, or other assurances of any property whatsoever to the said Company, shall be exempt from stamp duty; and the said Company, in their corporate capacity, shall be exempt from

Materials free of duty, &c.

all other taxes and dues, save and except the consolidated quit rent and land tax.

RESTRICTIONS AS TO TELEGRAPHS UNDER STREETS OR PUBLIC ROADS.

Company not to place telegraph under streets, &c., without consent.

18—The said Company shall not place a telegraph under any street within the limits of any city or town, without the consent of the Bodies having the control of the streets within such respective limits.

Depth, course, &c., of underground works to be agreed on, or fixed by Judge of District Court.

19—Where the said Company have obtained consent to the placing, or, by virtue of the powers of the said Company under this Law, intend to proceed with the placing of a telegraph under a street or public road, the depth, course, and position at and in which the same is to be placed shall be settled between the said Company and the following Bodies :

The Body having the control of the street or public road.

The Body having the control of the sewerage or drainage thereunder.

And if there shall not be any such Body as last-mentioned, then with the first named Body alone ; but, if such settlement is not come to with any such Body, the following provisions shall take effect :

1. The said Company may give to such Body a notice, specifying the depth, course, and position which the said Company desire.
2. If the Body to whom such notice is given does not, within twenty-eight days after the giving of such notice, give to the said Company a counter notice, objecting to the proposal of the said Company, and specifying the depth, course, and position which such Body desires, they shall be deemed to have agreed to the proposal of the said Company.

3. In the event of ultimate difference between the said Company and such Body, the depth, course, and position shall be determined by the Judge of the District Court. .

20—Every underground tube or pipe of the said Company shall be so marked as to distinguish it from tubes or pipes of every other Company.

Underground tubes to be marked.

21—The said Company shall not place a telegraph over, along, or across a street, or public road, or a post in or upon a street or public road, except with the consent of the Body having the control of such street or public road: Provided, that where the said Company places a telegraph along, over, or across a street or public road, they shall not place such telegraph, or the posts thereof in such position, or so low as to stop, hinder, or interfere with the passage for any purpose whatsoever along the street or public road, or to interfere with, or prevent the free access to, the said street or public road.

Where Company places a Telegraph over, &c., a street, &c., to be done with consent.

REMOVAL OF WORKS AFFECTING STREETS OR PUBLIC ROADS.

22—In the following cases:

1. If any part of the said Company's works is abandoned or suffered to fall into decay.
2. If the said Company is dissolved, or ceases for six months to carry on business within this Island.

In case of abandonment of works or dissolution of Company road authority or owner may remove them.

The Body having the control of any street or public road, or the owner of any land or building affected (in the former case) by such part of the said Company's works as aforesaid (or in the latter case) by any of the said Company's works, may give notice to the said Company, or leave a notice at the last known office or place of business of the said Company in this Island, to the effect that if such works as are specified in the notice are not removed within one month after the notice

given or left, the same will be removed by the Body having such control, or by such owner; and in every such case, unless such works are removed accordingly, the Body having such control, or such owner may, without prejudice to any remedy against the said Company, remove such works, or any part thereof, and sell the materials thereof, or of any part thereof, and out of the proceeds of such sale re-imburse themselves their expenses relative to such notice, removal, and sale, and consequent thereon (rendering the overplus, if any, to the said Company), and may recover any unpaid residue of such expenses from the said Company.

In the event of alteration of street or road Company to remove and replace them.

23—In case the Body having the control of any street or public road at any time resolves to alter the line or level of any portion of such street or road, under, in, upon, over, along, or across which any work of the said Company is placed, the said Company shall from time to time be bound, on receiving one month's notice of such intended alteration, and, at their own expense, to remove such work, and to replace the same in such position and manner, in all respects, as may be required by such Body; or, in the event of difference between such Body and the said Company in such position and manner, in all respects as may be determined by the Judge of the District Court.

RESTRICTIONS AS TO THE OPENING OF STREETS AND PUBLIC ROADS.

Streets and public roads to be opened only after notice, and under superintendence.

24—Subject to any special stipulations made with the said Company by the Body having the control of a street or public road, and to any determinations, orders, or directions of the Judge of the District Court as aforesaid, where the said Company proceeds to open or break up a street or public road, the following provisions shall take effect:

1. The said Company shall give to the Bodies, between whom respectively and the said Company the depth, course, and position of a telegraph under such street or public road are hereinbefore required to be settled

or determined notice of their intention to open or break up such street or public road, specifying the time at which they will begin to do so, such notice to be given, in the case of an underground work, ten days at least, and in the case of an above-ground work, five days at least, before the commencement of the work, except in case of emergency, in which case notice of the work proposed shall be given as soon as may be after the commencement thereof.

2. The said Company shall not (save in case of emergency) open or break up any street or public road, except under the superintendence of the Bodies to whom respectively notice is by the present section required to be given, unless such Bodies respectively refuse or neglect to give such superintendence at the time specified in the notice for the commencement of the work, or discontinue the same during the work.
3. The said Company shall pay all reasonable expenses to which such Bodies respectively may be put on account of such superintendence.

25—Subject to any such special stipulations as aforesaid, after the said Company has opened or broken up a street or public road, they shall be under the following further obligations: Streets and public roads to be restored, and be kept in repair for six months.

1. They shall, with all convenient speed, complete the work on account of which they opened or broke up the same, and fill in the ground, and make good the surface, and generally restore the street or public road to as good a condition as that in which it was before being opened or broken up, and carry away all rubbish occasioned thereby.
2. They shall, in the meantime, cause the place where the street or public road is opened or broken up, to be fenced and watched, and to be properly lighted at night.

3. They shall pay all reasonable expenses of keeping the street or public road in good repair for six months after the same is restored, so far as such expenses may be increased by such opening or breaking.

Penalty.

If the said Company fails to comply in any respect with the provisions of the present section, they shall, for every such offence, (without prejudice to the right of any person to enforce specific performance of the requirements of this Law, or to any other remedy against them), be liable to a penalty not exceeding twenty pounds, and to a further penalty not exceeding five pounds, for each day during which any such failure continues after the first day when such penalty was adjudged; and any such penalty shall (notwithstanding anything hereinbefore, or in any Act or Law contained), go and belong to the Body having the control of the street or public road, and shall form part of the funds applicable by them to the maintenance of the street or public road.

Power to street or road authorities to execute works, and charge expenses to the Company.

26—Whenever the permanent surface or soil of any street or public road is broken up or opened by the said Company, it shall be lawful for the Body having the control of the street or road, in case they think it expedient to do so, to fill in the ground, and to make good the pavement, or surface, or soil so broken up or opened, and to carry away the rubbish occasioned thereby instead of permitting such works to be done by the said Company; and the costs and expenses of filling in such ground, and of making good the pavement or soil so broken up or opened, shall be re-paid on demand to the Body having the control of the street or road, by the Company; and, in default thereof, may be recovered by the Body having the control of the street or road from the Company, as a penalty is or may be recoverable from the Company.

Restrictions or impediments to traffic.

27—The said Company shall not stop or impede traffic in any street or public road, or in or out of any street or public road, further than is necessary for the proper execution of their works; they shall not close against traffic more than one third in width of any street or public road, or of any way

opening into any street or public road at one time; and in case two-thirds of such street or road are not wide enough to allow two carriages to pass each other, they shall not occupy with their works at one time more than fifty yards in length of the one-third thereof, except with the special consent of the Body having the control thereof.

RESTRICTIONS AS TO WORKS AFFECTING PRIVATE OR CROWN PROPERTY.

28—The said Company shall not place any work by the side of any land or building so as to stop, hinder, or interfere with ingress or egress for any purpose to or from the same, or place any work under, in, upon, over, along, or across any building, except with the previous consent in every case of the owner, lessee, and occupier of such building, which consent, in case of any land or building belonging to the Crown, may be given by the Governor as to colonial lands or building, or by the Secretary of State for War, or the Lords Commissioners of the Admiralty, in respect of lands or buildings belonging to the War Department or Admiralty respectively: Provided always, that with respect to lands and buildings situate within the limits of any city or town, if the Body having the control of any street therein consents to the placing of works by the said Company in, upon, over, along, or across that street, then, and in every such case that consent shall (unless it is otherwise provided by the terms thereof) be sufficient authority for the said Company, without any further consent, except as to any land or building belonging to or enjoyed by the Crown, to place and maintain a telegraph over, along, or across any building or land adjoining to or near the street, and situate within the limits of the district over which the powers of the consenting body extend, or over, along, or across any land not being laid out as building land, or not being a garden or pleasure-ground adjoining to or near the street, and situated within the same limits; subject to the following provisions:

As to works affecting Crown property.

1. Twenty-one days at least before the said Company proceed to place a telegraph, by virtue of the authority so conferred, they shall publish, by advertisement in the "Jamaica Gazette by Authority," a notice, stating that they have obtained the consent of such Body as aforesaid, and describing the intended course of such telegraph.
2. Where the said Company, by virtue of the authority so conferred, place a telegraph directly over any dwelling-house, they shall not place it at a less height above the roof than six feet, if the owner, lessee, or occupier thereof objects to their placing it at a less height.
3. If at any time the owner, lessee, or occupier of any building, or land adjoining to a building, directly over which building or land the said Company, by virtue of the authority so conferred, place a telegraph, desires to raise the building to a greater height, or to extend it over such land, the said Company shall increase the height, or otherwise alter the position of the telegraph, so that the same may not interfere with the raising or extension of the building, within fourteen days after receiving from the owner, lessee, or occupier a notice of his intention to raise or extend the building; or in case of difference between the said Company and the owner, lessee, or occupier as to his intention, then within fourteen days after receiving a certificate, signed by the Judge of the District Court, certifying that he is satisfied with the intention of the owner, lessee, or occupier to raise or extend the building.
4. The said Company shall make full compensation to the owner, lessee, and occupier of any land or building over, along, or across which the said Company, by virtue of the authority so conferred, place a telegraph, and which may be shown to be in any respect prejudicially affected thereby, the amount of such compensation to

be determined by the Judge of the District Court in manner hereinbefore provided for the determination of compensation by the thirteenth section.

Provided also, that the consent of any person occupying, as a tenant from year to year only, or any less term, shall not be required, nor shall any person so occupying be entitled to such compensation as aforesaid.

29—Subject and without prejudice to the foregoing provisions, the said Company shall not place a telegraph above-ground, or a post within ten yards of a dwelling-house, or place a telegraph above-ground across an avenue, or approach to a dwelling-house, except subject and according to the following restrictions and provisions.

Company not to place telegraphs above ground, or posts within a certain distance of dwelling houses without consent of owner, &c.

1. They shall, in each such case, obtain the consent of the occupier (if any) of such dwelling-house, and, if there is no occupier, then of the lessee entitled to possession, and if there is none, then of the owner.
2. The consent of an occupier shall be effective only during the continuance of his occupation.
3. On the termination of the occupation of any occupier, the lessee, or owner entitled to possession, if he did not consent to the placing of the telegraph or post, may give notice to the said Company that he requires it to be removed.
4. The said Company shall remove the same accordingly, within one month after receiving such notice.
5. If any question arises between a lessee or owner and the said Company as to such removal, or the time or mode thereof, the same shall be referred to the determination of the Judge of the District Court, which Judge may give such directions as to such removal, and the time and mode thereof, as may seem reasonable; and may impose on the said Company, for not car-

rying such directions into effect, such penalty, not exceeding five pounds a day, as may seem just.

Notice to be published and left at dwelling-houses, along street or public road after consent obtained.

30—Before the said Company proceed to place a telegraph over, along, or across a street (not being a street in a city or town), or a public road, or to place posts in or upon a street not being such a street as aforesaid), or a public road, they shall publish a notice, stating that they have obtained the consent in that behalf of the Body having the control of the street or public road, and describing the intended course of the telegraph :

1. By affixing such notice on some conspicuous places, by the side of the part of the street or road affected, at distances of not more than one mile apart.
2. By leaving such notice at every dwelling-house, fronting on the part of the street or road affected, and being within fifty feet thereof.
3. By inserting such notice as an advertisement, once at least in each of two successive weeks in "The Jamaica Gazette by Authority," and in one Island newspaper.

And they shall not so place any such telegraph or post until the expiration of twenty-one days from the last publication of such advertisement.

Owner or occupier of adjoining land or building may object.

31—At any time during such twenty-one days the owner, lessee, or occupier of any land or building adjoining to either side of such street or road, may give to the said Company notice of his objection to their intended works, as prejudicially affecting such land or building, and send to the Director of Roads a copy of his notice of objection.

Until objection settled works to be stayed.

32—Until such objection is settled, or is determined in manner hereinafter provided, the said Company shall not execute that part of their intended works to which the objection relates.

33—As soon as may be after the receipt of such copy of notice of objection, the Director of Roads shall (unless the difference between the said Company and the person is arranged) make inquiry and examination, and hear and determine the matter of the objection.

Examination to be made by Director of Roads.

34—On hearing any such objection, the Director of Roads—

Powers of Director of Roads.

1. May allow the objection in whole or in part ; or
2. May authorize the said Company to proceed with their works, subject to the provisions of this Law, according to their published notice, paying to the owner, lessee, or occupier objecting full compensation (the amount thereof to be determined, in case of difference, by the Director of Roads) for any damage done to him ; or
3. May authorize the said Company so to proceed, subject to any such conditions as to the time or mode of execution of any work, or as to the removal or alteration in any event of any work, or as to any other thing connected with, or relative to any work, as the Director of Roads thinks fit ; or
4. May authorize the said Company so to proceed, subject to any such modification of any intended work, as the Director of Roads prescribes ; but so that in that case such notice and opportunity of objecting and being heard, as the Director of Roads directs, shall be given to any owner, lessee, or occupier whom such modification may affect.

35—The determination of the Director of Roads, on the matter of any such objection, shall be final and conclusive.

Decision of Director of Roads final.

36—The Director of Roads may allow to any owner, lessee, or occupier so objecting, such costs as seem just, to be paid by the said Company.

Costs.

REMOVAL OR ALTERATION OF WORKS AFFECTING
LAND OR BUILDING.

For building or
other purposes
owner may
require removal
of works.

37—Where at any time the said Company have constructed any work under, in, upon, over, along, or across any land or building, or any street or public road adjoining to or near any land or building, and any owner, lessee, or occupier of such land or building, or other person having any interest in such land or building, desires to build upon or enclose such land, or in any manner to improve or alter such land or building, or to use such land or building in some manner in which it was not actually used at the time of the construction of such work by the said Company, and with which the continuance of such work would interfere, then, and in every such case, the following provisions shall take effect :

1. Such owner, lessee, occupier, or other person interested, may give notice to the said Company, specifying the nature of such intended building, inclosure, improvement, alteration, or other use of the land or building, including ingress or egress thereto or therefrom, and requiring the said Company to remove or alter their works, so that the same may not interfere therewith.
2. Within fourteen days after the receipt of such notice, or in case of difference between the said Company and the person giving the same as to his intention, then within fourteen days after the receipt of a certificate, signed by the Judge of the District Court, certifying that he is satisfied of the intention of such person to make such building, enclosure, improvement, alteration, or other use of the land or building, and that the continuance of such work would interfere therewith, the granting of such certificate being deemed to be a matter referred to the determination of the Judge so certifying, the said Company shall remove or alter their work, so that the same shall not interfere with such intended building, enclosure, improvement, alteration, or other use of the land or building.

3. When such certificate is required by the said Company, the costs thereof, when obtained, shall be paid by the said Company to the person giving the notice.
4. Nothing herein shall empower any person to obtain the removal or alteration of any work contrary to the terms of any grant or consent in writing made or given by him or by any person through whom he takes his estate or interest.

RESTRICTION AS TO WORKS AFFECTING RAILWAYS AND CANALS.

38—The said Company shall not place any work under, in, upon, or across any Railway or Canal, except with the consent of the proprietors, or lessees, or directors, or persons having the control thereof; but this provision shall not restrict the Company from placing any work (subject and according to the provisions of this Law) under, in, upon, over, along, or across any street or public road, although such street or public road may cross or be crossed by a railway or canal, so that such work do not damage the railway or canal, or interfere with the use, alteration, or improvement thereof.

Company not to place any work affecting railways or canals without consent of directors, &c.

APPOINTMENT OF ARBITRATOR BY DIRECTOR OF ROADS.

39—If in any case where any matter is hereinbefore authorized or directed to be determined by the Director of Roads, it appears to him to be expedient, for convenience of local investigation, or for any other reason, that the matter should be determined by an arbitrator, the Director of Roads may, notwithstanding anything hereinbefore contained, and whether he himself has entered on the investigation or not, refer the matter to some competent and impartial person as arbitrator; and, with respect to the matter so referred, any such arbitrator shall have the like authority and jurisdiction as the Director of Roads has under this Law; and the determination of such arbitrator shall have the same effect as a de-

Director of Roads may in any case appoint arbitrator.

termination of the Director of Roads under this Law; and the reasonable expenses of the Director of Roads, and the remuneration of the arbitrator (to be settled, in case of difference, by the Director of Roads) shall be paid by the said Company.

RESTRICTIONS AS TO WORKS AFFECTING SEA SHORE.

For works on sea shore consent of proprietor or other authority requisite.

40—The Company shall not place any work under, in, upon, over, along, or across any estuary, or branch of the sea, or the shore, or bed of any tidal water, except with the consent of all persons and Bodies having any right of property, or other right, or any power, jurisdiction, or authority on, over, or relating to the same, which may be affected, or be liable to be affected by the exercise of the powers of the Company, which consent, where her Majesty in right of her Crown, if interested, may be given on behalf of her Majesty by the Governor, or by the Secretary of State for War, or the Lords Commissioners of the Admiralty, as the case may be.

Plans to be subject to approval of Director of Roads.

41—Before the landing or working any telegraphic cable or cables, or commencing the construction of any work on the sea shore, or of any buoy, or sea mark connected therewith, except in cases of emergency, for repairs to any work previously constructed or laid, and then as speedily after the commencement of such work as may be, the said Company shall deposit, at the office of the Director of Roads, a plan thereof for his approval: the work shall not be constructed otherwise than in accordance with such approval; if any work is constructed contrary to this provision, the Director of Roads may, at the expense of the said Company, abate and remove it, or any part of it, and restore the site thereof to its former condition.

● Power of Director of Roads as to works abandoned, &c.

42—If any such work, buoy, or sea mark is abandoned, or suffered to fall into decay, the Director of Roads may, if, and as he shall think fit, at the expense of the said Company,

either repair and restore it, or any part of it, or abate and remove it, or any part of it, and restore the site to its former condition.

43—The Director of Roads may at any time, at the expense of the said Company, cause to be made a survey and examination of any such work, buoy, or sea mark, or of the site thereof.

Surveys by Director of Roads.

44—Whenever the Director of Roads, under the authority of this Law, does in relation to any such work any act or thing which he is by this Law authorized to do at the expense of the said Company, the amount of such expense shall be a debt due to the Crown from the said Company, and shall be recoverable as such with costs, or the same may be recovered with costs as a penalty is or may be recoverable from the said Company.

Recovery of expenses by Director of Roads.

OBLIGATIONS OF THE COMPANY AND THEIR SERVANTS.

45—Every telegraph of the said Company shall be open for the messages of all persons alike, without favor or preference, and that as well to the United States as to any Island or territory which shall be connected with the works in this Island; but this provision shall not prejudicially affect the operation of any arrangement with any person, for providing any work for his private use only.

Telegraph to be open for messages without preference.

46—The said Company shall be answerable for all accidents, damages, and injuries happening through the act or default of the Company, or of any person in their employment, by reason or in consequence of any of the Company's works, and shall save harmless all Bodies and persons having the control of streets or public roads collectively and individually, and their officers and servants, from all damages and costs in respect of such accidents and injuries,

Company answerable for accidents, &c.

Registered office
of Company.

47—The said Company, before exercising any power for the construction of works in this Island, shall give to the Colonial Secretary notice of the situation of some office, where notices may be served on the said Company within this Island; and the said Company shall from time to time give to the Colonial Secretary notice of any change in the situation of such office; every such notice shall be recorded by the Colonial Secretary in his office, and by the said Company in the office of the Secretary of this Island, and the record thereof may be inspected from time to time by any person, the delivery at the office of which notice is so given of any notice, writ, summons, or other document addressed to the said Company shall, for all purposes, be deemed good service on the said Company.

Punishment of
officers of Com-
pany for miscon-
duct in respect
of messages.

48—If any person in the employment of the said Company wilfully or negligently omits or delays to transmit or deliver any message, or by any wilful or negligent act or omission prevents or delays the transmission or delivery of any message, or improperly divulges to any person the purport of any message, he shall, for every such offence, be liable to a penalty not exceeding twenty pounds, or imprisonment in any prison for any term not exceeding three months.

POWER OF THE GOVERNMENT OVER THE COMPANY.

Messages on her
Majesty's Ser-
vice to have
priority.

49—If the Governor of this Island requires the said Company to transmit any message on Her Majesty's Service, such message, notwithstanding any thing hereinbefore contained, shall have priority over all other messages, and the said Company shall, as soon as reasonably may be, transmit the same, and shall, until transmission thereof, suspend the transmission of all other messages.

In emergencies
telegraphs to
be taken pos-
session of for
her Majesty's
Government.

50—Where, in the opinion of the Governor, an emergency has arisen in which it is expedient, for the Public Service, that her Majesty's Government should have control over the transmission of messages by the said Company's telegraph, the Governor by Warrant under his hand, may direct

and cause the said Company's works, or any part thereof, to be taken possession of in the name and on behalf of her Majesty, and to be used for her Majesty's Service, and subject thereto for such ordinary service as may seem fit; or may direct and authorize such persons as he thinks fit to assume the control of the transmission of messages by the said Company's telegraphs, either wholly or partly, and in such manner as he directs, any such Warrant shall not have effect for any longer time than one week from the issuing thereof; but the Governor may issue successive Warrants from week to week, as long as, in his opinion, such emergency continues; and the Governor shall forthwith thereafter report the same, together with his reasons for issuing any such Warrant or Warrants, to her Majesty's Principal Secretary of State for the Colonies; the Treasurer of this Island shall, under the Warrant of the Governor, pay to the said Company, as compensation for any loss of profit sustained by the said Company, by reason of the exercise by the Governor of any of the powers of the present section, out of the General Revenue of this Island, such sum as may be settled between the Governor and the said Company, by agreement; or, in case of difference, by arbitration, such arbitration to be conducted as follows:

1. The Governor and the said Company shall each, within fourteen days after the delivery by one to the other of a demand, in writing, for an arbitration, appoint an arbitrator.
2. The two arbitrators nominated shall, before entering on the arbitration, nominate an umpire.
3. If either party or arbitrator makes default in nominating an arbitrator or umpire within fourteen days after receiving from the other a demand in writing for such nomination, the Chief Justice of this Island may, on the request of the Governor, or of the said Company, under his hand, nominate an arbitrator or umpire.

4. The arbitrators shall make their award within twenty-eight days after their nomination, otherwise the matter shall be left to be determined by the umpire.
5. The umpire shall make his award within twenty-eight days after notice from the arbitrators, or one of them, that the matter is left to be determined by him; or, on default, a new umpire shall be appointed as nearly as may be in manner aforesaid, who shall make his award within the like time, or, on default, be superseded, and so *toties quoties*.

The award of the arbitrators or umpire shall be final and conclusive, as between the Governor and the said Company,

Company subject to restrictions, &c., under future Laws.

51—Nothing in this Law contained, except so far as express provision to the contrary hereof may be thereby made, shall relieve the Company from being subject to any restrictions, regulations, or provisions which may hereafter be made by any act of the Imperial Parliament, having operation in this Island, or any Law of the Legislative Council of this Island respecting telegraphs, or Telegraphic Companies, or their charges.

Company not to claim rights which could not be made by British subjects.

52—The said Company shall not be entitled to make any claim, or assert any right in respect of the undertaking authorized by this Law as to the grant of foreshore, or for any other purpose, which could not be made or asserted by British subjects, or by subjects of British domicile.

MISCELLANEOUS.

Recovery of penalties.

53—All penalties under this Law shall be recoverable before the Judge of a District Court, or any two Justices of the Peace of the parish where the offence shall be committed.

Condition that Company do not obtain exclusive privileges in Panama.

54—Provided always, that the powers and privileges granted to the said Company by this Law, are so granted on the condition that the said Company is not now in possession of, and shall not at any time hereafter acquire any exclusive

right or privilege of telegraphic communication in the State of Panama ; and that in case of such possession or acquisition, all the powers and privileges by this Law granted shall cease and determine.

55—The powers and privileges given by this Law are so given, saving and reserving always the rights of her Majesty, her heirs and successors, and of all Bodies politic and corporate, and of all other persons, except such as are mentioned in this Law, and those claiming by, from, and under them.

Saving rights of her Majesty, &c.

JAMAICA—LAW 32 OF 1868.

A Law to Amend the Twenty-Eighth Victoria, Chapter Forty-One, entitled “ An Act to Establish a System of General Vaccination.* [1st September, 1868.]

WHEREAS it is expedient to amend the Act twenty-eighth Victoria, chapter forty-one, entitled *An Act to establish a system of general vaccination*: Be it enacted by the Governor of Jamaica, with the advice and consent of the Legislative Council thereof, as follows:

Preamble.

1—It shall be lawful for the Governor to appoint from time to time for each parish of this Island, including the City and Parish of Kingston, one or more person or persons, being qualified as hereinafter mentioned, to be vaccinator or vaccinators for the said parish, and every such appointment shall be during pleasure.

Governor to appoint to each parish a vaccinator or vaccinators.

2—The qualification for the office of vaccinator shall be either that the candidate be a regularly qualified medical practitioner, or that he do present a certificate, signed by two

Qualification of vaccinator.

* Law 5 of 1887, by its 3rd section, incorporated with this Law.

regularly qualified medical practitioners, stating that he is competent to perform the operation, and to judge of and record its results.

Duties of vaccinator.

3—Each vaccinator shall, at each station assigned to him, vaccinate from time to time such persons or children as may present themselves or be brought to him to be vaccinated; the eighth day after vaccination shall be the day for observation and record of results, which the vaccinator shall observe and record in a list to be kept in duplicate for that purpose, according to the form D, to the said recited Act annexed (to be filled up at the time of observation of result), and he shall then re-vaccinate such cases as may have failed on the previous occasion.

Children attending endowed and government schools, &c., to be vaccinated.

4—All endowed schools, and all government schools, and all schools receiving aid from government, shall require all children attending them to be vaccinated, and no child shall be admitted into, or allowed to remain as a pupil in any of such schools without producing a certificate, according to one or other of the forms of certificate to the said Act annexed.

Children born after the passing of this Law to be vaccinated within four months after birth.

5—It shall be the duty of the parents or guardians of any child, born after the passing of this Law, to cause such child to be vaccinated within four months after its birth; and any parent or guardian who shall, without good and sufficient cause, neglect this duty, shall be liable to a penalty not exceeding twenty shillings, recoverable under the thirty-ninth section of the said Act.

28 Vic. c. 41, extended to Kingston.

6—The said Act of the twenty-eighth Victoria, chapter forty-one, as amended by this Law shall extend to the City and Parish of Kingston.

Repeal of Acts.

7—The first, second, third, seventh, and twenty-ninth sections of the said Act twenty-eighth Victoria, chapter forty-one, are hereby repealed.

JAMAICA—LAW 33 OF 1868.

A Law to Provide for the Collection of certain Duties by
Means of Stamps.* † [1st September, 1868.]

BE it enacted by the Governor of Jamaica, with the advice
and consent of the Legislative Council thereof, as
follows :

1—This Law may for any purpose be cited as “The Stamp Short title.
Duty Law, 1868.”

2—From and after the coming into operation of this Law Duties in sche-
there shall be raised, for the use of the Government of this dule to be raised
Island, upon and in respect of the several instruments men- after Law in
tioned in the schedule to this Law annexed, the several duties force.
therein respectively specified.

APPOINTMENT AND DUTIES OF OFFICERS IN THE
STAMP DEPARTMENT.

3—The present Commissioner of Stamps shall, without any Present Stamp
new appointment, be the Commissioner of Stamps under this Commissioner
Law, and shall hold his office during pleasure; and on the re-appointed,
removal, death, resignation, or other vacancy in the said his office being
office, the Governor may nominate and appoint a successor during pleasure.
to such office, who shall have the like powers, authorities,
and duties.

4—‡

* Repealed by sec. 2 of Law 3 of 1875 so far as it imposes a stamp duty on any commission, appointment to, or grant and warrant of any public officer or employment in Jamaica.

† Law 32 of 1869 by its 5th sec., Law 16 of 1879 by its 2nd sec., Law 5 of 1882 by its 2nd sec., and Law 18 of 1887 by its 7th sec., have been since incorporated with this Law. By sec. 15 also of Law 38 of 1872, Law 33 of 1868, Law 32 of 1869, and Law 38 of 1872 shall be read together. Instruments liable to stamp duty under this Law made admissible in evidence in criminal proceedings, although unstamped, by sec. 2 of Law 32 of 1869.

‡ Repealed by Section 16 of Law 38 of 1872.

Commissioner may, with consent of Revenue Commissioner, appoint deputy in case of illness.

5 In case of illness, or other temporary incapacity of the said Commissioner of Stamps, it shall be lawful for him, by writing under his hand, to appoint a fit and proper person; with the consent of the Revenue Commissioner, to act as his deputy in discharge of his duties during such time as he shall be incapacitated as aforesaid, and the Commissioner of Stamps shall be responsible for the acts and defaults of his deputy.

Requisition for stamps to be tendered with duties to Treasurer's Clerk, and on presentation of receipted requisition Commissioner to stamp papers, &c.

6—Every person requiring stamps shall make a written requisition for the same, in which shall be specified the date, name of the person paying the duties, the number, denomination, and value of the stamps required, and the amount of the duties then paid; which requisition shall be receipted by the Treasurer's Clerk, to whom the said monies shall be paid, and upon the presentation of such receipted requisition to the Commissioner of Stamps, it shall be the duty of the said Commissioner to deliver adhesive stamps of the denomination and value required in and by such requisition, as well as to stamp, or caused to be stamped, all papers and documents brought to him for that purpose, and for which the duty has been paid, and forthwith to return the same, with the said requisition, to the Treasurer's Clerk to be counter-checked; and the said Commissioner of Stamps shall duly enter in proper books of account; to be kept by him for that purpose, a just and true account of the several stamps so delivered and impressed by him.

Treasurer's Clerk to make entries from requisition.

7—The Treasurer's Clerk shall, upon being paid the duties as aforesaid, forthwith enter in his day-book, from the requisition, the date, the name of the person paying the duties, and the amount paid, and after duly checking and delivering the said stamps to the owner thereof, he shall deliver over the said requisition to the Commissioner of Stamps to be kept by him.

To pay over duties received by or before three of the clock in the afternoon,

8—The Treasurer's Clerk shall, and he is hereby required to pay every day, by or before three of the clock in the afternoon, to the credit of the Treasurer, all monies received by him for stamps, whether impressed or adhesive, during such

day, and all other monies which he shall have received on the previous day, after payment to the credit of the Treasurer as aforesaid.

9—The Treasurer's Clerk is hereby required to produce to the Commissioner of Stamps, at or after three of the clock each day, the lodgment receipt for all monies paid by him to the Treasurer during each day; and such Commissioner of Stamps shall compare the requisitions in his possession and the lodgment receipts with the entries in the book kept by the Treasurer's Clerk, and, if found correct, certify such entries at the foot thereof.

and to produce to Commissioner lodgment receipt.

10—The Commissioner of Stamps shall render to the Revenue Commissioner on the last day of each quarter, or within ten days thereafter, or whenever required by the said Revenue Commissioner, a just and true account, on oath, of the amount or value of the stamps delivered and impressed by him, or under his direction or superintendence, on each day during the period embraced in every such account, under a penalty for every neglect of fifty pounds.

Commissioner to render quarterly to Revenue Commissioner statement of stamps delivered or impressed by him.

AS TO THE DISTRIBUTION OF STAMPS.

11—It shall be lawful for the Governor from time to time to appoint distributors of stamps, to whom the Commissioner of Stamps shall issue such quantity of adhesive stamps and stamped papers, and printed forms of the respective denominations or values as may be necessary to meet the demands of the public, which issue, previous to its being made, shall be checked by the Treasurer's Clerk, and each distributor of stamps shall account to the Commissioner of Stamps from time to time, as the Revenue Commissioner shall direct, for all such stamps, stamped papers, and printed forms, and for all monies received by him for or on account of the sale of such stamps, stamped paper, and printed forms, and pay over such monies at such periods and in such manner as may be fixed by the Revenue Commissioner: Provided, that every such distributor of stamps, not being a Collector or an Assistant

Collectors and Assistant Collectors of stamps distributors,

and to account to Commissioner, and pay over monies received.

Collector of Taxes, shall, as a remuneration for his trouble and services, be allowed to retain, from the proceeds of such sales by him, a commission at the rate of five pounds *per centum* on the amount of all such sales.

Scale of monies
to be demanded
on sale of
stamps.

12—The distributors of stamps, in the sale of stamped paper, shall demand, over and above the amount of stamps thereon, a sum of money for and in respect of each sheet of paper, according to the following scale:—

On each slip with a stamp or stamps of the value of 1s. 6d., 2s., 2s. 6d., or 3s. ...	£0 0 1½
Above 3s.	0 0 2
On each sheet or half sheet of foolscap or folio post	0 0 1½
On each sheet or half sheet of medium paper	0 0 3
royal ditto ...	0 0 9
imperial ditto ...	0 1 0
On each set of foreign bills of exchange	0 0 6
foreign bills of lading ...	0 0 6
On each form of title	0 1 0
On each sheet or half sheet of printed forms, of any other description whatsoever, such sum as shall cover the cost thereof, to be fixed from time to time by the Revenue Commissioner.	

Penalty for de-
mand beyond
the stamp and
rate hereby
fixed.

13—If a distributor of stamps shall demand any amount for any stamp beyond the value of such stamp, or for paper, or for any form beyond the rate hereby fixed, he shall forfeit a sum not exceeding ten pounds.

CERTIFICATE OF ADMISSION OF BARRISTERS, &c.

14—Every certificate of the admission of a barrister, and a solicitor, attorney, or proctor to practice in the Courts of this Island shall be stamped as by this Law is required, and shall be signed by the Registrar and Clerk of the Courts and Crown; and any barrister, solicitor, attorney, or proctor who shall not, upon his admission, take out a certificate of admission, is hereby declared incapable of acting, practising, or officiating in any Court of this Island, or otherwise, in such capacity; but one certificate of admission, so stamped and signed as aforesaid, shall entitle a barrister, solicitor attorney, or proctor to admission in every Court of Law and Equity in this Island; and no barrister, solicitor, attorney, or proctor, who shall have taken out his certificate as aforesaid, shall be required to produce such certificate of admission.

Certificates of admission of barristers and solicitors to be stamped under this Law.

BANK NOTES.

15—It shall not be lawful for any banker, banking corporation, or co-partnership to issue any unstamped promissory note for money, payable to the bearer on demand, without taking out a license yearly for that purpose, which license shall be granted by the Commissioner of Stamps for the time being, on payment of the full license duty charged in the schedule to this Law; and every such license shall specify the proper name and place of abode of the person, or the proper name and description of any Body corporate to whom the same shall be granted, and also the name of the town or place where, and the name of the bank, as well as the partnership or other name, style, or firm under which such notes are to be issued; and where any such license shall be granted to persons in partnership, the same shall specify the names and places of abode of all the persons concerned in the partnership, whether all their names shall appear on the promissory notes to be issued by them or not; and, in default thereof, such license shall be absolutely void; and every such license shall be dated on the day on which the same shall be

Bankers, &c., to take out annual license to enable them to issue unstamped notes.

Proviso.

granted, and shall have effect, and continue in force from the day of the date thereof until the thirty-first day of December then next following, both inclusive: Provided, that any license taken out under the Act of the twenty-eighth Victoria, chapter nine, since the thirty-first day of December last, shall continue in force under this Law until the thirty-first day of December next.

Bankers, &c.,
issuing notes to
make quarterly
returns to Com-
missioner of
Stamps, and pay
composition af-
ter the rate of
20s. for every
£100.

16—Every banker, banking corporation, or co-partnership may issue notes payable to bearer on demand, without the same being stamped, as by this Law is required, shall, under a penalty of one hundred pounds for every default, within twelve days after the last day of each of the months of March, June, September, and December in every year, deliver to the Commissioner of Stamps a just and true account, verified upon the declaration of any director, manager, secretary, cashier, or accountant of such corporation or co-partnership, to be made before any Justice of the Peace, of the amount or value of all their promissory notes in circulation on some given day in every week for the space of one quarter of a year prior to the quarter day immediately preceding the delivery of such accounts, together with the average amount or value thereof, according to such account; and shall also pay to the Treasurer of this Island, or otherwise as by Law directed, as a composition for the duties which would otherwise have been payable for such promissory notes, issued within the space of one year, the sum of twenty shillings for every one hundred pounds, and also for the fractional part of one hundred pounds of the said average amount or value of such notes in circulation, according to the true intent and meaning of this Law.

License to per-
sons in partner-
ship to continue
in force, notwith-
standing altera-
tion in partner-
ship.

17—When any such license as aforesaid shall be granted to any persons in partnership as bankers, the same shall continue in force for the issuing of promissory notes under the name, style, and firm therein specified, notwithstanding any alteration in the partnership.

FOREIGN BILLS OF EXCHANGE, FOREIGN BILLS OF LADING, ISLAND SECRETARY'S RECEIPT.

18—The Commissioner of Stamps shall not stamp any foreign bill of exchange, drawn in this Island, or foreign bill of lading, drawn in this Island, unless the same shall be offered to him in a set of three parts or bills, and every such set shall have the word “first,” “second,” or “third” written or printed on the face of each respective bill or part, previous to its being stamped.

Commissioner of stamps not to stamp foreign bills, or bills of lading, unless in sets.

19—It shall not be lawful for any person to draw, accept, or endorse, or subscribe, or write, negotiate, or make use of any foreign bill of exchange for ten pounds or upwards, drawn in this Island, or foreign bill of lading, drawn in this Island, except in sets of at least three parts to the set, and stamped respectively as herein provided, under a penalty of five pounds; and any such bill of exchange, or bill of lading drawn, accepted, endorsed, subscribed, or written, negotiated, or made use of otherwise than as aforesaid, shall not be admissible in evidence in any Court, or in any proceeding whatsoever.

Not lawful to draw, &c., or use foreign bills, or bills of lading, except in sets.

20—The Secretary of the Island is hereby required to give a separate receipt for each instrument to be recorded in his office, and he shall not enter or record any instrument without delivering a receipt stamped, as by this Law required, under the penalty of thirty pounds for each offence.

Secretary's receipts.

COMPUTATION OF STAMPS IN CERTAIN CASES.

21—Instruments or documents hereby subjected to stamp duty shall only operate for one purpose, unless the same shall be stamped in addition for each other object or purpose embraced therein, or affected thereby, according to the rates hereby fixed for such other object or purpose respectively.

Instruments, &c. to operate only for one purpose, unless additionally stamped.

22—The duties respectively imposed by this Law may be made up by several stamps, and stamps of greater value than is hereby required may be used upon any instrument.

Duties may be made up of several stamps.

AS TO THE USE AND CANCELLATION OF ADHESIVE
STAMPS.

23—*

AUTHORITY TO STAMP DOCUMENTS OMITTED TO BE
STAMPED PREVIOUSLY TO THIS LAW.

24—†

AS TO THE IMPRESSMENT AND ISSUE OF STAMPS.

Stamps to be
impressed in
presence of
Treasurer or
his Clerk.

25—All stamps shall be impressed by the Commissioner, or
by his direction,‡ ‡ ‡ ‡

Commissioner
not to impress
instruments
after writing,
&c., except as
here mentioned.

26—The Commissioner of Stamps shall not impress any
stamp on any instrument whatever after the writing, printing,
preparing, or executing, the same, except as hereinafter men-
tioned; that is to say,

Printed forms not filled up or used; accounts current not
signed; instruments shown to the satisfaction of the
Commissioner to have been prepared, or to have been
wholly or partially executed out of this Island.

Any instrument not stamped, or not fully stamped, which
may be stamped upon payment of the full duty, or de-
ficiency of duty required, according to the provisions
of this Law, and the following penalties in the shape
of additional stamps on the instrument, *viz*:

If brought to be stamped within twelve months after the
first signing or executing of the same, on payment, by
way of penalty, of a sum equal to one-half of the full
duty or deficiency of duty required; and if brought at
any time after the last mentioned period, then on pay-
ment, by way of penalty, of a sum equal to the whole
of the full duty, or deficiency of duty, as the case may
be.

* Repealed by sec. 16, and another section substituted by sec. 7 of Law 38 of 1872,
which see.

† Repealed by sec. 16, and another section substituted by sec. 10 of Law 38 of 1872,
which see.

‡ Amended by sec. 16 of Law 38 of 1872 by striking out words.

Provided, that where the instrument shall be brought to be stamped within three months after the first signing or executing of the same, and it shall appear to the Commissioner by oath, or otherwise to his satisfaction, that the instrument was not duly stamped by reason of accident, mistake, inadvertency, or necessity, and without any wilful design or intention to evade the payment of the duty required, it shall be lawful for the Commissioner to cause the instrument to be duly stamped, on payment of the whole or (as the case may be) the deficiency of the stamp duty required, without any penalty: Provided also, that the Commissioner shall not stamp any inland or foreign bill of exchange, or promissory note, or bill of lading, after the lapse of fourteen days from the date of execution thereof.

UNSTAMPED DOCUMENTS VOID, OR INADMISSIBLE IN EVIDENCE.

27—No instrument, not duly stamped according to Law, shall be admitted in evidence as valid or effectual in any Court or proceeding for the enforcement thereof.

Unstamped documents not to be admitted in evidence.

28—If with intent to evade this Law a consideration or sum of money shall be expressed to be paid in any instrument less than the amount actually paid, or agreed to be paid, every such instrument shall be null and void.

If consideration expressed on any instrument less than actually paid, instrument void.

29—Any instrument made, executed, taken, or acknowledged out of this Island, and liable to duty, shall not be received or admitted in any Court, or be entered of record in any office within this Island, until the same shall have been first duly stamped.

Instruments made out of the Island to be stamped before given in evidence.

AS TO STAMPING DOCUMENTS AT THE TRIAL.

30—Upon the tender in evidence of any instrument other than inland and foreign bills of exchange and promissory notes, and bills of lading, it shall be the duty of the officer of

Officer of Court to call attention of Judge to omission or

insufficiency of stamps, and not to be received in evidence until duties and penalties under this Law paid.

the Court, before reading such instrument, to call the attention of the Judge to any omission or insufficiency of the stamp; and the instrument, if unstamped, or insufficiently stamped, shall not be received in evidence until the whole or (as the case may be) the deficiency of the stamp duty, to be determined by the Judge, and the penalty required by this Law, together with an additional penalty of one pound, shall have been paid.

Officer on payment to endorse memorandum thereon of instrument, and pay over monies received to Treasurer of this Island.

31—Such officer of the Court shall, upon payment to him of the duty payable upon such instrument, and of the penalties imposed by this Law, endorse on the instrument a memorandum of the payment of such stamp duty and penalties, stating the amounts thereof respectively, with the date of such payment, and the name of the cause and Court in which paid; and thereupon such instrument shall be admissible in evidence, saving all just exceptions on other grounds; and an entry of the fact of such payment, and of the amount thereof, shall be made in a book kept by such officer, who shall, at the end of each sitting, make a return of, and pay over the monies so received to the Treasurer of this Island, or otherwise, as may be by Law directed, and make return thereof to that Officer, distinguishing the amounts respectively paid for duty and penalties, and stating the name of the cause, and of the parties paying the same, and the date, if any, and description of the instrument, for the purpose of identifying the same; and in case of neglect in either of the respects aforesaid, the offending officer shall be subject to an attachment, out of the Supreme Court, to enforce the payment of such monies, together with the costs of all proceedings, upon application to be made for that purpose to any Judge of the Court, by or on behalf of the Treasurer.

Commissioner of Stamps, on production of such document with memorandum, to stamp same.

32—The Commissioner of Stamps shall, upon production of the document, with such memorandum thereon, impress on such instrument the proper stamp or stamps, in conformity with such receipt.

33—The stamps and penalties so received in the Circuit and District Courts shall be noted under a separate head in the return of forfeited recognizances and fines; and those in the Magistrates' Court shall be noted in the monthly return of fines under a separate head; and the amounts received shall be paid by the respective officers in the manner and at the respective times directed by any Law in force for the payment over of monies received by them.

Returns of stamp duties and penalties in Circuit and District Courts.

PENALTIES FOR RECORDING, ISSUING, OR PREPARING DOCUMENTS, OR ACCEPTING RECEIPTS NOT DULY STAMPED, AND AGAINST OTHER EVASIONS.

34—Any public officer who shall wilfully or fraudulently enter or record any instrument chargeable with duty under this or any former Law, and which shall not have been duly stamped, shall, for every such offence, forfeit and pay a sum not exceeding fifty pounds; and if he shall issue any office copy, or any copy of any instrument without the stamps imposed by this Law, or if he shall commit or connive at any fraud or practice whereby the duties to arise by this Law shall be lessened, impaired, or lost, he shall upon conviction for every such offence, forfeit and pay a sum not exceeding fifty pounds, and such officer shall, over and above such penalty, forfeit his office; and if any attorney, solicitor, or proctor shall be guilty of, or of participating in any fraud or practice in any of the respects aforesaid, and be convicted thereof, he shall be disqualified from practising in any of the Courts within this Island.

Penalty on public officer for recording instrument not duly stamped, or issuing copies without stamps, &c.

35—Every person who, with intent to evade this Law, shall give or accept any receipt or acquittance, in which a less sum shall be expressed than the sum actually paid and received, shall, for every such offence, forfeit the sum of ten pounds.

Penalty on giving receipts expressed for less sum than received.

36—Every person who shall evade, or attempt to evade this Law by giving, receiving, or negotiating any instrument whatever, charged with a duty under this Law, not impressed

Penalty on evasion of stamp duties.

with, or not otherwise having the proper amount of stamps prescribed by this Law, shall, for every such offence, forfeit and pay a sum not exceeding five pounds.

EXCHANGE OF STAMPS.

Exchange of
spoiled stamps.

37—The Treasurer and Commissioner of Stamps may exchange for others all stamped instruments which shall have been inadvertently or undesignedly spoiled, obliterated, or otherwise rendered unfit for use before the execution thereof, upon production to them of the entire sheet or piece of paper, or instrument upon which such stamp is impressed, and of an affidavit, taken before a Justice of the Peace, or the said Commissioner, to the effect following :

“ I do swear, that the several sheets, or pieces of paper, or instruments hereunto annexed, and hereunder specified, were inadvertently or undesignedly spoiled, and that no consideration has been received for the same by any person, viz. (here set forth a description of the document or documents.)”

And, if satisfied that such sheet, or piece of paper, or instrument has not been executed by the parties thereto, the Treasurer and Commissioner of Stamps shall exchange such spoiled stamp for a stamp or stamps of equal value, free of any charge, to be impressed upon such paper, or instrument, as the party requiring the same shall produce ; but if the Treasurer and Commissioner of Stamps shall be of opinion that such stamp, so brought to be exchanged, is not really and *bonâ fide* a spoiled stamp, according to the true intent and meaning of this Law, they may refuse to exchange the same ; and all such spoiled stamps must be tendered to the Treasurer and Commissioner of Stamps, within the period of six months from the time when the same shall have been respectively spoiled and rendered useless : Provided,* that such spoiled stamp shall not be exchanged as aforesaid, unless tendered in

* Proviso amended by reading “ five” for “ forty” by sec. 11 of Law 33 of 1872.

amounts of not less than forty shillings, and that such spoiled stamps shall only be exchanged on Monday and Friday in each week.

38—It shall be lawful for the Treasurer and Commissioner of Stamps, to allow, as spoiled, and to cancel and give other stamps in lieu of all such stamps as shall have been used—

The following
to be allowed
as spoiled
Stamps.

For or upon any instrument, which shall have been signed by any party or parties, but which, by reason of any error or mistake therein, shall be afterwards found unfit for the purpose originally intended : Or which, by reason of the death of any person whose signature shall be necessary thereto, without having signed the same, or by reason of the refusal of any such person to sign the same, cannot be completed so as to effect the transaction in the form proposed : Or which, for want of the signature of some material and necessary party, shall in fact be incomplete and insufficient for the purpose intended : Or which, by reason of the refusal of any person to act under the same, or by the refusal or non-acceptance of any office thereby granted, shall fail of its intended purpose : Or which, for want of enrolment or registration within the time required by Law, shall become null and void : Or which shall become useless in consequence of the transaction therein mentioned being effected by some other instrument or instruments duly stamped, so that the instruments for which an allowance of stamps shall be claimed in the several cases last aforesaid, shall be delivered up to the said Commissioner of Stamps to be cancelled : And provided; that the application for the relief shall be made within six calendar months after the passing of this Law, or within six calendar months after the date of the instrument in question, except where the same shall become void for want of enrolment within six or any other number of calendar months from the date, in those cases, within six or such other number of calendar months as aforesaid, next after the same shall

so become void ; and, except where the same shall have been sent abroad, in that case within six calendar months after the same shall be received back ; and provided no action shall have been brought, or suit commenced, in which such instrument could or would have been given or offered in evidence ; and provided all the facts upon which the said Treasurer and Commissioner of Stamps are hereby authorized to give relief, shall be fully proved by oath to their satisfaction.

Spoiled stamps
to be destroyed
by Commis-
sioner and
Treasurer, or
his clerk

39—All spoiled stamps shall be destroyed in the Stamp Office, in the presence of the Commissioner of Stamps and the Treasurer or his clerk.

Forgery of
stamp &c.

40—If any person shall forge or counterfeit, or cause or procure to be forged or counterfeited any adhesive or other stamp, or any die, or any part of any stamp, or any die which shall have been provided, made, issued, or used in pursuance of this Law, or any former Law relating to any stamp duty or duties, or shall forge, counterfeit, or imitate, or cause or procure to be forged, counterfeited, or imitated the impression, or any part of the impression of any such stamp or die as aforesaid, upon any vellum, parchment, or paper, or shall stamp or mark, or cause or procure to be stamped or marked, any vellum, parchment, or paper with any such forged or counterfeited stamp or die, or part of any stamp or die as aforesaid, with intent to defraud the Revenue of this Island of any of the duties hereby granted, or any part thereof : Or if any person shall alter or sell, or expose to sale any vellum, parchment, or paper having thereon the impression of any such forged or counterfeited stamp or die, or part of any stamp or die, or any such forged, counterfeited, or imitated impression, or part of impression as aforesaid, knowing the same respectively to be forged, counterfeited, or imitated : Or if any person shall surreptitiously, or privately and secretly use any stamp or die which shall have been so provided, made, or used as aforesaid, or shall, by any false pretence, or crafty or subtle de-

ceit, device, or means obtain, or procure to be impressed upon, or affixed to any vellum, parchment, or paper, any such stamp or die, or the resemblance of any such stamp or die, or any part thereof, with intent to defraud the Revenue of this Island of any of the said duties, or any part thereof: Or if any person shall fraudulently take out or tear off, or cause or procure to be taken out or torn off, the impression of any stamp or die, which shall have been proved, made, used, or issued in pursuance of this or any former Law for expressing or denoting any duty or duties, or any part of such duty or duties, from any vellum, parchment, or paper whatsoever, with intent to use the same for or upon any other vellum, parchment, or paper, or any instrument charged or chargeable with any of the duties hereby granted, then, and in every such case, every person so offending, and every person or persons knowingly and wilfully aiding, abetting, or assisting any person or persons in committing any such offence as aforesaid, shall be guilty of felony; and, being convicted thereof, shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding fourteen years, nor less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour.

41—In any suit, prosecution, or proceeding to be brought against any person for the taking or retaining, or for the losing, damaging, or destroying of any adhesive stamp, of any vellum, parchment, or paper upon which any stamp or stamped mark, denoting any duty imposed by Law, hath been impressed or put, or for any other cause of action or proceeding relating to the same respectively, such suit, prosecution, or proceeding shall and may be commenced, instituted, and proceeded with in the name of her Majesty, her heirs and successors, or in the name of the Attorney General of this Island for the time being, for and on behalf of her Majesty, her heirs and successors; and in all such suits, prosecutions, or proceedings, the property in all such adhesive stamps, or in such vellum, parchment, or paper so stamped, marked, and impressed as aforesaid, shall be described to be,

Prosecutions to be in name of her Majesty or Attorney General.

and shall be deemed and taken to be in her Majesty, her heirs and successors; and the value of the same respectively shall be deemed and taken to be the amount of the value denoted by such adhesive stamps, and of the vellum, parchment, and paper, and of the stamped duty denoted by such stamp, so impressed and put upon the same respectively; and further, in any prosecution against any person for embezzling or stealing such adhesive stamps, vellum, parchment, or paper so stamped, marked, and impressed as aforesaid, or for any other offence for or relating to the same respectively, it shall be sufficient, in the indictment or information, to state and describe the property in the same to be in her Majesty, her heirs and successors.

Penalty for
fraudulent acts,
&c., with intent
to defraud her
Majesty.

42—If any person shall do or practice, or be concerned in any fraudulent act, contrivance, or device whatever, not specially provided for by this Law, with intent to defraud her Majesty, her heirs and successors, or the Government of this Island, of any duty by this Law imposed, he shall forfeit for every offence a sum not exceeding twenty pounds.

PENALTIES.

Recovery of
penalties.

43—All penalties imposed by this Law shall be recovered in a summary manner before a Judge of a District Court, or any two Justices of the Peace of the parish where the offence shall be committed, with such costs as such Judge or Justices shall think fit; and such last mentioned penalties and costs shall, unless forthwith paid, be levied by distress and sale of the offender's goods and chattels, or, in default, the offender shall be committed by such Judge or Justices to the nearest prison for a space not exceeding three months.

Application of
penalties.

44—All penalties recovered under this Law shall be applied, one moiety for and towards the support of the Government of this Island, and the other moiety to the person who shall have sued or prosecuted for the same.

POWER TO REFUND ERRONEOUS PAYMENTS, AND
RECTIFY MISTAKES.

45—It shall be lawful for the Revenue Commissioner, whenever he shall be satisfied that any mistake has been made in the imposition of duties, to direct the restoration of any overpaid duties, or otherwise to rectify any mistake, and to allow to the Treasurer of this Island any deduction to which he may consider him fairly entitled on his account for stamps.

Revenue Commissioner may rectify mistakes.

46—It shall be lawful for the Revenue Commissioner to authorize the return to every person who shall have paid a stamp duty on a hawker's and pedlar's license under "The Stamp Duty Act, 1865," during the present year one thousand eight hundred and sixty-eight, of the amount of the duty so paid by him.*

Return to be made of stamps paid under late Law for hawker's and pedlar's license.

REPEAL OF ACTS—BUT OFFENCES PUNISHABLE, &c.

47—Upon the coming into operation of this Law, the Acts of the third George the fourth, chapter thirteen, entitled *An Act for transferring to the use of the Public the fees heretofore payable to the Governor's Secretary, and for granting him a salary in lieu thereof*, and the twenty-eighth Victoria, chapter nine, "The Stamp Duty Act, 1865," and so much of Law No. 45 of 1867, as continues the said last-mentioned Act in force, shall be and are hereby repealed; but, notwithstanding such repeal, all or any offences committed or done against any provision of the said Acts, during the continuance thereof, shall be dealt with and punished; and all penalties or forfeitures imposed or incurred under the said Acts shall be recovered; and all bonds, recognizances, liabilities, and duties, powers, directions, and authorities under the same Acts, or any of them, shall continue and be in force, obligation, and effect; and all or any proceedings taken or commenced under the same,

Repeal of Acts.

* By sec. 1 of Law 5 of 1879 to be read as if words were inserted after sec. 46. See the section.

or either of them, shall continue and be in full force and effect as if the said Acts had not expired or been repealed; and any complaint or proceeding thereunder, not made or commenced previous to the expiry or repeal thereof respectively, shall be made or commenced within six calendar months after the commencement of this Law.

INTERPRETATION.

Interpretation
clause.

48—The word “instrument,” as used in this Law, and the schedule thereto, shall include every deed, writing, printed form, document, paper, matter, or thing whatever by this Law, or by the schedule hereto respectively charged with, or made liable to any stamp duty.

Schedule in-
corporated
with this Law.

49—The schedule to this Law is hereby incorporated with, and made part of this Law.

Commence-
ment of this
Law.

50—This Law shall come into operation on the first day of October, one thousand eight hundred and sixty-eight.

SCHEDULE TO WHICH THIS LAW REFERS.

[PART THE FIRST.]

AGREEMENT.* £ s. d.

On every agreement, or any minute or memorandum of an agreement under hand only (and not otherwise charged in this schedule, or expressly exempted from all stamp duty) 0 8 0

But where divers letters shall be offered in evidence to prove any agreement between the parties who shall have written such letters, it shall be sufficient if any one of such letters shall be stamped with the duty aforesaid; and such letter may be stamped at any time before it is given in evidence.

EXEMPTIONS FROM THE PRECEDING, AND ALL OTHER STAMP DUTIES.

Memorandum, or agreement for the hire of any laborer, artificer, tradesman, manufacturer, or menial servant.

Memorandum, letter, or agreement made for, or relating to, any goods, wares and merchandize.

But any memorandum, or agreement, intended as preparatory to a more formal instrument, and so stated on the face of it, may be stamped with the duty hereby imposed, if made within this Island at any time within ninety days after the date thereof, and if made or signed by any of the parties thereto out of the Island, within six months after the date thereof.

ANNUITY, RE-PURCHASE OF.

Any release, or assignment of an annuity, or rent charge made subject in, and by the original grant thereof to be redeemed or re-purchased, shall, on the re-purchase thereof, be exempted from the duty hereby imposed on a conveyance or transfer of land, and shall be charged only with the duty hereby imposed upon a deed not otherwise charged.

APPOINTMENTS.

On every appointment in execution of a power over land, or other property, real or personal, or of any use or interest therein, where made by any writing, not being a deed or will. 0 15 0

*Amended by Sec. 2 of Law 5 of 1886, by substituting a stamp duty of two shillings for eight shillings.

ARTICLES OF CLERKSHIP.

	£	s.	d.
On every article of clerkship or contract, whereby any person shall first become bound to serve as a clerk, in order to his admission as a solicitor, attorney, and proctor in the courts of the island	50	0	0
On every article of clerkship or contract, whereby any person shall become bound to serve as a clerk, in order to any such admission as aforesaid, for the residue of the terms for which he was originally bound, in consequence of the death of his former master, or of the contract between them being vacated by consent, or by rule of Court, or in any other event		0	15 0

AWARD.

On every award		0	15 0
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BILLS OF EXCHANGE AND PROMISSORY NOTES
(INLAND).

Draft, order, acceptance, or promissory note for the payment to the bearer, or to order, at any time otherwise than on demand, of any sum of money.

Of or above ten pounds, and not exceeding twenty pounds	0	0	3
Above twenty pounds, and not exceeding thirty pounds	0	0	6
Above thirty pounds, and not exceeding fifty pounds	0	0	9
Above fifty pounds, and not exceeding one hundred pounds	0	1	0
And for every additional one hundred pounds, or fractional part of one hundred pounds	0	1	0

<p>Draft, order, acceptance, or promissory note for the payment of any sum of money weekly, monthly, or any other stated period, if made payable to the bearer, or to order, or if delivered to the payee, or some person on his or her behalf, when the total amount of the money thereby made payable shall be specified therein, or can be ascertained therefrom.</p>	}	<p>The same duty as on a bill payable to bearer, or order, at any time otherwise than on demand, for a sum equal to such total amount.</p>
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EXEMPTIONS FROM THE PRECEDING, AND ALL OTHER STAMP DUTIES.

All drafts, or orders, drawn on the Treasurer of this Island, but such Drafts or orders shall, notwithstanding, be liable, at the time of payment, to the duty imposed by this Law on receipts.

BILLS OF EXCHANGE (FOREIGN) DRAWN IN THIS ISLAND.

Drawn in sets, according to the custom of merchants, for every part or bill of each set, where the sum made payable thereby shall be for ten pounds, and not exceeding fifty pounds	...	...	..	0 0 3
Above fifty pounds, and not exceeding one hundred pounds				0 0 6
For every additional one hundred pounds, or fractional part of one hundred pounds	..	...	...	0 0 6
And all foreign bills of exchange drawn in this Island shall be stamped at and after the rates hereinbefore mentioned, notwithstanding that the sums for which such bills shall be drawn shall be expressed in dollars, francs, or any description of money of account.				

BILLS OF LADING.

Drawn in sets of three for goods, wares, or merchandize, to be exported from this Island, on each part or bill				0 0 9
On each receipt for goods, wares, or merchandize carried coastwise	..	..	..	0 0 3

BONDS.

Bond given as a security for the payment of any definite and certain sum of money amounting to above thirty pounds, and not exceeding fifty pounds	..	..	..	0 2 0
Above fifty pounds, and not exceeding one hundred pounds				0 4 0
Above one hundred pounds, and not exceeding two hundred pounds	...	...	..	0 8 0
Above two hundred pounds, and not exceeding three hundred pounds	..	...	..	0 12 0
Above three hundred pounds, and not exceeding five hundred pounds	...	...	...	0 15 0
Above five hundred pounds, and not exceeding one thousand pounds	...	...	..	1 0 0
And for every additional sum of, or fractional part of one thousand pounds	..	...	...	0 10 0

BOND.

When the money secured, or to be ultimately recoverable thereon shall be limited, not to exceed a given sum, the same duty as on a bond for such limited sum.

And when the total amount of the money secured, or to be ultimately recovered thereon shall be uncertain, and without any limit, the same duty as on a bond for a sum equal to the amount of the penalty of such bond.

And when there shall be no penalty of the bond in such last-mentioned case, such bond shall be available for such an amount only as to the *ad valorem* duty denoted by any stamp or stamps thereon shall extend to cover.

Bond given as a security for the payment of any sum of money which shall be in part secured by a mortgage, or other instrument, or writing, hereinafter charged with the same duty as on a mortgage bearing even date with such bond, or for the performance of covenants contained in such mortgage, or other instrument, in writing, or for both those purposes

0 15 0

Bond given as a collateral or auxiliary security for the payment of any annuity, upon the original creation and sale thereof, where the same shall be granted, or conveyed, or secured by any other deed or instrument liable to, and charged with the *ad valorem* duty hereinafter imposed on conveyances upon the sale of any property ...

0 15 0

Bond given as a security for the payment of any annuity (except upon the original creation and sale thereof), or of any sum or sums of money, at stated periods (not being interest for any principal sum, nor rent reserved, or payable upon any lease), for any definite and certain term, so that the total amount of the money to be paid can be previously ascertained, the same duty as on a bond of the like nature for the payment of a sum of money equal to such total amount.

Bond given as a security for the payment of any annuity (except as aforesaid), or of any sum or sums of money at stated periods (not being interest for any principal sum, nor rent reserved, or payable upon any lease), for the term of life, or any other indefinite period, so that the whole money to be paid cannot be previously ascertained.

	£.	s.	d.
When the annuity, or sum secured, shall not exceed ten pounds <i>per annum</i>	0	5	0
Above ten pounds, and not exceeding fifty pounds <i>per</i> <i>annum</i>	0	10	0
Above fifty pounds, and not exceeding one hundred pounds <i>per annum</i>	0	15	0
Above one hundred pounds, and not exceeding two hundred pounds <i>per annum</i>	1	0	0
And for every additional one hundred pounds, or fractional part of one hundred pounds	0	5	0
Bond, commonly called counter bond, for indemnifying any person who shall have become bound or engaged as surety for the payment of any sum of money, or annuity	0	15	0
Bond otherwise than to the Crown, for the due execution of an office, and to account for money received by virtue thereof.	0	15	0
Bond of any kind whatever, not otherwise charged in this schedule, nor expressly exempted from all stamp duty	0	15	0

BONDS, TRANSFER OR ASSIGNMENT OF.

Any transfer or assignment of any such bond as aforesaid,
and which shall have paid the proper *ad valorem* duty on
bonds.

Where the principal money secured by the bond shall not ex-
ceed five hundred pounds, the same duty as on a bond for
the total amount of such principal money.

And in every other case, such transfer or assignment shall be
chargeable with the duty of 0 15 0

EXEMPTIONS FROM THE PRECEDING AND ALL OTHER STAMP DUTIES.

All security or penal bonds to her Majesty, her heirs and suc-
cessors.

Bail bonds and replevin bonds.

CERTIFICATES.

On every certificate of the admission of a barrister to practice
in the Courts of this Island 15 0 0

	£	s.	d.
And on every certificate of the admission of a solicitor, attorney, conveyancer, or proctor, to practice in the Courts of this Island	100	0	0

But no one person is to be obliged to take out more than one certificate, although he may act in more than one of the capacities aforesaid, or in several of the Courts aforesaid.

CHARTER PARTY.

On every charter party	1	10	0
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CHEQUES.

On every cheque to be drawn on any banker, bank, or banking firm or company in this Island	0	0	1
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On every cheque, draft, or order for the payment of any sum of money, not less than forty shillings, to or in favour of any person at sight, or on demand, on any person or firm, other than a banker, or banking firm or company, at sight or on demand	0	0	1
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COMMISSIONS.*

CONVEYANCES.

Conveyance, whether grant, bargain and sale, assignment, transfer, release, or any other kind or description whatever, or order or decree of the High Court of Chancery of England, or this Island, or other competent jurisdiction or authority, operating as a conveyance upon the sale of any land, tenements, rents, annuities, or other property, real or personal, or of any right, title, interest, or claim into, out of, or upon any lands, tenements, rents, annuities, or other property; that is to say, for or in respect of the principal, or only deed, instrument, order, decree, or writing, whereby the lands, or other things sold shall be granted, or otherwise conveyed to, or vested in, the purchaser or purchasers, or any other person or persons by his or their direction.

Where the purchase or consideration money therein, or thereupon expressed, shall not exceed ten pounds	0	5	0
And where the same shall exceed ten pounds, and not exceed twenty pounds	0	10	0

* Repealed by Sec. 2 of Law 3 of 1875.

	£	s.	d.
And where the same shall exceed twenty pounds, and not exceed fifty pounds	1	0	0
And where the same shall exceed fifty pounds, and not exceed one hundred pounds	2	0	0
And for every additional one hundred pounds, and for every fractional part of one hundred pounds	0	15	0

Note.—The purchase or consideration money is to be truly expressed and set forth, in words at length, in or upon every such principal, or only deed, order, decree, or instrument of conveyance.

And where any lands, or other property, held under different titles, contracted to be sold at one entire price for the whole, shall be conveyed to the purchaser in separate parts or parcels by different deeds, orders, decrees, or instruments, the purchase or consideration shall be divided and apportioned in such manner as the parties shall think fit, so that a distinct price or consideration for each separate part or parcel may be set forth in or upon the principal or only deed, order, decree, or instrument of conveyance relating thereto, which shall be charged with the said *ad valorem* duty in respect of the price or consideration money therein set forth.

And where any lands, or other property, contracted to be purchased by two or more persons jointly, or by any person for himself and others, or wholly for others, at one entire price for the whole, shall be conveyed in parts or parcels by separate deeds, orders, decrees, or instruments, to the persons for whom the same shall be purchased for distinct parts or shares of the purchase-money, the principal or only deed, order, decree, or instrument of conveyance of each separate part or parcel shall be charged with the said *ad valorem* duty, in respect of the sum of money therein specified as the consideration for the same.

But if separate parts or parcels of such land, or other property, shall be conveyed to, or to the use of, or in trust for, different persons, in and by one and the same deed, order, decree, or instrument, then such deed, order, decree, or instrument shall be charged with the said *ad valorem* duty, in respect of the aggregate amount of the purchase or consideration moneys therein mentioned to be paid, or agreed to be paid for the lands or property thereby conveyed.

£ s. d.

And where any person, having contracted for the purchase of any lands or other property, but not having obtained a conveyance thereof, shall contract to sell to any other person, and the same shall, in consequence, be conveyed immediately to the sub-purchaser, the principal or only deed, order, decree, or instrument of conveyance shall be charged with the said *ad valorem* duty, in respect of the purchase or consideration money therein mentioned to be paid, or agreed to be paid by the sub-purchaser.

And where any person, having contracted for the purchase of any lands, or other property, but not having obtained a conveyance thereof, shall contract to sell the whole, or any part or parts thereof, to any other person or persons, and the same shall, in consequence, be conveyed by the original seller to different persons in parts or parcels, the principal or only deed, order, decree, or instrument of conveyance of each part or parcel thereof shall be charged with the said *ad valorem* duty, in respect only of the purchase or consideration money, which shall be therein mentioned to be paid, or agreed to be paid for the same by the person or persons to whom, or to whose use, or in trust for whom the conveyance shall be made, without regard to the amount of the original purchase money.

But where any sub-purchaser shall take an actual conveyance of the interest of the person immediately selling to him, which shall be chargeable with the said *ad valorem* duty, in respect of the purchase or consideration money paid, or agreed to be paid by him, and shall be duly stamped accordingly, any deed, order, decree, or instrument of conveyance to be afterwards made to him of the property in question, by the original seller, shall be exempted from the said *ad valorem* duty, and be charged only with the ordinary duty on deeds, orders, decrees, or instruments of the same kind, not upon a sale.

And where any lands, or other property, separately contracted to be purchased of different persons, at separate and distinct prices, shall be conveyed to the purchaser, or as he shall direct, in and by one and the same deed, order, decree, or instrument, such deed, order, decree, or instrument shall be charged with the said *ad valorem* duty, in respect of the aggregate amount of the purchase or consideration moneys therein mentioned to be paid, or agreed to be paid for the same.

£ s. d.

And where any lands or other property shall be sold and conveyed in consideration wholly, or in part, of any sum of money charged thereon, by way of mortgage, or otherwise, and then due and owing to the purchaser, or shall be sold and conveyed, subject to any mortgage, bond, or other debt, or to any gross or entire sum of money to be afterwards paid by the purchaser, such sums of money, or debt, shall be deemed the purchase or consideration money, or part of the purchase or consideration money, as the case may be, in respect whereof the said *ad valorem* [duty] is to be paid: *Provided*, where the mortgagee, or other person in the situation of mortgagee, shall become the purchaser of the equity of redemption, the duty shall be charged upon the true and real value of the property, as if the same stood unmortgaged, such value to be calculated and ascertained as is hereinafter directed in this schedule, under the head of settlement.

And where, upon the sale of any annuity or other right not before in existence, the same shall not be created by actual grant or conveyance, but shall only be secured by bond, warrant of attorney, covenant, contract, or otherwise, the bond or other instrument by which the same shall be secured, or some one of such instruments, if there be more than one, shall be deemed and taken to be liable to the same duty as an actual grant or conveyance.

And where there shall be several deeds, orders, decrees, instruments, or writings for completing the title to the property sold, such of them as are not liable to the *ad valorem* duty, to which the same may be liable, and which shall, upon the face thereof, refer to the principal deed, order, decree, or instrument, bearing the *ad valorem* stamp, shall be charged with the duty to which the same may be liable, under any general or particular description of such deeds, orders, decrees, instruments, or writings, contained in this schedule: *Provided*, that when any deed, order, decree, instrument, or writing, not liable to such *ad valorem* stamp, shall be tendered to the Secretary of this Island for the purpose of being recorded, the principal deed, order, decree, or instrument, bearing the said *ad valorem* stamp, shall also be produced, and the fact of such production, and the amount of such *ad valorem* stamp, shall be certified by the Secretary on such other deed, order, decree, or instrument, and such certificate shall be deemed sufficient evidence of the said *ad valorem*

duty having been impressed on the principal deed, order, decree, or instrument, without its being necessary to produce the same in evidence.

And where, in any case not hereby expressly provided for, of several deeds, orders, decrees, instruments, or writings, a doubt shall arise which is the principal, it shall be lawful for the parties to determine for themselves which shall be so deemed, and to pay the said *ad valorem* duty thereon accordingly ; and the other deeds, orders, decrees, instruments, or writings, on which the doubt shall have arisen, shall, upon the face of each of them, refer to the principal deed as bearing the *ad valorem* duty.

And where there shall be duplicates of any deed, order, decree, or instrument, chargeable with the said *ad valorem* duty, exceeding two pounds, one of them only shall be charged therewith, and the other or others shall be charged with the ordinary duty on deeds, orders, decrees, or instruments of the same kind, not upon a sale.

And where any deed, order, decree, or instrument, operating as a conveyance on the sale of any property, shall operate also as a conveyance of any other than the property sold by way of settlement, or for any other purpose, or shall also contain any other matter or thing besides what shall be incident to the sale and conveyance of the property sold, or relate to the title thereto, every such deed, order, decree, or instrument shall be charged, in addition to the duty to which it shall be liable, as a conveyance on the sale of property, with such further stamp duty as any separate deed, order, or decree, containing the other matter, would have been chargeable with.

EXEMPTION FROM ANY STAMP DUTY UNDER THE PRECEDING HEAD
"CONVEYANCE."

Any deed, order, decree, or instrument, whereby any policy of assurance on the life of any person, or for the insurance of any property, shall be assigned or transferred by the insurer to any person, the original policy having been duly stamped.

EXEMPTION FROM ALL STAMP DUTIES WHATSOEVER.

Conveyance of land as a site for any church or chapel of any religious denomination.

COPARTNERSHIP.

£ s. d.

On all articles of copartnership, or other agreement to that effect

1 10 0

CUSTOMS' WARRANTS--ADHESIVE STAMPS MAY BE USED.

On customs' warrants, inwards and outwards, per set ...

0 0 3

DEEDS.

On every deed, order, decree, or other instrument executed wholly out of this Island, and not bearing the British *ad valorem* stamp, the same duty as is hereby imposed on deeds or instruments of a like nature executed in this Island.

On every deed, order, decree, or instrument executed partly out of this Island, and partly in this Island, and on which the British *ad valorem* duty shall have been impressed, one half the duty imposed on deeds or instruments of a like nature, executed wholly in this Island.

And on every deed, order, decree, or instrument, wholly executed out of this Island, and bearing the British *ad valorem* stamp, the like *ad valorem* duty as on deeds executed in this island, or, in the option of the parties, a duty of

3 10 0

But if any such deed, order, decree, or instrument, executed partially or wholly out of this Island, shall relate to land in this island, and shall not be stamped within twelve months from the passing of this Law, or the execution of such instrument, then the full *ad valorem* duties thereon shall be payable.

Duplicate, or counterpart of any deed, order, decree, or instrument whatsoever, chargeable with any stamp duty or duties under this schedule, where the stamp duty or duties chargeable as aforesaid shall not amount to the sum of fifteen shillings the same duty or duties as shall be chargeable upon the original deed, order, decree, or instrument.

And when the stamp duty or duties shall amount to the sum of fifteen shillings and upwards ...

0 15 0

On every deed of any kind whatever, not charged in this schedule, nor expressly exempted from all stamp duty

0 15 0

	£	s.	d.
ESCHEATS.			
On every patent of escheat, when granted to private parties, if by the judgment in escheat, the premises shall appear to be of or under the value of two hundred pounds ...	5	0	0
And if the same shall exceed two hundred pounds, then, for every additional one hundred pounds, and also for any fractional part of one hundred pounds ...	2	10	0
On every letter of preference for escheat ...	1	0	0
For every fiat of land on escheat ...	1	0	0
EXCHANGE.			
On every deed, order, decree, or instrument, whereby lands or other hereditaments are conveyed in exchange, if no sum, or a sum under two hundred pounds be paid for equality of exchange	2	0	0
If above two hundred pounds, <i>ad valorem</i> duty as on a sale on the sum to be paid.			
KETTUBAH.			
On every kettubah, or Jewish contract of marriage, where only evidence of a contract of marriage ...	0	15	0
But if such kettubah includes a settlement of property, then the same duty as on settlements.			
LEASE.			
Lease of any lands or hereditaments, granted in consideration of a sum of money, by way of fine, premium, or other gross sum paid for the same without any yearly rent, or with any yearly rent of or under twenty pounds	} The same duty as for the conveyance, on the sale of lands, for a sum of money of the same amount.		
Lease of any lands or hereditaments at a yearly rent, without any sum of money, by way of fine, premium, or other gross sum paid for the same.			
Where the yearly rent shall be of or above twenty pounds, and shall not exceed one hundred pounds ..	0	15	0
Above one hundred pounds, and not exceeding two hundred pounds	1	0	0
And for every additional one hundred pounds, or fractional part of one hundred pounds	0	10	0

£ s. d.

And where such rent shall progressively increase, then the amount of duty payable upon the highest rent reserved.

Lease of any lands or hereditaments, granted in consideration of a sum of money, by way of fine, premium, or other gross sum, and also of a yearly rent, amounting to twenty pounds, or upwards.

} Both the *ad valorem* duties payable for a lease, in consideration of a fine only, and for a lease according to the amount of rent reserved thereon.

Lease not otherwise charged in this schedule, and for the counterpart or duplicate of any lease whatsoever. 0 15 0

And where any lease shall be granted for a consideration, by way of fine, premium, or other gross sum, payable in produce, or the yearly rent shall be so payable, then, and in every such case, such produce shall be estimated for the purpose of reducing the same to a pecuniary value, at and after the rates following :

For each hogshead of sugar	..	..	12	0	0
For each puncheon of rum	..	..	10	0	0
For each tierce of coffee	...	...	12	0	0

And the duty shall be charged on the amount arising on such estimate, as if the fine, premium, other gross sum, or yearly rent had been expressed in money.

EXEMPTION FROM ANY STAMP DUTY UNDER THE PRECEDING HEAD "LEASE."

Leases of waste or uncultivated land to any person, for any term not exceeding three lives, or ninety-nine years, where the fine shall not exceed five shillings, nor the reserved rent one pound one shilling per annum, and the counterparts or duplicates of all such leases.

LEGACIES.*

LETTERS.

On every letter, or power of attorney, and every decree or order of the Court of Chancery of England, or of this Island, or other competent jurisdiction or authority, operating as a power for the recovery of debts in this Island, or for the sale of property 1 10 0

*Repealed by Section 1 of Law 16 of 1879.

	£	s.	d.
On every letter, or power of attorney, and every decree or order of the Court of Chancery of England, or of this Island, or other competent jurisdiction or authority, operating as a power for managing any pen, plantation, or sugar estate or estates, and whether the same shall or shall not include a power for the recovery of debts, or other purposes	4	0	0
On every letter, or power of attorney, and every decree or order of the Court of Chancery of England, or of this Island, or other competent jurisdiction or authority, operating as a power for managing premises mentioned in any such power which consist of only a place of residence, habitation, or woodlands not opened, or common pasture, and whether the same shall or shall not include a power for the sale of such property, or for the recovery of debts	1	10	0
On every letter, or power of attorney, and every decree or order of the Court of Chancery of England, or of this Island, or other competent jurisdiction or authority, operating as a power authorizing a party to acknowledge payment, and satisfaction of a mortgage demand*	0	5	0
On every other letter, or power of attorney, or decree or order, as aforesaid, not herein charged with a stamp duty, or exempted from all stamp duty, and upon every substitution under a letter, or power of attorney, or any decree or order, as aforesaid	1	10	0
But in case any letter, or power of attorney, or decree, or order, shall not disclose what particular real estate is to be managed, it shall be lawful for the Secretary of the Island, or the person officiating for him, to require the production of a declaration, to be taken before a Justice of the Peace, stating the nature of the real estate, in order that the said officer may be satisfied that the proper stamp is impressed on such letter, power, or decree, or order.			

LICENSES.

On every annual license to retail fire-arms	4	0	0
On every annual license to [for] selling gunpowder.	4	0	0

* To be construed as if worded differently by Sec. 1 of Law 5 of 1866.

	£	s.	d.
On every license, to be taken out yearly by any banker or bankers, banking company, or corporation, or other person or persons who shall issue any promissory notes for money payable to bearer on demand, and allowed to be re-issued	65	0	0
On every marriage license	0	15	0

MORTGAGE.

Mortgage, further charge or security on, or affecting any lands, estate, or property, real or personal, whatsoever.

Also any conveyance, order, decree, or instrument disposing of any lands, estate, or property whatsoever, in trust to be sold or otherwise converted into money, which shall be intended only as a security, and shall be redeemable before the sale or other disposal thereof, either by express stipulation or otherwise, except where such conveyance, order, decree, or instrument shall be made for the benefit of creditors generally, or for the benefit of creditors specified, who shall accept the provision made for payment of their debts, or who shall exceed five in number.

Also any defeazance, declaration, or other deed, order, or decree of the Court of Chancery of England, or of this Island, or writing for defeating, or making redeemable, or explaining, or qualifying any conveyance of any lands, estate, or property whatsoever, which shall be apparently absolute, but intended only as a security.

Also any agreement, contract, or bond, accompanied with a deposit of title deeds for making a mortgage, or such other security, or conveyance, or instrument as aforesaid of any lands, estate, or property, comprized in such title deeds, or for pledging or charging the same as security.

When the same respectively shall be made as a security for the payment of any definite and certain sum of money advanced or lent at the time, or previously due and owing, or forborne to be paid, being payable :

Not exceeding one hundred pounds	0	10	0
Exceeding one hundred pounds, and not exceeding two hundred pounds	1	0	0
And for every additional one hundred pounds, or fractional part of one hundred pounds	0	10	0

And where the same respectively shall be made as a security for the repayment of money, to be thereafter lent, advanced, or due, or which may become due on an account current, together with any sum already advanced, or without, as the case may be, other than and except any sum or sums of money, to be advanced for the insurance of any property comprized in such mortgage or security against damage by fire, or to be advanced for the insurance of any life or lives, pursuant to any agreement in any deed, whereby any annuity shall be granted or secured for such life or lives.*

And if the total amount of the money secured, or to be ultimately recoverable thereon, shall be uncertain, and without any limit, then the same shall be available as a security or charge for such amount only of money or stock intended to be thereby secured as the *ad valorem* duty denoted by any stamp or stamps thereon will extend to cover.

Any transfer or assignment of any such security as aforesaid, or of the benefit thereof, or of the money thereby secured.

When no further sum of money shall be added to the principal money already secured

0 15 0

But no such deed, order, decree, or instrument as aforesaid shall in any of the said several cases, be chargeable with any further or other sum than is herein expressly provided, by reason of its containing any further or additional security for the payment of such money, or any interest thereon, or any new covenant, proviso, power, stipulation, or agreement, or other matter whatever in relation to such money, or the interest thereon, or by reason of its containing all or any of such matters.

Any deed, order, decree, or instrument made for the further assurance only of any estate or property, which shall have been already mortgaged, pledged, or charged as a security by any deed, order, decree, or instrument, which shall have paid the *ad valorem* duty on mortgages or bonds, under any Act or Acts in force at the time of making such last-mentioned deed, order, decree, or instrument.

* By Sec. 12 of Law 38 of 1872, to be construed as if there were added after the words "such life or lives" the words "by the total amount of the money secured, or to be ultimately recoverable thereupon, shall be limited, not to exceed a given sum, the same duty as on a mortgage for such limited sum."

Also any deed, order, decree, or instrument made as an additional or further security for any sum or sums of money which shall have been already secured by any deed or instrument, which shall have paid the said *ad valorem* duty on mortgage or bond chargeable as aforesaid .. . £ s. d.
0 15 0

If any further sum of money shall be added to the principal money already secured, such deed, order, decree, or instrument for further assurance, or additional or further security, either by the mortgagor, or by any person entitled, to the property by descent, devise, or bequest from such mortgagor, shall be chargeable only with the *ad valorem* duty on mortgages under this law, in respect of such further sum of money, in lieu of the duty aforesaid, notwithstanding the same deed, order, decree, or instrument may contain any covenant either by the mortgagor, or by the person entitled as aforesaid, or any proviso, power, stipulation, or agreement whatsoever, in relation to the money already secured, or the interest thereon.

Where several distinct deeds, orders, decrees, or instruments falling within the description of any of the instruments, hereby charged with the said *ad valorem* duty on mortgages, shall be made at the same time for securing the payment or transfer of one and the same sum of money, the said *ad valorem* duty, if exceeding two pounds, shall be charged only on one of such deeds, orders, decrees, or instruments, and all the rest shall be charged with the duty to which the same may be liable under any more general description of the same, contained in this schedule.

EXEMPTION FROM THE SAID AD VALOREM DUTY ON MORTGAGES, ET CETERA, BUT NOT FROM ANY OTHER DUTY TO WHICH THE SAME MAY BE LIABLE.

Any deed, order, decree, or other instrument, made in pursuance of, or in conformity to, any agreement, contract, or bond charged with, and which shall actually have paid the said *ad valorem* duty.

Any deed, order, decree, or other instrument, made for the further assurance only of any estate or property already mortgaged, pledged, or charged as security by any deed, order, decree, or instrument which shall have paid the said *ad valorem* duty hereby charged.

£ s. d.

Any deed, order, decree, or other instrument made, as an additional or further security for any sum or sums of money already secured by any deed, order, decree, or instrument, which shall have paid the said *ad valorem* duty hereby charged, to be exempt from the said *ad valorem* duty hereby charged, as far as regards such sum or sums of money, in case such additional or further security shall be made by the same person or persons who made the original security; but if any further sum of money shall be added to the principal money already secured, or shall be thereby secured to any other person, the said *ad valorem* duty shall be charged in respect of such further sum of money.

Any deed, order, decree, or instrument, whereby any policy of assurance on the life of any person, or for the insurance of any property, shall be assigned or transferred by the insurer to any person as a security for money lent or advanced, the original policy having been duly stamped.

And the deeds, orders, decrees, and instruments hereby exempted from the said *ad valorem* duty shall, on the face of them, refer to the deed, order, decree, or instrument bearing the *ad valorem* duty: *Provided*, that when any deed, order, decree, instrument, or writing, not liable to such *ad valorem* duty shall be tendered to the Secretary of this Island for the purpose of being recorded, the principal instrument, bearing the said *ad valorem* stamp, shall also be produced; and the fact of such production, and the amount of such *ad valorem* stamp, shall be certified by the Secretary on such other instrument; and such certificate shall be deemed sufficient evidence of the said *ad valorem* duty having been impressed on the principal one, without its being necessary to produce the same in evidence.

PATENTS.

On every patent, not otherwise charged in this schedule, nor expressly exempted from all stamp duty ..	1 10 0
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EXEMPTION FROM ALL STAMP DUTY.

Patents of pardon.

PLATS.

On every plat, survey, or other surveyor's return that shall be returned into any Court or office, or annexed to any deed or other instrument	0 2 0
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	£	s.	d.
On every copy of a plat, survey, or other surveyor's return that shall be issued from any public office ..	0	2	0

POLICIES.

On every policy of assurance, or insurance, or other instrument, by whatsoever name the same shall be called, whereby any assurance shall be made of, or upon any building, plantation, goods, wares, merchandize, or other property, from loss or damage by fire only.

Where the sum insured shall not exceed one hundred pounds	0	5	0
And for every additional one hundred pounds, or fractional part thereof, up to five hundred pounds ..	0	5	0
And where it shall exceed five hundred pounds, and not exceed one thousand pounds	2	0	0
And where it shall exceed one thousand pounds, and not exceed two thousand pounds	2	10	0
And where it shall exceed two thousand pounds, and not exceed five thousand pounds	4	0	0
And where it shall exceed five thousand pounds ..	6	10	0

But any insurances effected for periods less than twelve months shall be charged as follows:

For any period not exceeding one month, one fourth part of the annual rate.

Above one month, and not exceeding three months, one-half thereof.

Above three months, and not exceeding six months, three-fourth parts thereof.

Above six months, the full annual rate.

On every policy of assurance, or insurance, or other instrument by whatever name the same shall be called, whereby any assurance shall be made 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.

Where the sum insured shall not exceed two hundred pounds	0	5	0
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	£.	s.	d.
Where the sum insured shall exceed two hundred pounds, and not exceed five hundred pounds ..	0	10	0
And for every additional five hundred pounds, or fractional part of five hundred pounds ..	0	5	0
On every policy of assurance, or insurance, or other instrument by whatever name the same shall be called, whereby any insurance shall be made upon any life or lives, or upon any event or contingency relating to, or depending upon, any life or lives :			
Where the sum insured shall amount to one hundred pounds	0	2	6
And upon every additional one hundred pounds, up to one thousand pounds, the further sum of ..	0	2	6
And if the sum insured shall exceed onethousand pounds, then, for every five hundred pounds, and also for any fractional part of five hundred pounds, whereof the same shall consist	0	5	0

PRIVATE BILL.

On each private bill introduced into the Legislative Council, to be paid before the second reading thereof ...	50	0	0
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PROMISSORY NOTE FOR THE PAYMENT TO THE BEARER, ON DEMAND.

Of any sum of money, not exceeding one pound ..	0	0	3
Exceeding one pound, and not exceeding two pounds ..	0	0	6
Exceeding two pounds, and not exceeding five pounds ..	0	1	0
Exceeding five pounds, and not exceeding ten pounds ..	0	2	0
Exceeding ten pounds, and not exceeding twenty pounds ..	0	3	0
Exceeding twenty pounds, and not exceeding thirty pounds	0	4	0
Exceeding thirty pounds, and not exceeding fifty pounds ..	0	5	0
Exceeding fifty pounds, and not exceeding one hundred pounds	0	10	0
Which said notes may be re-issued after payment thereof, as often as shall be thought fit.			

	£	s.	d.
PROTESTS.			
On every protest, or other notarial act, under the hand of a Notary Public, done in this Island ..	0	4	0

RECEIPT, OR DISCHARGE GIVEN FOR OR UPON THE PAYMENT OF MONEY, (THE DUTIES WHEREON SHALL BE PAID BY THE PARTY RECEIVING THE MONEY)—ADHESIVE STAMPS MAY BE USED.

Of or above forty shillings, and not exceeding fifty pounds	0	0	1
Above fifty pounds	0	0	3
And where any sum of money shall be therein expressed or acknowledged to be received in full of all demands ..	0	1	6

And any note, memorandum, or writing whatsoever, given to any person for or upon the payment of money, whereby any sum of money, debt, or demand, or any part of any debt or demand therein expressed shall be expressed or acknowledged to have been paid, settled, balanced, or otherwise discharged or satisfied, or which shall import or signify any such acknowledgement; and whether the same shall or shall not be signed with the name of any person, shall be deemed and taken to be a receipt for a sum of money of equal amount with the sum, debt, or demand so expressed, or acknowledged to have been paid, settled, balanced, or otherwise discharged and satisfied, within the intent and meaning of this schedule, and shall be charged with a duty accordingly.

And any receipt, or discharge, note, memorandum, or writing whatsoever, given to any person for or upon the payment of money which shall contain, import, or signify any general acknowledgement of any debt, account, claim, or demand, debts, accounts, claims, or demands, whereof the amount shall not be therein specified, having been paid, balanced, settled, or otherwise discharged or satisfied, or whereby any sum of money therein mentioned shall be acknowledged to be received in full, or in discharge, or satisfaction of any such debt, claim, account, or demand, debts, accounts, claims, or demands, and whether the same shall or shall not be signed with the name of any person, shall be deemed and taken to be a receipt in full, within the intent and meaning of this schedule, and shall be charged with the duty of one shilling and sixpence accordingly.

Provided, that any letter, or one of divers letters importing or signifying any receipt or acknowledgement, within the meaning of this schedule, may be stamped at any time before being tendered in evidence; and, where there are divers such letters, it shall suffice to stamp one of such letters, in relation to one transaction or claim.

And all receipts, discharges, and acknowledgments of the description aforesaid, which shall be given for, or upon payment made by or with any bills of exchange, drafts, promissory notes, or other securities for money, shall be deemed and taken to be receipts given upon the payment of money within the intent and meaning of this schedule.

RECEIPTS.

And all receipts or discharges which shall be given or granted to the Treasurer of this Island, for or in respect of any moneys payable by him out of the Public Treasury (except moneys payable as drafts on Island certificate and exchequer bills), other than as hereinafter accepted, shall be chargeable after the like scale of duty, and such last-mentioned receipts may be made by adhesive stamps.

EXEMPTIONS FROM THE PRECEDING DUTIES ON RECEIPTS.

Receipts or discharges written upon promissory notes, bills of exchange, drafts, or orders for the payment of money, duly stamped, according to the Laws in force at the date thereof.

Letters by the general post, acknowledging the safe arrival of any bills of exchange, promissory notes, or other securities for money.

Receipts for any moneys paid into any Savings Bank of this Island.

Receipts or discharges endorsed, or otherwise written upon, or contained in any bond, mortgage, or other security, or any conveyance, deed, or instrument whatever, duly stamped, according to the Laws in force at the date thereof, acknowledging the receipt of the consideration money therein expressed, or the receipt of any principal money, interest, or annuity thereby secured.

Release or discharge for money by deeds duly stamped, according to the Laws in force at the date thereof.

£ s. d.

Receipts or discharges for the return of any duties of Customs upon certificate of over entry.

Receipts given or granted by the Treasurer of this Island, or by any Collector of Taxes, or Office of Internal Revenue, for or in respect of any taxes or duties.

Receipts or acknowledgements, on the records of the Secretary's Office, of the payment of a mortgage debt.

RECEIPTS.

On every receipt granted by the Island Secretary for deeds or papers recorded in his office 0 2 0

On every receipt granted by the Island Secretary for recording annual returns of attorneys or trustees, commonly called "Crop Accounts" 0 4 0

SETTLEMENTS.

Any deed, or any order, or decree of the Court of Chancery of England, or of this Island, or other jurisdiction or authority, or instrument whatever, whether voluntary or gratuitous, or upon any good or valuable consideration other than a *bona fide* pecuniary consideration, whereby any certain and definite sum or sums of money (whether charged or chargeable on lands or other hereditaments or not, or to be laid out in the purchase of lands or other hereditaments or not, and, if charged or chargeable on lands or other hereditaments, whether to be raised at all events or not, or whereby any lands, tenements, rents, annuities, or other property, real or personal, or any right, title, interest, or claim into, out of, or upon, any lands, tenements, rents, annuities, or other property shall be settled, or agreed to be settled upon, or for the benefit of any person or persons, either in possession or reversion, either absolutely, or conditionally, or contingently, or for life, or other partial interest, or in any other manner whatsoever.)

If such sum or sums of money, or the value of such property, shall not exceed five hundred pounds 0 15 0

Above five hundred pounds, and not exceeding one thousand pounds 1 10 0

And for every additional one thousand pounds, or the fractional part of one thousand pounds 1 10 0

Note.—The value of such property shall be ascertained by a declaration of the true and real value of the same.

EXEMPTIONS FROM STAMP DUTIES UNDER THE PRECEDING HEAD
"SETTLEMENTS."

Bonds, mortgages, and other securities operating as settlements, if chargeable with the *ad valorem* duties on bonds and mortgages hereinbefore granted.

Deeds, or instruments of appointment, apportionments in execution of powers given by any previous settlement, deed, or will to, or in favor of, persons specially named or described as the object of such powers.

Deeds, or instruments merely declaring the trusts of any money, pursuant to any previous settlement, deed, or will, or for securing any gifts or dispositions made by any previous settlements, deed, or will.

Wills, testaments, and testamentary instruments, and disposition, *mortis causa*, of every description.

SCHEDULE.

Inventory, or catalogue of any lands or hereditaments, or of any furniture, fixtures, or other goods or effects, or containing the terms and conditions of any proposed sale or lease, or the conditions and regulations for the cultivation and management of any estate, plantation, pen, or other property leased, or agreed to be leased, or containing any other matter or matters of contract or stipulation whatsoever, which shall be referred to, in, or by, and be intended to be used or given in evidence as part of, or as material to, any agreement, lease, bond, deed, order, decree, or other instrument charged with any duty, but which shall be separate and distinct from, and not endorsed on, or annexed to, such agreement, lease, bond, deed, order, decree, or other instrument.

Where any such inventory, schedule, or catalogue shall be so referred to, in, or by any such agreement, lease, bond, deed, order, decree, or such other instrument as aforesaid, chargeable with any stamp duty, not exceeding fifteen shillings, the same duty as shall be so chargeable on such agreement, lease, bond, deed, order, decree, or other instrument.

And where any such schedule, inventory, or catalogue shall be referred to, in, or by any lease, bond, deed, order, decree, or such other instrument as aforesaid, chargeable with a

	£	s.	d.
stamp duty exceeding fifteen shillings, then for every additional pound of the amount of the last-mentioned duty, a further progressive duty of ...	0	1	6
WARRANTS.			
On every pilot's warrant for one port *	10	0	0
And for more than one port * ...	20	0	0
On every warrant and appointment of interpreter of foreign languages	2	0	0

GENERAL EXEMPTIONS FROM ALL STAMP DUTIES.

All Acts of the Legislative Council, Proclamations, Acts of State, minutes, or matters printed by order of the Legislative Council, or any Municipal Board of the Island, inquisitions, and other proceedings taken before any Coroner or Magistrate.

All probates, or acknowledgements of any deed, or instrument in writing, written on any part thereof, or annexed thereto.

All accounts of produce, commonly called crop accounts.

All bonds, and other official documents whatsoever, relating to the service of her Majesty's Customs in this Island, her Majesty's Commissariat or Ordnance department; or any Military or Naval board in this Island, or relating to the public service of this Island.

[PART THE SECOND.†]

Containing the duties on Law and other Proceedings.

AFFIDAVITS.

On every affidavit, joint or several, in one suit or matter, to be filed, read, or used in the Court of Chancery	0	4	0
For each additional suit or matter ...	0	4	0
In the Supreme Court, and Courts of Ordinary, and Vice-Admiralty	0	2	0

*Repealed by sec. 42 of Law 35 of 1873, which see.

† Repealed, as far as it relates to the duties payable on any proceedings in the Supreme Court by sec. 296 of Law 41 of 1872,

	£	s.	d.
ANSWER.			
In the Court of Chancery.	{	To any bill or information ..	2 0 0
		Affidavit in answer by a respondent to any cause petition ..	2 0 0
APPEARANCE.			
On every appearance of a defendant or respondent in Chancery			0 2 0
APPOINTMENT.			
On every appointment of Bailiff of the Crown, or committee of a lunatic			3 0 0
ATTACHMENT.			
On every attachment issuing out of the Court of Chancery			0 10 0
ATTESTATIONS.			
On every public attestation to an appeal from the Court of Chancery			3 0 0
From the Supreme Court, or Court of Ordinary, or Vice-Admiralty			3 0 0
On every attestation or exemplification that shall pass the seal of this Island, or of any Court thereof ..			1 10 0
BILL.			
On every bill in Chancery			3 0 0
On every information in Chancery ..			3 0 0
CAUSE PETITION.			
On every original cause petition			3 0 0
On every cause petition, by way of special case ..			3 0 0
Supplemental cause petition			1 0 0
CERTIFICATES.			
On every certificate of an officer of any Court of Judicature, or public office in this Island, or from any Clerk of the Peace in this Island			0 2 0

	£	s.	d
CITATION.			
On every citation out of the Court of Chancery ...	0	10	0
Out of the Supreme Court, or Court of Ordinary, or Vice-Admiralty ...	0	2	0
CLAIM.			
On every claim or proof of debt, filed or lodged in the Master's office ...	0	5	0
COMMISSION.			
On every commission out of the Court of Chancery, Supreme Court, or any other Court of Judicature in this Island	0	15	0
COURT OF ORDINARY.			
On every will bond, or on the dedimus to prove the will, at the option of the Island Secretary, and on every administration bond, where the personal property shall be above one hundred pounds, after the rate of two pounds <i>per centum</i> thereon.			
And no will bond, or administration bond, &c.*			
Where administration shall be obtained on any estate whereon the duty under this or any previous Law on the personal property shall have been paid, and application shall be made for any subsequent administration on the same estate, if it shall be shewn to the satisfaction of the Court of Ordinary, or other Court having jurisdiction, that such duty has already been paid in respect of the personal property for which such subsequent administration is applied for, then there shall in every such case be paid on such administration only in respect of the several instruments hereinafter mentioned, the sums following :			
On the letters testamentary or letters of administration, and on every dedimus <i>potestatum</i> , and warrant of appraisement, a stamp duty of	0	15	0
On all articles, on any libel exhibited for the probate in solemn form of a will or codicil, if the property be of, or under two hundred pounds	1	10	0
In all other cases	3	0	0
Answer to such articles or libel	1	10	0

* This Paragraph repealed by sec. 1 of Law 4 of 1878.

EXEMPTIONS.

All will bonds, and administration bonds, relating to the estate of any common soldier or sailor who shall die in her Majesty's Service (the same so appearing by a certificate under the hand of the officer under whom he served).

DEDIMUS.

On every dedimus issuing out of the Court of Chancery 0 15 0

DEMURRERS.

On every demurrer in the Court of Chancery .. 0 15 0

In any other Court 0 2 0

DEPOSITIONS.

On every engrossment of depositions or answers to interrogatories in any Court at Law or Equity ... 0 15 0

DISCLAIMER.

On every disclaimer in the Court of Chancery .. 0 15 0

ENROLMENT.

On every enrolment of a final decree .. 3 0 0

EXAMINATION.

(See Depositions.)

EXCEPTIONS.

On every exception, or set of exceptions in a cause in Chancery 0 15 0

EXECUTIONS.

On every writ of execution out of the Court of Chancery 0 15 0

EXEMPLIFICATIONS OF WILLS AND OF JUDICIAL AND OTHER PROCEEDINGS.

(*Vide* paper stamps)

GUARDIANSHIP.

On every letter, or appointment, or guardianship issuing out of the Court of Chancery .. 3 0 0

	£	s.	d.
INFORMATIONS.			
(See bills in Chancery.)			
INTERROGATORIES.			
In every Court of Law, or Equity, or Court of Ordinary	0	15	0
INQUISITIONS.			
On every inquisition in extent, the subject of one writ	0	10	0
And for every additional writ included in such inquisition	0	5	0
On every other inquisition, the subject of writs issued from the Supreme Court 	0	10	0
JUDGMENTS.			
On every authority for entering satisfaction on a judgment in the Supreme Court 	0	1	6
On every assignment of a judgment in the Supreme Court	0	5	0
On every distress warrant in the Petty Debt Court in any parish of or under twenty shillings 	0	0	3
Of or under forty shillings 	0	0	6
Above forty shillings 	0	0	9
MANUCAPTION.			
On every manucaption 	0	5	0
NOTICE.			
Of filing cause petition in the Court of Chancery	0	5	0
OFFICE COPIES.			
(See paper stamps.)			
ORDERS.			
On every attested copy order in any Court of this Island	0	2	0
PETITIONS.			
On every petition in any suit or matter in the Supreme Court, Court of Ordinary, or Court of Vice-Admiralty	0	2	0

	£	s.	d.
On every petition for a receiver, or for a commission <i>de lunatico inquirendo</i> in the Court of Chancery, or for grant or gift from the Crown; and where any such application shall be made by motion and affidavit, or by motion, then the stamps of two pounds shall be impressed on the one or other of such papers	2	0	0
On every other petition in the Court of Chancery (save cause petition)	0	5	0
PLEAS.			
On special pleas in the Court of Chancery	0	15	0
In the Supreme Court	0	2	0
RECOGNIZANCES.			
On every recognizance in the Court of Chancery	2	0	0
On every other recognizance, except in criminal cases, and in appeals from the summary jurisdiction of magistrates	0	5	0
On every recognizance on appeal from the summary jurisdiction of magistrates	0	2	0
REJOINDERS.			
On one or more rejoinders in the Court of Chancery	0	5	0
In the Supreme Court	0	2	0
REPLICATIONS.			
On one or more replications in the Court of Chancery	0	5	0
In the Supreme Court	0	2	0
SUBPŒNAS.			
On every subpœna issuing out of the Court of Chancery	0	10	0
On every subpœna issuing out of the Supreme Court	0	0	6
SUMMONS.			
On every original summons, issued by Justices of the Peace, on the private prosecution of any party, or on the information to ground same, at the option of the party	0	1	6

	£	s.	d.
On each warrant issued by Justices of the Peace, on the private prosecution of any party, or on the information to ground same, at the option of the party ...	0	1	6

SUGGESTIONS.

On every suggestion in the Court of Chancery ..	0	15	0
In the Supreme Court, Court of Ordinary, or Court of Vice-Admiralty	0	2	0

WRITS.

On every writ of error	2	0	0
On every writ of <i>certiorari</i>	0	15	0
On every writ of partition	0	15	0
On every writ of emblements	0	15	0
On every writ of dower	0	15	0
On every writ of possession	0	10	0
On every writ, and on each process for contempt, issuing out of the Court of Chancery (except the writ of execution <i>ante</i>)	0	10	0
On every other writ issuing out of the Supreme Court	0	2	0

EXEMPTIONS FROM THE PRECEDING AND ALL OTHER STAMP DUTIES.

All writs of *habeas corpus*, and all writs of summons or arrest.

All motion papers in the Supreme Court, and the Court of Chancery.

All side-bar rules entered up in the Supreme Court.

All rules and orders to compel the making up of issues in causes pending in the Superior Courts of Law.

All notices in the Chancery, Supreme, and Circuit Courts.

All pleas of the general issue, all imparlances and similiter.

All affidavits and declarations, made pursuant to any Law.

All process and proceedings for, or on behalf of, any person legally admitted to sue or defend in *forma pauperis*, and all proceedings in criminal suits and prosecutions whatsoever.

[PART THIRD.]

PAPER STAMPS.

All exemplifications of wills, and every other exemplification, all proceedings, and copies sent to this Island to be recorded, used, or given in evidence in any Court, which are not charged with any specific duty under this Law, shall be subject to, and be impressed with the paper stamps hereinafter respectively specified.

All Masters' reports in Chancery; all accounts of guardians, trustees, mortgagees in possession, required to be recorded in the Island Secretary's Office; inventories; all office copies authenticated by the Island Secretary, Registrar, and Clerk of the Courts and Crown, and Registrar of the Diocese, shall be written, transcribed, engrossed, or printed upon paper, vellum, or parchment of the descriptions hereinafter mentioned; and such paper, vellum, or parchment, and each sheet thereof, shall be stamped with the duties, and the same shall contain the number of lines hereinafter mentioned; and, for the purpose of this Law, each and every side of the paper, vellum, and parchment shall be deemed a separate sheet.

Imperial and royal paper, or any paper, vellum, or parchment of the same size, and containing not more than forty lines of writing	..	..	..	0	4	0
And for every additional forty lines of writing, and also for any fractional part of forty lines of writing on the same sheet	..	..	..	0	4	0
Demy or medium paper, or any paper, vellum, or parchment of the same size, containing not more than thirty lines of writing	..	.	..	0	2	0
And for every additional thirty lines, and also for any fractional part of thirty lines of writing on the same sheet				0	2	0

	£	s.	d.
Post paper, or any paper, vellum, or parchment of the same or smaller size, containing not more than twenty-four lines	0	1	6
And for every additional twenty-four lines and also for any fractional part of twenty-four lines of writing on the same sheet	0	1	6

Provided always, that in respect to Master's reports in Chancery, and accounts current, it shall be lawful for any person to write the same upon both sides of a sheet of paper, without being liable to pay any further stamp duty than is hereby imposed upon one side of such paper.

JAMAICA—LAW 34 OF 1868.

A Law for giving Jurisdiction to the District Courts in Masters of Insolvency.*

[1st September, 1868.]

JAMAICA—LAW 35 OF 1868.

A Law for Giving a Limited Jurisdiction to the District Courts in the Probate of Wills, and Grant of Letters of Administration.†

[1st September, 1868.]

* Repealed by sec. 3 of Law 25 of 1871.

† May be omitted, District Courts having been abolished.

JAMAICA—LAW 36 OF 1868.

A Law to Abolish the Present Cornwall County Gaol at Montego Bay, and to make other Provision in lieu thereof.*

[1st September, 1868.]

JAMAICA—LAW 37 OF 1868.

A Law to Reduce the Quorum under the Falmouth Water Company Acts.

[1st September, 1868.]

BE it enacted by the Governor of Jamaica, with the advice and consent of the Legislative Council thereof, as follows :

Five Directors
a sufficient
quorum to do
business.

Five Directors of the said Company shall in future be a sufficient number to constitute a quorum for the transaction of the business of the Company.

JAMAICA—LAW 38 OF 1868.

A Law to Transfer to the Custos, or Senior Magistrate of Kingston, certain of the Powers and Duties by Law given to the Mayor of Kingston.

[1st September, 1868.]

Preamble.

WHEREAS under the Law 8 of 1866, for making alterations consequent upon the constitution of the Legislative Council, certain of the powers and duties given to, or imposed upon the Mayor of Kingston, were authorized to be

* Repealed by sec. 97 of Law 18 of 1882.

exercised and performed by the Chairman of the Municipal Board of Kingston : And whereas there are other powers and duties by former Acts of this Island given to, or imposed upon the Mayor of Kingston, for the transfer of which no provision has been made by Law : Be it enacted by the Governor of Jamaica, with the advice and consent of the Legislative Council thereof, as follows :

All and every the powers and duties given to, or imposed upon the Mayor of Kingston by any Act of this Island, for the performance or exercise of which by any other person no provision has been made by Law, shall and may, from and after the passing of this Law, be legally and effectually exercised and performed by the Custos of the City and Parish of Kingston, and, in his absence, by the Senior Magistrate of the said city and parish.

Powers and duties of Mayor of Kingston transferred to Custos or senior Magistrate.

JAMAICA—LAW 39 OF 1868.

A Law to Amend and Continue in Force, for a Limited Period, the Acts and Laws Relating to Insolvent Debtors.*

[22nd December, 1868.]

JAMAICA—LAW 40 OF 1868.

A Law to Continue in Force, for a Limited Period, the Law 2 of 1868, "A Law for Laying an Additional Duty on Imports."*

[22nd December, 1868.]

* Omitted as spent.

JAMAICA—LAW 41 OF 1868.

A Law to Amend and Continue in Force, for a Limited Period, the Law 25 of 1867, "A Law to Revive, Amend, and Continue in Force, for a Limited Period, the Act Fixing Salaries for the Clerks of the Peace and the Magistrates' Clerks."*

[22nd December, 1868.]

JAMAICA—LAW 42 OF 1868.

A Law to Make Permanent the Act to Reduce the Security of the Secretary of this Island.†

[22nd December, 1868.]

* Omitted as spent.

† Repealed by sec. 3 of Law 19 of 1872.

JAMAICA—LAW 1 OF 1869.

A Law to Vest in the Colonial Secretary of Jamaica the Lands heretofore Vested in Trustees for the Location of Immigrants, for the purpose of Conveying such Lands as have not been Allotted or Disposed of.

[6th February, 1869.]

WHEREAS by the Act seventh Victoria, chapter twenty-two, all the lands and hereditaments in the townships of Surry and Middlesex, which had not been allotted, granted, or conveyed under the provisions of the Acts therein recited, or which, having been so allotted, granted, or conveyed, had been abandoned by the parties to whom they were allotted, and their families, were respectively vested in certain Trustees: And whereas by the change in the Constitution of this Island certain of the said Trustees, who were Trustees ex-officio as Members of the House of Assembly, have ceased to be Trustees under the said Act, and there is no quorum of the remaining Trustees capable of acting in the premises: Be it enacted by the Governor of Jamaica, with the advice and consent of the Legislative Council thereof, as follows:

1—From and after the passing of this Law all lands and hereditaments which were vested in the aforesaid Trustees, and which have not been sold or disposed of by them, shall be, and the same are hereby vested in the Colonial Secretary of Jamaica and his successors for the purposes next hereinafter mentioned.

Land vested in former Trustees now vested in Colonial Secretary.

2—The Colonial Secretary of Jamaica and his successors shall have full power and authority to sell and dispose of all lands heretofore vested in the said Trustees under the said Act, being part of the former townships of Surry and Middlesex, and to convey and assure the same, and every part thereof, to the purchaser or purchasers thereof, for such consideration in money as to the Governor of this Island shall appear reasonable and proper, accounting for and paying over

Colonial Secretary to have power to sell.

the proceeds of such sales to the Treasurer of this Island for the use of the Government thereof, and to grant and convey the same to the purchasers in the form following, or to the like effect :

Jamaica.

Form of title.

I, the undersigned, Colonial Secretary of Jamaica, do hereby, by virtue of the Law of 1869, entitled (here set forth the number and title of this Law), in consideration of the sum of _____ paid to me by _____ grant and convey unto the said _____ and his or her heirs, all and every the lands situated in the Parish of _____ consisting of _____ acres mentioned, comprised, and delineated in the plat or diagram thereof, hereunto annexed, to hold such land, with their and every of their rights, members, and appurtenances unto and to the use of the said _____ his (or her) heirs and assigns for ever; as witness my hand and seal, this _____ day of _____ 186

Colonial Secretary may grant conveyances to persons already located who have had no title.

3—The Colonial Secretary of Jamaica and his successors are hereby authorized to execute and grant conveyances in the form aforesaid to such of the persons already located in the said townships, to whom or to whose relatives or families lands have been already allotted, but of which no grant or conveyance has been made by any person or persons heretofore authorized to execute the same.

Colonial Secretary to retain expenses from sale-monies.

4—The Colonial Secretary of Jamaica shall be entitled to retain out of the sale-monies all reasonable costs, charges, and payments to be by him made or sustained in respect of such sales.

A diagram by a surveyor to be annexed.

5—All grants and conveyances under this Law shall be exempted from stamp duty; and to every such grant or conveyance there shall be annexed a diagram of the lands comprised therein, attested by a sworn surveyor, and (except in

cases where such diagrams have been already made), the same shall be procured at the expense of the party to whom the land shall be granted and conveyed, and no conveyance shall be valid unless there be annexed thereto a diagram as aforesaid.

JAMAICA—LAW 2 OF 1869.

A Law to Repeal the Act Twenty-Seventh Victoria, Session One, Chapter Eighteen, "An Act to Establish a Tribunal or Inquiry and Report, by which, in Certain Cases, the Board of Trade may Cancel or Suspend the Certificate of the Master or Mate of any British Merchant Vessel," and to Re-enact the same, with Amendments.*

[6th February, 1869.]

JAMAICA—LAW 3 of 1869.

A Law to Provide for Carrying out of Capital Punishment within Prisons.†

[6th February, 1869.]

JAMAICA—LAW 4 OF 1869.

A Law to Consolidate the Customs, Excise, and Internal Revenue Departments.

[12th February, 1869.]

WHEREAS it is expedient to unite in one department Preamble.
the several departments of the Customs, Excise, and
Internal Revenue, and for that purpose to appoint a Collector

* Repealed by sec. 16 of Law 21 of 1873.

† Repealed by Section 97 of Law 18 of 1882.

General of Customs, Excise, and Internal Revenue, and to abolish the office of Collector, and the office of Controller of Customs, and to appoint a Collector of Customs for Kingston, who shall be subordinate to the said Collector General: Be it enacted by the Governor of Jamaica, with the advice and consent of the Legislative Council thereof, as follows:

The Crown may appoint a Collector General of the Customs, Excise, and Internal Revenue Departments.

Powers of such officer.

1—It shall be lawful for her Majesty, her heirs and successors, to appoint a Collector General of the Customs, Excise, and Internal Revenue Departments hereinafter in this Law referred to as Collector General, who shall hold his office during pleasure; and such Collector General shall be the chief officer of the Revenue from Customs, Excise, and other duties and taxes throughout the Island, except the Post Office Revenue; and shall, subject to the orders of the Governor, superintend, control, and direct all other Revenue officers, except the Postmaster for Jamaica, and the officers to him subordinate; and such Collector General shall have all the powers of a Collector or Sub-Collector in all the said Departments in every parish.

Offices of Collector of Customs and Controller of Customs abolished, and the Crown may appoint a Collector of Customs for Kingston.

His powers and duties.

2—The office of Collector of Customs, and the office of Controller of Customs as heretofore constituted, shall, from the passing of this Law, be abolished; and it shall be lawful for her Majesty, her heirs and successors, to appoint a Collector of Customs for the port of Kingston, who shall hold his office during pleasure, and shall be subordinate to, and under the control and supervision of, the Collector General; and such Collector of Customs for the port of Kingston shall have all the powers, duties, and responsibilities in regard to the Customs of that port, now by Law possessed by Collectors or Sub-Collectors of the out-ports of the Island, in regard to their out-ports respectively.

● The Crown may appoint a successor to each officer.

3—On the death, resignation, or otherwise vacating of either of the offices constituted under this Law, her Majesty, her heirs and successors, may appoint a successor thereto,

who shall hold office during pleasure, and shall have the same powers, duties, and responsibilities as the officer in whose place he shall have been appointed.

4—It shall be lawful for the Governor in Privy Council to make from time to time orders and rules for the conduct of the business of all the departments under the Collector General, and for the guidance of all persons employed in such departments, and to fix fines for breach of any of such orders or rules, not exceeding the sum of fifty pounds, and to regulate the classes and grades into which such officers, clerks, and persons shall be divided, and to make rules under which they may be promoted or degraded; and the orders, rules, and regulations now in force for the said departments shall be in force and acted upon in so far as they may not be altered or revoked by orders and rules made under authority of this Law.

Governor in
Privy Council
to make rules
and orders.

5—*

6—*

7—*

JAMAICA—LAW 5 OF 1869.

A Law to Revive, Continue in Force, and make Permanent the Act Twenty-Sixth Victoria, Session One, Chapter Six, to Provide a Fixed Salary for the Attorney General of this Island.†

[12th February, 1869.]

* Repealed by Section 241 of Law 18 of 1877.

† Repealed by sec. 1 of Law 19 of 1873.

JAMAICA—LAW 6 OF 1869.

A Law to Vest in the Crown the Power of Appointing certain Officers.

[19th February, 1869.]

Preamble.

WHEREAS it is expedient to vest in her Majesty, her heirs and successors, the power of appointing certain officers, whose offices are constituted by certain Laws passed by the past or present Legislature of this Island : Be it enacted by the Governor of Jamaica, with the advice and consent of the Legislative Council thereof, as follows:

So much of Laws in first schedule as authorizes the Governor to appoint repealed, and Crown to make future appointments.

1—So much of the several Laws of this Island, in the first schedule to this Law mentioned, as authorizes the Governor to appoint to any one of the several offices, which are set down opposite to the titles of the respective Laws in the said schedule, is hereby repealed in respect of appointments hereafter to be made to the said offices, and the appointment to every such office, upon any vacancy hereafter occurring, is hereby vested in her Majesty, her heirs and successors.

Laws in second schedule amended in this respect, and Crown to appoint.

2—The several Laws of this Island, in the second schedule to this Law mentioned, in so far as they authorize the Governor to appoint to any of the several offices set down opposite to the title of the respective Laws in the said schedule, are hereby respectively amended in such respect, and the appointment to every such office is, and shall be vested in her Majesty, her heirs and successors: Provided, that the appointments already made under the said Laws shall be deemed provisional appointments, and shall continue in force until her Majesty's pleasure be known.

Present appointments provisional.

FIRST SCHEDULE TO WHICH THIS LAW REFERS.

DATE OR No. OF LAW.	TITLE.	OFFICE.
28 Vic. c. 21.	An Act to provide for the appointment of an officer for inspecting the several Revenue departments of this Island.	Inspector of Revenues.
8 of 1867.	A Law to organize a Constabulary Force.	Inspector-General and Deputy Inspector General of Police.
32 of 1867.	The Tax Collection Law, 1867.	Collector of Taxes.
35 of 1867.	The District Courts Law, 1867.	Judge of District Court —Clerk of District Court.

SECOND SCHEDULE TO WHICH THIS LAW REFERS.

DATE OR No. OF LAW.	TITLE.	OFFICE.
3 of 1868.	The Audit and Receiver-Generals department Law, 1868.	Auditor-General
18 of 1868.	The Post Office Law, 1868.	Postmaster for Jamaica.
20 of 1868.	A Law for abolishing the office of Receiver-General, and for transferring the powers and duties of that office to an officer to be called the Treasurer.	Treasurer of the Island.
28 of 1868.	A Law to consolidate the offices of the Registrar in Chancery and Clerk of the Patents and Clerk of the Supreme Court and Crown.	Registrar and Clerk of the Courts and Crown.
33 of 1868.	The Stamp Duty Law, 1868.	Commissioner of Stamps.

JAMAICA—LAW 7 OF 1869.

A Law to Provide for the Erection of New Markets and a Landing Place in the City of Kingston.*

[19th February, 1869.]

Preamble.

WHEREAS it is advisable to erect new markets, and a public landing place in the City of Kingston, and for that purpose it may be necessary to purchase lands: And whereas to carry out the objects aforesaid it is necessary to raise a loan: Be it enacted by the Governor of Jamaica, with the advice and consent of the Legislative Council thereof, as follows:

Short title.

1—This Law may be cited in all cases as “The Kingston Markets Law, 1869.”

Commissioners.
under this Law.

2—The persons for the time being holding the offices of Colonial Secretary, Financial Secretary, Director of Roads, Auditor General, and Custos Rotulorum of the Parish of Kingston, shall be, and are hereby appointed the Commissioners for effecting the aforesaid loan, and for purchasing requisite lands, and for carrying out the other purposes of this Law.†

Market sites
and additional
lands to be pur-
chased, vested
in Colonial
Secretary of
Jamaica.

3—The sites of the present markets, at the lower end of King Street, Kingston, adjoining the harbour, and of the market known as the Sollas market, at the corner of West Queen Street and Orange Street, Kingston, are hereby vested in the Colonial Secretary of Jamaica, and his successors; and all additional lands to be purchased or acquired for the purposes of this Law shall be also taken or conveyed to the Colonial Secretary of Jamaica and his successors; and the sites of the said markets, and the said additional lands, shall be held by him and them for the purposes of markets and a landing place, and for securing the repayment of the loan and interest as hereinafter mentioned.

* Amended by sec. 1 of Law 21 of 1887, by making the Auditor General cease to be a Commissioner under this Law.

† By sec. 1 of Law 4 of 1879, to be read as if words were added, which see.

4—The Commissioners appointed under this Law are hereby authorized, with the sanction of the Governor, to raise by debentures a sum not exceeding twenty thousand pounds, for defraying the costs of the erection of the said markets and landing place, and for the purchase of such additional lands as may be required for the purposes of this Law.

Commissioners with sanction of Governor to raise a loan not exceeding £20,000.

5—Such debentures shall be signed by the said Commissioners, or by a majority of them, and shall be in such form, and under such conditions, and for such sums as the said Commissioners, with the sanction of the Governor, shall determine; and shall be transferable and negotiable; and every such debenture shall be redeemable by the said Commissioners at such time or times, and in such manner as may be therein conditioned; and from the day on which any such debenture shall become redeemable accordingly, interest thereon shall cease: Provided, that the said Commissioners shall on that day have lodged with the Treasurer of this Island the money required for the redemption thereof.

Debentures redeemable according to conditions thereof.

6—All monies to be borrowed under the provisions of this Law shall be paid to the Treasurer of this Island, to the credit of the Commissioners under this Law.

Monies to be paid to Treasurer to credit of Commissioners.

7—The rents, fees, and profits which shall be realized from the markets in Kingston, after the passing of this Law, are hereby pledged for the due payment of all monies to be borrowed, in pursuance of this Law, and of the interest thereof; and such rents, fees, and profits are hereby vested in the said Commissioners as trustees, to be applied first for the payment of the interest becoming due on these debentures, secondly for the maintenance and keeping of the markets, and thirdly for the redemption of the debentures to such amounts from time to time as consistently with the conditions of the said debentures the Commissioners, with the sanction of the Governor, may determine.

Rents, fees, and profits of markets of Kingston pledged to payment of debentures and interest.

Persons capacitated by this Law may enter into contracts and give titles.

8—It shall be lawful for all Bodies and persons, particularly for all corporations, tenants for life or in tail, or for any other partial or qualified estate or interest, husbands, guardians, trustees, and feoffees in trust for charitable and other purposes, executors, administrators, committees, and all trustees and persons whomsoever, not only for themselves, their heirs and successors, but also for and on behalf of their wives and wards, and as to such committees also for and on behalf of the lunatics and idiots of whom they shall be the committees respectively, and as to all such corporations, tenants in tail or for life, trustees, and feoffees in trust, executors, administrators, and other persons as aforesaid, also for and on behalf of their *cestuique trust*, whether infants, issue unborn, lunatics, idiots, *femes covert*, or other persons, and for all *femes covert* seized or possessed of or interested in their own right, or entitled to dower or other interest in, and for other persons whomsoever who are or shall be seized or possessed of or interested in any lands, tenements, or hereditaments, to contract for, sell, or convey the same or any part thereof unto the Colonial Secretary of Jamaica, and his successors, for the purposes of this Law; and all such contracts, sales, and conveyances shall be made at the expense of the said Commissioners, and shall be made according to the following form, or as near thereto as the circumstances of each case will admit or require :

Form of conveyance.

I, A. B. of _____ in consideration of the sum of _____ paid to me by the Commissioners under "The Kingston Markets Law, 1869," in pursuance of the said Law, grant and convey unto the Colonial Secretary of Jamaica, and his successors, all that (here describe the parcel or parcels to be conveyed), together with all rights and appurtenances thereunto belonging; to have and to hold the same unto and to the use of the said Colonial Secretary of Jamaica, his successors and assigns forever, according to the true intent and meaning of the said Law: In witness whereof I have hereunto set my hand and seal this _____ day of _____ in the year of our Lord

And all such conveyances as aforesaid shall be valid and effectual in the Law to all intents to vest in the said Colonial Secretary of Jamaica, his successors and assigns, the lands, tenements, and hereditaments thereby conveyed, or the rights and liberties thereby granted, freed, and discharged from all other estates, rights, titles, interests, and incumbrances whatsoever affecting the same.

9—On or before the expiration of one calendar month next after notice in writing from the said Commissioners of their intention to take any land, tenement, or hereditament, or any part thereof, for the purposes of this Law, shall have been given to any Body or person seized, possessed of, or entitled in or authorized by this Law to accept or receive satisfaction or compensation for the value of the same, or any estate, share, or interest therein, or charge thereon, or for any damage sustained on account of the execution of this Law, such Body or person shall deliver, or cause to be delivered to the said Commissioners a statement, in writing, of the particulars of the estate, share, interest, or charge which they or he claim to be entitled to, or to be authorized to receive satisfaction or compensation for, and of the damage sustained by them or him, and of the amount of the sum of money which they or he may expect and may be willing to receive in satisfaction or compensation for the value of such estate, share, interest, or charge, and for such damage respectively.

One month after notice in writing from Commissioners any Body or person entitled to give particulars of their or his estate and claim for compensation.

10—All Bodies and persons by this Law capacitated to sell and convey any lands, tenements, or hereditaments, or any share, estate, or interest therein, may accept and receive satisfaction or compensation for the value of such lands, tenements, and hereditaments by them or him conveyed, and also compensation for and on account of any damage sustained by them or him by reason or on account of the execution of any of the powers of this Law, in such gross sums as shall be agreed upon between the said owners (including persons hereby capacitated as aforesaid) and occupiers respectively and the said Commissioners; and in case the said Commissioners

Bodies and persons hereby capacitated to convey may accept compensation. In case of disagreement, to be settled by Judge of District Court, Kingston.

and such parties respectively shall not agree as to the amount of such purchase-money, satisfaction, or compensation, the same shall be ascertained and settled by the Judge of the District Court of Kingston, who is hereby authorized to regulate the proceedings on any such enquiry, and who shall assess the sum of money to be paid for purchase-money, or by way of satisfaction or compensation; and the judgment thereupon to be pronounced, and all orders made by the said Judge in any such matter, shall be entered of record in the office of the Clerk of the District Court, and be binding and conclusive to all intents and purposes upon all parties and persons whomsoever, and may be enforced and carried out in the manner as any other judgment or order of the District Court; and such Judge shall have and exercise in the premises all or any of the powers for compelling the attendance and swearing of parties and witnesses, and otherwise as may for the time being be vested in him as such Judge of the District Court.

Upon payment or tender of such compensation, or in case the parties cannot be found, or refuse, or are unable to make a good title or investment thereof in the Public Treasury, Commissioners may enter, and premises vest in the Colonial Secretary of Jamaica.

11—Upon payment or legal tender of any sum or sums of money, which shall have been agreed upon between the parties, or awarded by the Judge of the District Court in manner aforesaid to the respective proprietors of such lands, tenements, or hereditaments, and other persons respectively interested therein, and entitled to receive such money, or satisfaction, or compensation respectively; or, if the parties so respectively entitled, or interested as aforesaid, cannot be found, or shall refuse to receive such monies as aforesaid, or shall refuse, neglect, or be unable to make a good title to, or shall refuse to execute the necessary conveyances or assurances of the premises; or in case such money shall be liable to be invested in the purchase of other lands, tenements, or hereditaments, then, and in any of such cases, upon lodgment of such money in the Public Treasury, as is hereinafter directed, within three calendar months after the same shall have been so agreed upon or awarded, or after such tender, refusal, neglect, or disability shall be made or discovered for the use of the party entitled

thereto, it shall be lawful for the said Commissioners forthwith to enter upon, and take possession of such lands, tenements, and hereditaments, and to make and construct the buildings or works by this Law authorized, and in respect of which such satisfaction or compensation shall have been agreed upon or awarded; and such lands, tenements, and hereditaments, and the fee simple and inheritance thereof, and all the estate and interest of every person whomsoever therein, shall thereupon be vested in and become the sole property of the Colonial Secretary of Jamaica, and his successors, to and for the purposes of this Law; and such payment, tender, or lodgment of money shall not only bar all the right, title, interest, claim, and demand of all such persons, and operate to merge outstanding or other terms of years, but also shall bar the dower of the wife of every such person, and all estates' tail, and other estates in reversion and remainder, or otherwise of his issue, and of every person whomsoever therein: Provided, that until such payment, or tender, or lodgment in the Public Treasury of this Island as aforesaid shall have been made, it shall not be lawful for the said Commissioners, or for any person acting under their authority, to enter upon such lands, tenements, or hereditaments for any of the purposes of this Law, without the previous consent of the owners and occupiers thereof respectively.

12—In case any person to whom any money shall be awarded under this Law for any estate or interest shall refuse to accept the same, or shall refuse, neglect, or be unable to make a good title to any lands, tenements, or hereditaments for the purposes of this Law, or shall be absent from this Island, or cannot be found, or if any person entitled to convey such lands, tenements, or hereditaments be not known, or be absent from the Island, then and in such case it shall be lawful for the said Commissioners to cause the money so awarded to be lodged in the Public Treasury, to be placed to the credit of the parties interested in the said lands, tenements, or hereditaments (describing them as far as the said Commissioners can do so); and the Treasurer of this

In case of refusal or of not making titles, &c., monies to be paid into the Office of the Treasurer.

Island shall give a receipt for the same, mentioning and specifying therein for what and for whose use the same is received; and such Treasurer is hereby authorized and required to invest, or to have invested all such money in the names of the Permanent Under Secretary of State for the Colonial Department, and of the Crown Agent for the Colonies for the time being, in such of the Public Funds or Parliamentary Securities of Great Britain, as may be directed by any order of the said Commissioners, under the sanction of the Governor in that respect, in one entire sum, or in parcels thereof, as such order shall specify and direct; and if in any case it may be shown to the satisfaction of the said Commissioners, with such sanction as aforesaid, to be right and proper to delay the investing of any money, such money may be directed to remain in the hands of the Treasurer of this Island, but without any interest thereon.

Monies to be paid out under order of Judge of District Court, Kingston.

13—Every sum of money invested under the authority of this Law, and the interest or dividends thereof, shall be paid or applied under the order of the Judge of the District Court of Kingston.

Commissioners may alter streets adjoining markets.

14—The said Commissioners shall have power to alter, for the purposes of this Law, such of the streets or lanes, or parts of streets or lanes of Kingston, adjoining the said markets, as they may consider to be necessary.

Director of Roads to complete buildings with concurrence of other Commissioners, and under powers of Law 16 of 1868.

15—The Director of Roads, as Superintendent of Public Works, with the concurrence of the said other Commissioners, shall have power to construct the said new markets and landing place, and for that purpose shall have all the powers that are by the "Law 16 of 1868" given to him with reference to the erection of public buildings, and for making and enforcing contracts in relation thereto.

Commissioners after erection of new markets may rent out or lease same.

16—The Commissioners under this Law shall be authorized and empowered, after the erection of the new markets, from time to time to rent or lease, for such term of years as to them shall appear most advantageous, the whole or any of

the public markets in the City and Parish of Kingston, with all or any rights and appurtenances thereunto belonging, or else to make from time to time such arrangements as may seem best for letting to individuals of stalls in the said markets, and of the right to use the said markets, and any part thereof, and any stalls therein, in any manner.

17—The said Commissioners, on proof to the satisfaction of themselves and the Governor, that any debenture issued under this Law has been by accident lost or destroyed before the same shall be paid off, may, if the number and amount of such debenture be ascertained, and upon being furnished with due security for indemnifying the said Commissioners from any loss to which they may be at any time subjected by reason thereof, issue a new debenture corresponding in all respects with the debenture so lost or destroyed; or if any debenture when so lost or destroyed shall be overdue, may cause the money due thereon to be paid off: Provided, that before any debenture shall be renewed, or payment as aforesaid shall be made, notice shall be published for four consecutive weeks in the “Jamaica Gazette by Authority” of the date, number, and other particulars of the debenture alleged to be lost or destroyed.*

Lost debentures may be renewed.

JAMAICA—LAW 8 OF 1869.

A Law to Prevent the Running at Large of Infected Horses, Mules, and Asses.

[19th February, 1869.]

BE it enacted by the Governor of Jamaica, with the advice and consent of the Legislative Council thereof, as follows:

1—No person shall, after the passing of this Law, put to pasture, or suffer to run at large in or upon any pasture, common, savanna, or waste ground, or in or upon any high-

No person to put to pasture, &c., any infected horse, mare, gelding, mule, or ass,

* By sec. 1 of Law 4 of 1879 to be read as if a section were added, which see.

way, or street, or lane, any horse, mare, gelding, mule, or ass infected with scab, mange, farcy, glanders, or other infectious disease, upon pain of forfeiting, for every such offence, a sum not exceeding five pounds, to be recovered in a summary manner before any two Justices of the Peace of the parish in which the offence shall be committed: Provided, that nothing herein contained shall extend to prevent any person injured by any such act from bringing his action in any Court of Record in this Island for the damage sustained.

Proviso.

Justice on proof may order infected animal to be destroyed.

2—On proof being made before a Justice of the Peace that any horse, mare, gelding, mule, or ass is infected as aforesaid, and put to pasture, or suffered to run at large as aforesaid, such Justice shall order the animal to be destroyed; an order signed by such Justice to the effect aforesaid shall be a sufficient authority to any member of the Constabulary Force to enter upon the premises where such animal is, and to carry out the said order; and any person resisting or obstructing the execution of such order shall be liable to a penalty not exceeding five pounds.

Application of penalties.

3—All penalties imposed by this Law shall be applied, one moiety to her Majesty, her heirs and successors, for and towards the support of the Government of this Island, and the other moiety to the informer, or the person who shall sue for the same.

JAMAICA—LAW 9 OF 1869.

A Law to Amend the Laws for the Admission of Attorneys, Solicitors, and Proctors in Jamaica.

[25th February, 1869.]

Preamble.

WHEREAS it is expedient to amend and consolidate the Laws relating to the admission and enrolment of Attorneys, Solicitors, and Proctors, and to the services of artied clerks to Attorneys, Solicitors, and Proctors in this Island: Be

it therefore enacted by the Governor of Jamaica, with the advice and consent of the Legislative Council thereof, as follows :

1—This Law may be cited as “ The Attorney’s Admission Law, 1869.” Short title.

2—From and after the passing of this Law no person shall act as an Attorney, Solicitor, or Proctor unless such person shall be duly qualified to act as an Attorney, Solicitor, or Proctor by virtue of the Laws in force at the time of the passing of this Law, or unless he shall, after the passing of this Law, be admitted and enrolled, or otherwise become duly qualified to act as an Attorney, Solicitor, or Proctor, pursuant to the directions and regulations of this Law, and unless such person shall continue to be so duly qualified at the time of his acting in the capacity of an Attorney, Solicitor, or Proctor as aforesaid : Qualification of Attorneys, Solicitors, and Proctors. Provided, that nothing in this Law contained shall be construed to prevent any person other than an Attorney, Solicitor, or Proctor, by the District Courts Proviso. Laws permitted to act for another in those Courts from so acting, notwithstanding he shall not have been admitted as an Attorney, Solicitor, or Proctor.

3—No person shall, from and after the passing of this Law, be capable of being admitted and enrolled as an Attorney, Solicitor, or Proctor, save as hereinafter provided, unless such person shall have been bound by articles in writing to serve as a clerk for and during the term of five years to a practising Attorney, Solicitor, or Proctor in this Island, and shall have duly served under such articles in the office of such Attorney, Solicitor, or Proctor, (who, for the purposes of this Law, shall be deemed to have but one office, that namely in the town or place where he resides, and which he personally controls and superintends), for and during the said term of five years, and also unless such person shall, after the expiration of the said term of five years, have been examined in the manner hereinafter directed, and sworn as hereby required previously to No person to be admitted an Attorney, &c., unless bound by articles to serve, and he shall have served five years, and passed an examination.

Proviso.

such admission and enrolment : Provided always, that no person shall be so bound by articles as aforesaid if under the age of sixteen years.

4—*

No Attorney, Solicitor or Proctor, shall have more than two Clerks at one and the same time bound by articles to serve him as Clerks ; and no Attorney, Solicitor or Proctor, shall take or retain any Clerk, bound by articles as aforesaid, after such Attorney, Solicitor, or Proctor shall have left off practising as or carrying on the business of an Attorney, Solicitor or Proctor, nor whilst such Attorney, Solicitor or Proctor shall be employed as a Writer or Clerk by any other Attorney, Solicitor or Proctor : and service by any Clerk, so bound by articles to an Attorney, Solicitor or Proctor, for and during any part of the time that such Attorney, Solicitor or Proctor shall be so employed as Writer or Clerk by any other Attorney, Solicitor or Proctor shall not be accounted as good service under such articles.

Discharge or assignment of articles on insolvency of Attorney, &c.

5—In case any Attorney, Solicitor, or Proctor, to whom any clerk shall be bound by articles as aforesaid, shall, before the end or determination of such contract, take the benefit of any Act or Law for the relief of insolvent debtors, or be imprisoned for debt, and remain in prison for the space of fourteen days, it shall be lawful for the Supreme Court of this Island, or any Judge thereof, upon the application of such clerk, to order and direct the said articles to be discharged or assigned to such other Attorney, Solicitor, or Proctor, and upon such terms as the said Court or Judge shall think fit.

Attorneys, &c. of superior Courts in England or Ireland, and writers to the signet, and Solicitors in Scotland eligible to be admitted.

6—Every person who shall produce his admission, and shall shew that he is duly qualified to act as an Attorney, Solicitor or Proctor in some of the Superior Courts of Law or Equity in England or Ireland, or as a writer to the signet, or Solicitor in Scotland, shall be qualified to be sworn and to be admitted and enrolled as an Attorney, Solicitor, or Proctor under this Law.

* New section substituted by sec. 1 of Law 13 of 1887.

7—Whenever any person shall, after the passing of this Law, be bound by articles in writing to serve as clerk to any Attorney, Solicitor, or Proctor as aforesaid, such Attorney, Solicitor, or Proctor shall, within three months after the date of such articles, make and duly swear, or cause or procure to be made and duly sworn, an affidavit or affidavits of such Attorney, Solicitor, or Proctor hath been duly admitted, and also of the actual execution of such articles by him the said Attorney, Solicitor, or Proctor, and by the person so to be bound to serve him as a clerk as aforesaid; and in every such affidavit shall be specified the name of every such Attorney, Solicitor, or Proctor, and of every such person so bound, and their places of abode respectively, together with the day on which such articles were actually executed; and such affidavit shall be endorsed on the articles to be recorded as next mentioned: and they, and the affidavit thereon endorsed as aforesaid, shall be duly recorded in the Office of the Registrar and Clerk of the Courts and Crown within three months next after the execution of such articles.

Affidavit of execution of articles to be recorded with articles within three months.

8—Provided always, that in case such articles and affidavit shall not be recorded within such three months, the same may be recorded by the Registrar and Clerk of the Courts and Crown after the expiration thereof, but the service of such clerk shall be reckoned to commence and be computed from the day of recording such articles and affidavit, unless the Supreme Court shall otherwise order.

If recorded after three months to reckon only from date of record.

9—No person who shall, from and after the passing of this Law, become bound as aforesaid, shall be admitted an Attorney, Solicitor, or Proctor before such articles and affidavit, so recorded as aforesaid, shall have been produced to the Supreme Court, unless the said Court shall think fit to dispense with the production thereof.

Articles and affidavit to be produced to Supreme Court before admission.

10—If any Attorney, or Solicitor, or Proctor, to or with whom any such person shall be so bound, shall die before the expiration of the term for which such person shall be so

In case of death or retirement from business of At-

torney, &c,
articles may be
assigned.

bound, or shall discontinue or leave off practice as an Attorney, Solicitor, or Proctor, or if such articles shall by mutual consent of the parties be cancelled, or in case such clerk shall be legally discharged before the expiration of such term by the rule or order of the Supreme Court, such clerk shall and may in any of the said cases be bound by other articles in writing, or by an assignment of his former articles, recorded in like manner as his first articles, to serve as apprentice to any other practising Attorney, Solicitor, or Proctor, or Attorneys, Solicitors, or Proctors during the residue of the said term ; and service under such second or other articles, or under such assignment in manner hereinafter mentioned, shall be deemed and taken to be good and effectual : Provided, that an affidavit be duly made of such second or other articles, or of such assignment, or of the making of any order under the next section of this Law, within the time and in the manner hereinbefore directed, and subject to the like regulations with respect to the original articles and affidavit of the execution thereof in so far as the same respectively are applicable thereto.

Proviso.

Such assign-
ment may be
by order of
Court.

11—In the event of any articed clerk as aforesaid requiring to have an assignment made of his articles under the last preceding section, it shall be lawful for the Supreme Court, or for any one of the Judges of the said Court, upon application being duly made by or on behalf of such articed clerk, on its being satisfactorily shewn that a difficulty exists in procuring such assignment to be executed from any cause whatsoever, to order that such articles shall be so assigned to such person as to the Court or Judge may seem fit ; and, upon the making of any such order, the said articles shall be deemed and taken to be absolutely and lawfully assigned.

Articed clerk
not to engage
in any other
employment.

12—No person hereafter bound by articles of clerkship to any Attorney, Solicitor, or Proctor shall, during the term of service mentioned in such articles, hold any office, or engage in any employment whatsoever other than the employment of clerk to such Attorney, Solicitor, or Proctor, and his

partner or partners (if any) in the business, practice, or employment of an Attorney, Solicitor, or Proctor; and every person who shall have been or shall be bound as an artied clerk as aforesaid shall, before he be admitted as an Attorney, Solicitor, or Proctor according to this Law, prove, by an affidavit of himself and of the Attorney, Solicitor, or Proctor, to whom he was bound as aforesaid, to be duly made and filed with the Registrar and Clerk of the Courts and Crown, that he has actually and really served and been employed by such practising Attorney, Solicitor, or Proctor, and that he has not held any office, or engaged in any employment whatsoever other than the employment of artied clerk to such Attorney, Solicitor, or Proctor, and his partner or partners (if any) in the business, practice, and employment of an Attorney, Solicitor, or Proctor, during the whole time and in the manner required by the provisions of this Law, and such affidavit may be in the form to be approved of by the Judges of the Supreme Court.

13—The Judges of the Supreme Court shall make regulations for the preliminary examination in such branches of general knowledge as they may deem proper of all persons hereafter desirous of becoming bound as aforesaid under articles in writing as clerks to Attorneys, Solicitors, or Proctors, and such preliminary examination shall be duly passed before any such person can so become bound; and the said Judges may, if they think fit, make regulations for the intermediate examination in such branches of general knowledge and of Law as they may deem proper of all persons so bound and serving as aforesaid, after they shall have so served for so much of the full term of such service as the said Judges shall think fit; and no service after that time shall be taken into account until such examination shall have been duly passed; and the said Judges shall from time to time make regulations for the final examination, in such branches of Law as they may think necessary, of persons so serving as aforesaid, or having so served for the full term of their articles; and the said Judges may from time to time alter any of the

Judges of Supreme Court to make regulations as to examination of persons becoming bound, and during continuance and on expiration of articles.

regulations made as aforesaid that they may think fit to alter ; and may from time to time appoint examiners for conducting such examination in such manner as they may think fit ; and no person required to pass such final examination shall be capable of being sworn, admitted, and enrolled as an Attorney, Solicitor, or Proctor until he shall have duly passed the said final examination.

Judges to inquire before admission as to service and general fitness of person seeking to be admitted.

14—The Judges of the Supreme Court are hereby authorized and required, before any person shall be admitted an Attorney, Solicitor, or Proctor, to inquire by such ways and means as they shall think proper touching the clerkship and service and the general fitness and capacity of such person to act as an Attorney and Solicitor, or Proctor ; and if the said Judges shall be satisfied by such inquiry that such person, having duly passed the prescribed examinations, is a fit and capable person to become an Attorney, Solicitor, or Proctor, then and not otherwise the said Judges are hereby authorized and required to administer to such person the oath now by Law required to be taken by persons requiring to be admitted as Attorneys ; and after such oaths taken to cause him to be admitted and enrolled as an Attorney, which admission shall be written on parchment or thick paper and signed by such Judges, or one of them.

Registrar and Clerk of the Courts and Crown to have custody of rolls of Attorney.

15—The Registrar and Clerk of the Courts and Crown shall be the proper officer to have the care and custody of the rolls and books wherein persons are at present enrolled as Attorneys in the Supreme Court, and he shall and is hereby required from time to time to enrol in alphabetical order, the name of every person who shall be admitted as an Attorney, pursuant to the directions in this Law, and the time when admitted, in rolls or books to be kept for that purpose.

Person admitted in Supreme Court entitled on production of such admission to be admitted in any other Court.

16—Every person who shall have been duly admitted and enrolled as an Attorney of the Supreme Court, shall thereupon be entitled to be admitted to practise in any other Court of this Island on the production to such Court of his admission in the Supreme Court.

17—No person who shall have duly served his clerkship under articles in writing, pursuant to the provisions of this Law, shall be prevented or disqualified from being admitted and enrolled as an Attorney, Solicitor, or Proctor, or be liable to be struck off the roll, if already admitted by reason or in consequence of the Attorney, Solicitor, or Proctor, to whom he may have been bound by such articles, having been after such service struck off the roll: Provided, that such apprentice be otherwise entitled to be admitted and enrolled according to the provisions hereinbefore contained.

No person to be disqualified by reason of attorney, &c., under whom he served being struck off the rolls.

Proviso.

18—No person who has been admitted and enrolled shall be liable to be struck off the roll for or on account of any defect in the articles of apprenticeship, or in the recording thereof, or in his service under such articles, or in his admission and enrolment, unless the application for striking him off the roll be made within twelve months from the time of his admission and enrolment: Provided, that such articles, record, service, admission, or enrolment be without fraud.

No person to be disqualified by any defect in articles, &c., unless the application made within twelve months.

Proviso.

19—When the name of an Attorney, or Solicitor, or Proctor is ordered to be struck off the roll of Attorneys, Solicitors, or Proctors of any Court, on his own application, or on the application of any other person, the rule or order for that purpose shall forthwith, and before the same is acted upon, be produced to the Registrar and Clerk of the Courts and Crown, and such officer shall enter a note or minute of such rule or order in connection with the name of such Attorney, or Solicitor, or Proctor on the roll of Attorneys, Solicitors, and Proctors kept by him, and shall strike such name off such roll, and shall mark such rule or order as having been entered.

Rule to strike any Attorney, &c. off the roll to be produced to the Registrar and Clerk of the Courts and Crown, who shall strike such name off the rolls.

20—Every person who shall have his name struck off the roll of any Court pursuant to the provisions of this Law, shall cease to be qualified to act in the capacity of an Attorney, Solicitor, or Proctor: Provided always, that in case such person shall at any time thereafter, by the rule or order of the Court, by the rule or order of which he was struck off the

Person whose name shall be struck off the rolls shall cease to act as an Attorney, &c., but on restoration by rule of same Court to be re-

stored to roll,
and entitled to
practice.

roll of the said Court, be re-admitted to practice in the said Court, he shall thereupon become entitled to have his name restored to the roll directed to be kept by the said Registrar and Clerk of the Courts and Crown, and shall thereupon be entitled to resume practice as an Attorney, Solicitor, or Proctor.

Person acting
as Attorney, &c.,
without being
qualified guilty
of contempt of
Court, for which
he may be pun-
ished and fur-
ther liable to
penalty of fifty
pounds.

21—Every person who shall in his own name, or in the name or any other person act as an Attorney, Solicitor, or Proctor, contrary to the enactments hereinbefore mentioned, without being duly qualified so to act, and not being himself the plaintiff or defendant in or a party to such proceedings respectively, shall be deemed guilty of a contempt of the Court in which the action, suit, cause, matter, or proceeding in relation to which he so acts is brought, had, or taken, and may be punished accordingly; and shall be incapable of maintaining any action or suit for any fee or reward for or in respect of anything done, or any disbursement made by him in the course of so acting; and shall, in addition to any other penalty or forfeiture, and to any disability to which he may be subject, forfeit and pay for every such offence the sum of fifty pounds, to be recovered with full costs of suit by action brought, with the sanction of the Attorney General in the District Court, in the name of any duly qualified Attorney, Solicitor, or Proctor, and such penalty shall be applied in like manner as other fines and penalties are now by Law applicable.

Unqualified per-
sons preparing
deeds, &c., for
reward liable to
penalty of
twenty pounds.

22—If any person shall, after the passing of this Law, draw any deed, will, conveyance, bond, power of attorney, or legal instrument whatsoever for any fee or reward, pecuniary or otherwise, without being duly admitted and enrolled as an Attorney, Solicitor, or Proctor, as hereinbefore mentioned, or being a member of the bar, he shall be liable to a penalty, not exceeding twenty pounds, to be recovered by plaint in the District Court like any other debt or demand, one moiety of such penalty to go to the Crown for the general uses of this Island, and the other moiety to go to the informer.

23—Nothing in this Law contained shall prejudice or take away the right or power of the Supreme Court to dispense, in any particular case, and under special circumstances, with any of the rules or conditions relating to the admission or examination of an Attorney, Solicitor, Proctor, or Clerk. Supreme Court may in certain cases dispense with rules, &c.

24—The second, third, and fourth sections of the Act fourth George the third, chapter eight, and the Act fourteenth George the third, chapter three, and so much of the fourth section of the Act thirty-third Charles the second, chapter twenty-three, as applies to the admission of Attorneys, is hereby repealed, without prejudice however to any thing done under the said Acts, whilst in force. 4 Geo. 3, c. 8 secs. 2, 3, and 4, 14 Geo. 3, c. 3, and 33 Car. 2, c. 23, s. 4, as applies to the admission of attorneys, repealed.

JAMAICA—LAW 10 OF 1869.

A Law to Repeal the Law 15 of 1868, entitled “A Law to Repeal the First and Second Sections of the Act Fourth George the Fourth, Chapter Thirteen, entitled ‘An Act for the more Effectual Punishment of Treason, Treasonable Conspiracies, and Seditious Meetings, and for Preventing the Administering and Taking of Unlawful Oaths, and for other purposes,’ and to make other Provisions instead thereof,” and to Re-enact the same with Amendments. [6th March, 1869.]

WHEREAS the Law 15 of 1868 has been found to be defective, and it is therefore desirable that the said Law should be amended and re-enacted in the respects hereinafter mentioned: Be it therefore enacted by the Governor of Jamaica, with the advice and consent of the Legislative Council thereof, as follows: Preamble,

1—From and after the passing of this Law, the Law 15 of 1868, entitled *A Law to repeal the first and second sections of* Law 15 of 1868 repealed.

the Act fourth George the fourth, chapter thirteen, entitled "An Act for the more effectual punishment of treason, treasonable conspiracies, and seditious meetings, and for preventing the administering and taking of unlawful oaths, and for other purposes," and to make other provisions instead thereof, shall be, and is hereby repealed.

Short title.

2—This Law may be cited for all purposes as "The Treason Felony Law, 1869.

Punishment for intending to depose the Queen, or levy war against her, &c.

3—If any person or persons whosoever, after the passing of this Law shall, within this Island, compass, imagine, invent, devise, or intend to deprive or depose our most Gracious Lady the Queen, her heirs or successors, from the style, honor, or royal name of the Imperial Crown of the United Kingdom, or of any other of her Majesty's dominions and countries, or to levy war against her Majesty, her heirs or successors, in order by force or constraint to compel her or them to change her or their measures or counsels, or to put any force or restraint upon, or in order to intimidate or overawe both houses, or either House of Parliament, or to move or stir any foreigner or stranger with force to invade the United Kingdom, or any other of her Majesty's dominions or countries under the obeisance of her Majesty, her heirs or successors; and such compassings, imaginations, inventions, devices, or intentions, or any of them shall express, utter, or declare, by publishing any printing or writing, or by open and advised speaking, or by any overt act or deed, every person so offending shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the Court, to penal servitude for the term of his or her natural life, or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labor, as the Court shall direct.

Punishment for intending to levy war or excite insurrection, &c.

4—If any person or persons whosoever, after the passing of this Law shall, within this Island, compass, imagine, invent, devise, or intend to levy war, or excite insurrection against the Government of this Island, as by Law established, in or-

der by force or constraint to compel the Governor and Legislative Council, or either of them, to consent to alter or change the Constitution of this Island, as by Law established, or in order to put any force or constraint upon, or to intimidate and overawe the Governor and Legislative Council, or either of them, or to move or stir any foreigner or stranger with force to invade this Island, and shall express, utter, or declare, by publishing any printing or writing, or by open and advised speaking, or by any overt act or deed, such compassings, imaginations, inventions, devices, or intentions, or any of them, every person so offending shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to penal servitude for the term of his or her natural life, or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labor, as the Court shall direct.

5—If any person or persons whosoever, after the passing of this Law shall, within this Island, maliciously and advisedly endeavour to excite or stir up any person to commit any act of insurrection or rebellion, or make or endeavour to make any traitorous or rebellious assembly, or to commit any traitorous or rebellious act, or to engage in any confederacy, combination, or conspiracy for the purpose, by force or constraint, or otherwise than by lawful means, of effecting a change in the state or condition of the people of this Island, or by force or constraint of compelling the Governor and Legislative Council, or either of them, to consent to grant or agree to such change, or in order to put any force or constraint upon, or to intimidate or overawe the Governor and Legislative Council, or either of them, every person so offending shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to penal servitude for the term of his or her natural life, or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labor, as the Court shall direct.

Punishment for inciting to insurrection or rebellion, &c.

Persons not to be prosecuted for words only unless information given within six days and warrant issued within ten days.

6—Provided always, that no person shall be prosecuted for any felony by virtue of this Law in respect of such compassings, imaginations, inventions, devices, or intentions, in so far as the same are expressed, uttered, or declared by open and advised speaking only, unless information of such compassings, imaginations, inventions, devices, or intentions, and of the words by which the same were expressed, uttered, or declared, shall be given upon oath to one or more Justice or Justices of the Peace within six days after such words shall have been spoken, and unless a warrant for the apprehension of the person by whom such words shall have been spoken shall be issued within ten days next after such information shall have been given as aforesaid; and that no person shall be convicted of any such compassings, imaginations, inventions, devices, or intentions as aforesaid, in so far as the same are expressed, uttered, or declared by open and advised speaking as aforesaid, except upon his own confession in open Court, or unless the words so spoken shall be proved by two credible witnesses.

Any number of overt acts may be charged.

7—It shall be lawful, in any indictment for any felony under this Law, to charge against the offender any number of the matters, acts, or deeds by which such compassings, imaginations, inventions, devices or intentions as aforesaid, or any of them shall have been expressed, uttered, or declared.

Punishment of accessories before and after the fact.

8—In the case of every felony punishable under this Law, every principal in the second degree, and every accessory before the fact, shall be punishable in the same manner as the principal in the first degree is by this Law punishable; and every accessory after the fact to any such felony shall, on conviction, be liable to be imprisoned, with or without hard labour, for any term not exceeding two years.

No costs to be given to prosecutor or witnesses.

9—It shall not be lawful for any Court, before which any person shall be prosecuted or tried for any felony under this Law, to order payment to the prosecutor or the witnesses of any costs which shall be incurred in preferring or prosecuting any such indictment.

JAMAICA—LAW 11 OF 1869.

A Law to Enable the Governor to take over the Industrial and Reformatory School in Kingston, and to make Provision for the Maintenance thereof as a Government Reformatory, and to Constitute other Government Reformatories.*

[6th March, 1869.]

JAMAICA—LAW 12 OF 1869.

A Law to Repeal the Act Twenty-Sixth Victoria, Session One, Chapter Four, the Public Hospital Act, and to Re-enact the same with Amendments.

[8th March, 1869.]

WHEREAS it is expedient to make new provision for the government of the Public Hospital of Kingston : Be it enacted by the Governor of Jamaica, with the advice and consent of the Legislative Council thereof, as follows :

Preamble.

1—This Law may be cited for all purposes as “The Public Hospital Law, 1869.”

Short title.

2—The Act twenty-sixth Victoria, session one, chapter four, *An Act for the government of the Public Hospital of Kingston*, is hereby repealed, but all subsisting appointments under the said Act shall continue nevertheless during pleasure ; and the rules and regulations now in force for the government of the Public Hospital shall continue in force until other rules and regulations have been made under this Law.

26 Vic. sess. 1,
c. 4, repealed.

3—The general management of the Public Hospital shall be vested in the Chief Medical Officer of the institution, who shall be styled “Chief Medical Officer and Director of the Public Hospital.”

General management in
Chief Medical Officer and Director.

* Repealed by sec. 1 of Law 34 of 1881.

Appointment of successor to Chief Medical Officer, and of other officers, &c.

4—On the removal, death, or resignation of the Chief Medical Officer, the Crown may appoint a successor during pleasure, with the same functions, powers, and duties; and the Crown may also appoint one or more medical officers during pleasure, who shall be subordinate to the Chief Medical Officer and Director; and the Governor may from time to time appoint and remove such subordinate officers, medical, surgical, or otherwise, and such stewards, clerks, nurses, and other servants as he may deem necessary.

Governor in Privy Council to establish rules.

5—It shall and may be lawful for the Governor, in Privy Council, from time to time to establish rules and regulations for the admission of patients to the said Hospital, the performance of the duties of the officers and servants, and the good order and government thereof, as well as to fix the rates to be paid on admission for seamen and indentured persons, and by persons able to meet their expenses in the said Hospital, and to alter, amend, or revoke the same.

Governor to appoint Board of visitors.

6—It shall be lawful for the Governor from time to time to appoint such person or persons as he shall see fit to be a visitor or a board of visitors of the Public Hospital, with such powers and duties as the Governor, with the advice of the Privy Council, may from time to time direct.

Seamen and apprentices admitted only on guarantee for dues and funeral expenses.

7—No seaman hired, articed, or apprenticed to any vessel, and no person indentured or apprenticed to any estate or person shall be admitted into the Hospital except on occasion of serious accident, or other extreme emergency, until the consignee of such vessel, or the proprietor or agent of such estate, or the master or employer of the person indentured or apprenticed as aforesaid, as the case may be, shall have given a letter of guarantee to the Chief Medical Officer and Director, undertaking, to the extent of twenty pounds, for the payment of the Hospital dues at such rates as may be fixed by the rules and regulations under this Law, and for payment also of his funeral expenses in case of his death.

8—Every master and every consignee of a vessel from which any seaman not being a deserter from his vessel has been received into the Hospital, shall be liable for the Hospital dues, and funeral expenses of such seaman.

Master and consignee liable for seamen, (not being deserters), admitted into the Public Hospital.

9—In case any seaman, not being a deserter from his vessel, shall be admitted into the Hospital on occasion of serious accident or other extreme emergency, the Chief Medical Officer and Director shall call upon the consignee of the vessel to which such seaman belongs, to give security for the Hospital dues of such seaman and for his funeral expenses in case of his death, and in case of refusal or neglect, the Chief Medical Officer and Director may give notice to the Collector of Customs for Kingston, who shall not clear such vessel until such dues or expenses are paid, or security has been given for the same.

Chief Medical Officer and Director may call for security from Consignee of vessel; on default, he may give notice to Collector of Customs, Kingston not to clear vessel until dues, &c., paid or secured.

10—In the case of a pauper sent from any Parish of this Island by the Clerk of the Municipal Board, or by an Almoner of such Parish for treatment in the Public Hospital of Kingston, the expense of the maintenance of such pauper whilst in Hospital, and of returning him to his parish when discharged, or his funeral expenses in case of death, shall be defrayed from the Pauper Funds of such Parish.

Expenses of paupers in Hospital to be borne by Parishes.

11—All monies now or hereafter to be owing by, or on account of patients, or for their funeral expenses, may be recovered by the Chief Medical Officer and Director of the Public Hospital in the District Court of Kingston, or of the place where the defendant may reside, or may have last resided, at the option of the Chief Medical Officer and Director, without any limitation as to the amount to be recovered; in such proceedings the Chief Medical Officer and Director shall describe himself by his style or title of "Chief Medical Officer and Director of the Public Hospital," and such proceedings shall not abate by reason of the death, resignation, or removal of such officer, but may be continued and enforced by his successor.

Proceedings for recovery of dues, &c.

All monies received to be paid into Colonial Bank to the credit of the Treasurer.

12—All monies to be received under this Law, and the rules and regulations to be made in pursuance thereof for the benefit of the Hospital, shall be from time to time paid to the Colonial Bank, to the credit of the Treasurer of this Island, or otherwise, as may by Law be required, and shall be applicable to the expenses of the said Hospital, and shall be payable under the warrant of the Governor.

Commencement of Law.

13—This Law shall come into operation on the first day of May, one thousand eight hundred and sixty-nine.

JAMAICA—LAW 13 OF 1869.

A Law to Amend the Law 26 of 1867, "The Summary Procedure on Bills of Exchange Law, 1867."*

[8th March, 1869.]

JAMAICA—LAW 14 OF 1869.

A Law to Amend Law 32 of 1867, "The Tax Collection Law, 1867."†

[18th March, 1869.]

Preamble.

WHEREAS it is expedient to amend the Law 32 of 1867, "The Tax Collection Law, 1867," in the respects hereinafter mentioned: Be it enacted by the Governor of Jamaica, with the advice and consent of the Legislative Council thereof, as follows:

32 of 1867, secs. 23 and 41 repealed.

1—The twenty-third and forty-first sections of the said Law 32 of 1867 are hereby repealed.

* Repealed by sec. 2 of Law 25 of 1879.

† Powers, provisions, regulations and directions of this Law incorporated in Law 16 of 1889 by the 5th section of that Law.

2—Any action or prosecution against any person for any thing done in pursuance or execution, or intended execution of the above mentioned Law 32 of 1867, or any other Act or Law, relating to the collection of duties or taxes, shall be laid and tried in the parish or district where the thing was done, and shall be commenced within six months after the thing was done, and not otherwise.

Protection to
officers.

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

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

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

If a verdict passes for the defendant, or the plaintiff becomes nonsuited, or discontinues the action after issue joined, or if on demurrer or otherwise judgment is given against the plaintiff, the defendant shall recover his full costs between attorney and client, and shall have the like remedy for the same as any defendant has by Law for costs in other cases.

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

Appointments of Collectors, &c. during pleasure, and extent of liabilities on death or removal.

3—Every Collector of Taxes, and Assistant Collector of Taxes appointed or to be appointed under the said Law 32 of 1867 shall hold his office during pleasure, and that notwithstanding his having been appointed to some other office which under that Law he can hold concurrently with his office of Collector of Taxes, or Assistant Collector of Taxes; and, upon the death or removal from office of any such officer, the liabilities of himself and sureties under his or their bond or bonds shall cease, except in respect of any non-payment over of monies, or any other defaults previous to his death or removal, and such officer shall be deemed to have been in default in any case in which, within his knowledge, any duty, or tax, or instalment thereof, had fallen due, and payment thereof might have been enforced previously to his death or removal, upon proof being given that the same could have been collected or enforced previously to his death or removal.

Payment of first moiety limited to 10th day of August, if not then paid whole duties payable.

4—When payment of the duties is authorized to be made by moieties under the Law 30 of 1867, the time for payment of the first moiety is hereby declared to be limited to the tenth day of August in the year of the assessment; and if the payment of such moiety be not made by the said tenth day of August, or on the following day, if the tenth day of August shall fall upon a Sunday, the entire duties shall thereupon become payable and recoverable with the surcharge, if any, assessed thereon.

Duties may, be recovered in District Court.

5—Notwithstanding the remedies given by the "Tax Collection Law, 1867," and this Law, or any other Law relating to taxes or duties, the Collector of Taxes, and Assistant Collector of Taxes, may proceed for the recovery of any amount claimed for any taxes or duties, and for the surcharge thereon, before a Judge of a District Court, and such proceedings may be brought in the name of such Collector of Taxes, or Assistant Collector of Taxes, who shall describe himself by his name and office, and such proceedings shall not abate by the death, removal, or resignation of such Collector of Taxes, or Assistant Collector of Taxes,

but may be carried on and enforced by and in the name of his successor.

6—Every Collector of Taxes, or Assistant Collector of Taxes, shall have power to name and appoint a Bailiff for the purpose of making a distress for taxes and duties, and every such Bailiff shall have the like powers as his principal might or could have exercised in relation to such distress, and the proceedings thereunder, and shall be entitled to the like protection: Provided, that every such Collector, or Assistant Collector, shall be responsible for the acts of the Bailiff appointed by him.

Collectors and assistant Collectors of Taxes may appoint Bailiffs to make distress.

7—Whenever the goods and chattels, or other property of any person indebted for taxes or duties shall have been taken by the Provost-marshal, or his deputy, or by the Bailiff of any District Court, by virtue of any execution, warrant, or other process, it shall be lawful for the Collector of Taxes, or Assistant Collector of Taxes, to make a declaration in writing before a Justice of the Peace of his parish that such person is indebted for taxes or duties, stating the amount wherein such person is so indebted, and to deliver the same to the Provost-marshal, or his deputy, or the Bailiff of the District Court, who shall have seized such property; and it shall be the duty of the Provost-marshal, or his deputy, or the Bailiff of such District Court, to pay over to such Collector of Taxes, or Assistant Collector of Taxes, the net proceeds of any such levy, or a sufficient portion thereof in or towards satisfaction of the taxes or duties so declared to be due; and the declaration so made and delivered to the officer executing the process aforesaid, shall by such officer be returned to the Court out of which such process shall have issued as the authority for such payment.

Payment or duties from property taken by Provost-marshal, or deputy, or Bailiff of District Court.

8—If any person shall assault, hinder, or obstruct, or incite any person to assault, hinder, or obstruct any Collector of Taxes, or Assistant Collector of Taxes, or other officer in the performance of his duty, under any Act or Law relating

Penalty for obstructing officer.

to taxes or duties, every such person shall be liable to a penalty not exceeding ten pounds for every such offence, to be recovered as other penalties under the said Law 32 of 1867, and to be applied to the use of the Government of this Island.

Copies of rules
evidence.

9—Copies of all rules passed by the Governor in Privy Council for the regulation of the duties and the guidance of Collectors of Taxes, and Assistant Collectors of Taxes, and other officers, in relation to the departments of the Customs, Excise, and Internal Revenue, signed, or purporting to be signed by the Clerk of the Privy Council, and printed copies of such rules purporting to be printed by authority of the Government of this Island, produced from the office of the Collector General, or of any other officer of either of the said Departments, shall be received in all Courts as sufficient evidence of such rules.

JAMAICA—LAW 15 OF 1869.

A Law for Granting to her Majesty certain Sums of Money, required for Defraying certain Expenses of the Civil Government, and for Immigration, and certain other Expenses connected with the Public Service, for the Financial Year One Thousand Eight Hundred and Sixty-Eight—Sixty Nine.*

[18th March, 1869.]

JAMAICA—LAW 16 OF 1869.

A Law to Modify the Proviso to the Fourteenth Section of Law 17 of 1867, "A Law Imposing Licenses for the Sale of Spirits."†

[19th March, 1869.]

* Omitted as spent.

† Repealed by sec. 1 of Law 9 of 1875.

JAMAICA—LAW 17 OF 1869.

A Law to Amend and make Permanent the Act Twenty-Fifth Victoria, Chapter Eighteen, relating to Highways not being Main Roads.*

[31st March, 1869.]

JAMAICA—LAW 18 OF 1869.

A Law to Extend the Act Nineteenth Victoria, Chapter Thirty-Two, "The Sale and Barter of Metals Act, 1856," to Articles of Manufactured Gold, Silver, Plate, Plated Ware, and Jewelry, and Precious Stones and Bullion.

[27th April, 1869.]

WHEREAS it is expedient to extend the provisions of the Act Nineteenth Victoria, Chapter thirty-two, "The Sale and Barter of Metals' Act, 1856," to articles of manufactured gold, silver, plate, plated ware, and jewelry, and to precious stones and bullion, and to bring the dealers in such articles under the operation of that Law : Be it enacted by the Governor of Jamaica, with the advice and consent of the Legislative Council thereof, as follows :

1—The Act Nineteenth Victoria, Chapter thirty-two, "The Sale and Barter of Metals' Act, 1856," is hereby declared to be extended to, and to include, in addition to manufactured iron, copper, lead, brass, and other metallic substances, articles of manufactured gold, silver, plate, plated ware, and jewelry, which may have been already in use, and precious stones and bullion ; and the provisions of the said Act shall be read as if the said last-mentioned articles had been originally included in and formed part of the said Law : Provided, that bullion shall not, for the purposes of this Law, include either coin or foreign ingots.

Preamble.

19 Vic. c. 32, extended to manufactured gold, silver, plate, plated ware, jewelry and precious stones and bullion.

Proviso.

* Repealed by sec. 1 of Law 29 of 1873.

Dealers in the last mentioned articles subject to the provisions of the said Act.

2—Every person dealing in the purchase, or sale, or barter of articles of manufactured gold, silver, plate, plated ware, or jewelry, precious stones or bullion as aforesaid, shall in all respects be subject to the like duties, liabilities, obligations, and responsibilities, and be bound to comply with the requirements of the said Act, as extended by the provisions of this Law, under and subject to the like penalties and forfeitures as are in the said Act declared in respect to persons dealing in manufactured iron, copper, lead, brass, or other metallic substances therein mentioned, as fully and effectually as if the said Act had specially referred to articles of manufactured gold, silver, plate, plated ware, or jewelry, precious stones or bullion.

Duty of £5 substituted for the duty of £12 under the said Act, such duty in addition to the duty under Law 18 of 1867.

3—Instead of the duty of twelve pounds required under the second section of the recited Act there shall be paid by every person taking out a license under the said Act, as extended as aforesaid, a duty of five pounds for the whole time such license shall be in force, and such duty shall be in addition to the duty under the Law 18 of 1867, *A Law imposing licenses upon trades and business*; and such duty shall be paid, and the licenses granted in like manner as the duty and licenses under “The Sale and Barter of Metals’ Act, 1856;” and the form of license to this Law annexed shall be substituted for the license in the schedule to the said Act.

Payment of duty and grant of license under the said Act to 5th April, 1870, authorizes grant of license under this Law, and payment back of difference of duty.

4—Every person who shall have already paid the duty and taken out a license under the “Sale and Barter of Metals’ Act, 1856,” for the year ending on the fifth day of April, one thousand eight hundred and seventy, shall be entitled to obtain a license under this Law in substitution of the said license, and to receive back the difference of duty.

Declaration to this Law annexed, applicable to articles of manufactured gold, &c.

5—The form of declaration hereto annexed shall be used in reference to articles of manufactured gold, silver, plate, and plated ware, and to jewelry, precious stones, and bullion.

6—The said Act nineteenth Victoria, chapter thirty-two, is hereby incorporated with this Law, and the said Laws may be cited together as “The Sale and Barter of Metals’ Laws, 1856 and 1869.”

19 Vic. c. 32,
incorporated
with this Law.

SCHEDULE.

A.

FORM OF LICENSE.

Jamaica. }
(Name of parish.) }

At a special session of the peace in and for the Parish
of _____ held on the _____ day of _____ 18
A. B., of, &c., having been approved of as a fit and proper
person to be licensed to deal in manufactured gold,
silver; plate and plated ware, and jewelry, iron, copper,
lead, brass, and other metallic substances which have
been already in use, and in precious stones and bullion, is
hereby licensed to deal in the purchase, sale, and barter of
the said metals, metallic substances, jewelry, precious
stones, and bullion under “The sale and Barter of Me-
tals’ Laws, 1856 and 1869,” in the (shop) situate at
_____ in the said parish, from the date hereof
up to and until the fifth day of April, in the year
18 _____

C. P., Clerk of Peace.

FORM OF DECLARATION.

B.

Jamaica. }
(Name of parish.) }

I, A. B., of _____ do declare, that
(here describe the articles or article specifically and
fully), weighing _____ ounces (troy) are (or is) my
property, and were (or was) by me purchased or im-

ported when new (or otherwise, according to the fact),
 from _____ of _____ on or about the
 day of _____ 18 _____ and have (or has) been by me
 ever since used, or have (or has) remained in my posses-
 sion up to this time.

Taken and declared at _____ under the "Sale
 and Barter of Metals' Laws, 1856 and 1869," on
 the _____ day of _____ 18 _____
 E. F., J. P.

JAMAICA—LAW 19 OF 1869.

A Law to Transfer to the Governor the Powers given by
 the First Section of the Seventeenth Victoria, Chapter
 Two, and to Authorize the Governor from time to time
 to direct the Warehousing, in a Government Ware-
 house, of certain Goods Imported into this Island.*

[10th May, 1869.]

JAMAICA—LAW 20 OF 1869.

A Law to Consolidate and Amend the Laws Relating to
 the Recording of Accounts by Trustees, Attorneys,
 Agents, and Persons in a Fiduciary Character.

[10th May, 1869.]

BE it enacted by the Governor of Jamaica, with the advice
 and consent of the Legislative Council thereof, as
 follows :

* Repealed by Section 241 of Law 18 of 1877.

1—All persons who are acting attorneys, or agents of persons who have real estate in this Island, but are absent from this Island, and all trustees, guardians, executors, or administrators, acting on behalf of minors and others, and all mortgagees, their heirs, executors, administrators, or assigns in possession, sequestrators and committees of lunatics appointed by the Court of Chancery, or any of them having thereby the management and direction, and receipt or disposal of the rents, profits, and produce of any real estate whatsoever shall, and are hereby directed and required between the first day of January and thirty-first day of March in every year, to render and exhibit into the Secretary's Office in this Island, therein to be recorded, a true and just account in writing, upon their oath or affirmation, or the oath or affirmation of their overseer or principal servant upon such real estate of all the rents, profits, produce, and proceeds thereof (hereinafter in this Law referred to as the crop account), and shall in such account particularly set forth the quantity and description of all such produce, and of the increase and decrease of all horned stock, horses and other cattle, in the preceding year ending the thirty-first day of December last, before the rendering and exhibiting such account of or from any such estate.

Persons acting as attorneys, agents and trustees and others in a fiduciary character to record crop accounts.

2—The oath or affirmation hereinbefore directed to be taken shall be in the form following, and may be administered by any Judge of any Court of Law or of Equity in this Island, or by any Justice of the Peace acting within his jurisdiction, who is hereby directed to make a memorandum of such oath upon or under such account:

Form of oath or affirmation.

I, A. B., do swear (or affirm) that the above contains a just and true account of all the rents, profits, produce, and proceeds of _____ plantation, in the parish of _____ made and accrued for the year ending the thirty-first day of December, 18

(Signed)

A. B.

Sworn at
day of

before me this
18

Judge, or J. P.

Penalty for neglect.

3—In case any person by this Law required to render such account as last aforesaid shall neglect to render and exhibit the same in manner and between the days hereinbefore limited for that purpose yearly, such person shall, for such neglect or omission, forfeit twenty pounds, to be recovered as hereinafter mentioned, and shall, over and above such penalty, lose the benefits of his commissions for such year.

Attorneys, agents, trustees, &c., to record accounts current.

4—Every attorney or agent of any person absent from this Island, and every trustee, guardian, mortgagee, or other fiduciary in the actual possession and management as such of any real estate in this Island shall, under the penalty of twenty pounds, and in case of attorneys, agents, and trustees, guardians, and other fiduciaries aforesaid, of forfeiture of commissions upon each year's crop, within eighteen months after recording each crop account, record in the Office of the Secretary of this Island, upon his oath or affirmation, to be taken in the form hereinbefore mentioned, the whole accounts of every such real estate, and the account current respecting the same, shewing what, if anything remains due to such attorney, agent, guardian, mortgagee, or other fiduciary trustee.

False declaration perjury.

5—Every person who shall falsely take any oath, or make any affirmation required by this Law, shall suffer punishment as in cases of perjury.

Recovery of penalties.

6—Every penalty recoverable by virtue of this Law shall be recoverable in the Spanish Town District Court, and one moiety thereof shall go to the party aggrieved, and the other to the Crown.

Repeal of Acts.

7—On and from the passing of this Law the several Acts mentioned in the schedule to this Law annexed shall be and stand repealed, without prejudice nevertheless to anything done or personally incurred under any of them.

SCHEDULE OF ACTS AND PARTS OF ACTS REPEALED BY THIS LAW.

Thirteenth George the second, chapter nine.

Twenty-fourth George the second, chapter nineteen,
section seven.

Twenty-fifth George the third, chapter ten, section
three.

Thirty-third George the third, chapter twenty-one.

Thirty-eighth George the third, chapter ten.

JAMAICA—LAW 21 OF 1869.

A Law to Reimburse the Island Curates' Fund in respect of what is or may be Due on Advances for the Purchase or Repair of Residences for Curates, on certain Conditions* [18th May, 1869.]

JAMAICA—LAW 22 OF 1869.

A Law to Determine by Whom the Expenses of Imprisoned Debtors shall be Paid, and to enable the Government to take over the Middlesex and Surrey County Gaol.† [18th May, 1869.]

* Repealed by sec. 4 of Law 3 of 1872.

† This Law is repealed by sections 10 of Law 26 of 1871 and 97 of Law 18 of 1832, except sections 8 and 10 which are repealed by implication.

JAMAICA—LAW 23 OF 1869.

A Law to Transfer to the Members of the Constabulary Force the Duties heretofore Performed by Inspectors of Weights and Measures, and to Amend the Act Sixth Victoria, Chapter Twenty-eight. [22nd May, 1869.]

Preamble.

WHEREAS by the Act twenty-third Victoria, chapter nineteen, it was declared that on any vacancy occurring in the situation of Inspector of Weights and Measures for any parish, the duties should be performed by the Inspector of Police, or one of the Sergeants of the Police, without any additional salary or remuneration: And whereas the said Act has some time expired, and it is expedient to make provision for the objects aforesaid, and also to amend the Act sixth Victoria, chapter twenty-eight, as hereinafter mentioned: Be it enacted by the Governor of Jamaica, with the advice and consent of the Legislative Council thereof, as follows:

Duties of Inspectors of Weights and Measures under 6 Vic. c. 28, to be performed by Inspectors, &c., of Constabulary.

1—From and after the passing of this Law the duties which, under the sixth Victoria, chapter twenty-eight, were performed by the Inspectors of Weights and Measures, shall be performed by an Inspector or Sub-inspector of the Constabulary Force, or by some one of the Sergeant-majors or Sergeants of the Force in the parish or respective parishes in which such Inspector, Sub-inspector, Sergeant-major, or Sergeant shall be stationed; and every such member of the force shall, for the purpose of carrying out the said Law, have and be invested with all and every the powers and authorities by the said Act given to or conferred upon, or which might have been exercised by the several Inspectors of Weights and Measures under the said Law during the time they held their said offices.

Without further remuneration.

2—No member of the Constabulary Force acting as aforesaid shall be entitled to any pay or remuneration other than what he may receive as a member of the said Constabulary Force.

3—The power by the thirteenth section of the said Act sixth Victoria, chapter twenty-eight, given for the appointment of Inspectors of Weights and Measures in the several parishes of this Island, shall be, and is hereby determined.

Power under Act to appoint Inspectors of Weights and Measures determined.

4—It shall be lawful for the Justices in all cases in which by the said Act they are empowered to award imprisonment, to award such imprisonment with or without hard labour.

Justices may award imprisonment with or without hard labor.

JAMAICA—LAW 24 OF 1869.

A Law to Repeal the Act Eighth Victoria, Chapter Forty-Six, "An Act to Provide for the Publication of a Public Newspaper, to be called the 'Jamaica Gazette by Authority,'" and to Re-enact the same, with Amendments.

[1st June, 1869.]

WHEREAS it is expedient to amend the Act eighth Victoria, chapter forty-six, and to make other provision for the publication of a public newspaper, to be called "The Jamaica Gazette:" Be it enacted by the Governor of Jamaica, with the advice and consent of the Legislative Council thereof, as follows:

Preamble.

1—The said Act eighth Victoria, chapter forty-six, *An Act to provide for the publication of a public newspaper, to be called the "Jamaica Gazette by Authority,"* is hereby repealed.

8th Vic. c. 46, repealed.

2—It shall be lawful for the Governor of this Island to make arrangements with the present contractor for publishing the "Jamaica Gazette by Authority," either for the conducting and distributing the said newspaper, according as the same shall be fixed and required under this Law, for such term and time as may be agreed on, or otherwise for the abandonment of his contract under the said repealed Law.

Governor may arrange with present contractor to continue Gazette under this Law, or to abandon contract.

Governor may enter into contracts for the publication and distribution of a public newspaper.

3—It shall be lawful for the Governor of this Island, whenever any contract under this Law shall determine, or be put an end to, to contract for the printing and publishing, in the City of Kingston, or the Town of Saint Jago de la Vega, and for the distributing and circulating throughout the Island of a public newspaper for such purposes, in such manner, and on such day of each week as is hereinafter directed.

To be called the "Jamaica Gazette," and to be published as determined by the Governor, and to consist of certain official papers and other advertisements.

4—Such public newspaper shall be separate and distinct from all other newspapers now or hereafter to be published in this Island, and shall be called "The Jamaica Gazette;" and the said newspaper shall be published of such size, and on such paper, and in such type, and with such number of pages at the least, as shall be fixed and determined by the Governor of this Island, and shall contain, without other matter of publication whatsoever, such official papers as the Governor may order to be so published, and government, public, and parochial orders, notices, returns, and advertisements published under the authority of the Governor, the Legislative Council of this Island, or by the order of the Court of Chancery, the Supreme Court, or District Courts, or of any of the Judges of the said Courts, or of any Secretary of the Government, or by direction of any Board of Commissioners or Trustees appointed and constituted, or to be appointed and constituted under any Act or Law of this Island for any public service, or by the authority and direction of any Municipal or Parochial Road Board, all notices, returns, and advertisements required to be published in the "Jamaica Gazette by Authority," under or by virtue of any Act or Law of this Island, and all other advertisements whatever of a public nature, directed to be published by any present or future Law of this Island.

To be published on Thursday, or such other day of the week as the Governor shall direct, and to be distributed or

5—The said newspaper shall be published and issued from the office of publication on Thursday, or on such other day in each week as the Governor shall from time to time direct, and shall be distributed or posted by the contractor for the printing and publishing of such paper immediately upon the publication thereof to the Governor, the Secretaries of Go-

vernment, the Members of the Legislative Council, and the officers thereof, the Director of Roads, the Auditor General, the Treasurer, the Agent General of Immigration, and the several Agents of Immigration, the Collector General of the Customs, Excise, and Internal Revenue, the Collectors and Sub-collectors of the Customs, the Collectors and Assistant Collectors of Taxes, the Postmaster for Jamaica, and the several Postmasters of this Island, the Inspector-General and Deputy Inspector-General, and Inspectors and Sub-inspectors of Constabulary, the Inspector of Prisons, all Justices of the Peace, Clerks of the Peace, Clerks of the Magistrates, the Members and Clerks of the Municipal and Parochial Road Boards, the heads of departments in the military, naval, and civil service of her Majesty, and such other public and parochial officers and persons as the Governor may from time to time direct: Provided, that the total number of copies for distribution as aforesaid shall not exceed one thousand and five hundred: And provided also, that the contractor may be required by the Governor to furnish to any of the persons above-mentioned more than one copy of such newspaper.

posted by the contractor to certain persons

6—Copies of the Jamaica Gazette, posted as above required by the said contractor, shall be conveyed by post free of postal charge.

and to be conveyed by post free of postal charges.

7—All copies of the said newspaper, required to be distributed or posted as aforesaid, shall be distributed or posted, and all advertisements which under this Law shall be published in the said newspaper, shall be inserted and published therein at the cost and charges of the contractor, and without any further claim or demand against the Government of this Island, or any public or parochial authority or individual in respect thereof, or for the postage of letters containing or relating to such advertisements, or any charge or expense whatsoever other than and except the remuneration to be given to the said contractor under his contract.

The said newspaper to be distributed or posted; and the advertisements published at the cost of the contractor without other charge than the remuneration under the contract.

8—The Treasurer of this Island, on the warrant of the Governor, shall pay to the contractor for the said "Jamaica

Treasurer on warrant of the Governor to pay

the remuneration to the contractor.

“Gazette,” the amount necessary to meet the remuneration which shall be agreed upon and fixed in any such contract, in such proportions, and on such days and times, as by the Governor shall be appointed for payment thereof.

In case of non-performance &c. Governor may annul contract, and make another.

9—In case of any failure, non-performance, or non-observance by any person or persons with whom any contract for the services aforesaid shall be entered into, it shall be lawful to and for the Governor immediately thereupon, if to him shall seem fit, to break off and annul such contract, and again to enter into a new contract with some other person or persons for the due and strict publication, distribution, and posting of such newspaper: Provided, that nothing herein contained shall affect, supersede, or take away, or be construed to affect, supersede, or take away the right and power of the Government to proceed on any contract or security entered into by the said contractor and his sureties, if any, for the purpose of recovering for any breach, non-performance, or non-observance of the said contract.

Proviso, right to proceed against contractor, &c., not affected.

Public and parochial authorities, &c. to advertise in the Jamaica Gazette.

10—All Public and Parochial Authorities, Officers, Commissioners, and Trustees are hereby required to insert and publish in the said “Jamaica Gazette” all the advertisements which they are by Law authorized and required from time to time to publish in the “Jamaica Gazette by Authority,” and the publication thereof in the said Jamaica Gazette shall at all times be deemed to be evidence of the due publication thereof, and to be in compliance with the provisions and requirements of the said several Acts and Laws having relation thereto.

JAMAICA—LAW 25 OF 1869.

A Law to Amend the Practice and Procedure of the Court
of Chancery. [11th June, 1869.]

1 to 42—*

43—And whereas it is expedient to provide means for enabling executors or administrators of deceased parties to ascertain whether there are any outstanding debts or liabilities affecting the personal estates of such persons, without the delay and expense of suits to administer such estates: Be it therefore enacted, that upon the application of the executors or administrators of any deceased person, at any time after probate or letters of administration shall have been granted, it shall be lawful for the Court or Judge, upon a summons, in the form used for originating proceedings at Chambers, by an order in the form or to the effect set forth in the schedule (A) to this Law annexed, with such variations as circumstances may require, to direct that an account shall be taken of the debts and liabilities affecting the personal estate of such deceased person; and after any such order shall have been made the Court or Judge may, upon the application of the executors or administrators, restrain or suspend, until the account directed by such order shall have been taken, any proceedings at Law against such executors or administrators by any person having or claiming to have any demand upon the estate of the deceased, upon such terms and conditions, if any, as to the Court or Judge shall seem just: And any notices for creditors to come in, which may be published in pursuance of any such order, shall have the same force and effect as if such notices had been given in a suit by cause petition for the administration of such estate: Provided always, that no such order shall be made pending any proceedings to administer the estate of such person; and that in case at any time after the making of such order any decree or order for administering the estate of such deceased person

Court or Judge
on application
of executors or
administrators
may by order
of Court direct
an account of
debts and li-
abilities to be
taken.

* Repealed by Sec. 2 of Law 25 of 1879.

shall be made, it shall be lawful for the Court, by such decree or order, to stay or suspend the proceedings under such order, of course, on such terms and conditions, if any, as to the said Court shall seem just.

Certificate or report of Master may be objected to by application to the Court or Judge of which notice shall be given.

44—It shall be lawful for any person who may have come in under any such order, and who claims to be a creditor upon the estate of the deceased person, or to have any demand upon such estate by reason of any liability, and whose debt or claim may not have been wholly allowed by the Master, to apply to the Court or Judge within such time as shall be provided by a general order of the Court to have such claim allowed, either wholly or partially; and it shall be lawful for the said executors or administrators and for any creditor of the deceased person, who may be authorized by special leave of the Court or Judge so to do, to apply to the Court or Judge to disallow wholly or partially any debt or claim which has been allowed by the Master, but save as to any debt or claim as to which notice to the Master of any such intended application as aforesaid, may have been given, the certificate or report of the Master shall, upon the filing thereof, be absolute: Provided always, that upon the hearing of any such application as aforesaid, the Court or Judge may either dismiss such application, or may order the debt or claim to which such application relates to be allowed or disallowed, as the case may be, and either wholly or partially, or may direct further inquiry or further proceedings, by way of action or otherwise, touching such debt or claim, and after such inquiry or proceedings, may deal with such debt or claim, as to the Court or Judge shall seem just.

If debts or certain liabilities allowed and not paid or provided for, order may be made for payment of accounts.

45—In case any debt or any certain liability shall have been allowed as aforesaid, and shall not, within such time as shall be prescribed by a general order of the Court, be paid or provided for by appropriation, to the satisfaction of the person who has established such debt or liability, it shall be lawful for the Court or Judge, by order to be made in case of any debt remaining due upon the application of the person to

whom the debt remains due, and on notice to the executors or administrators, and in case of any certain liability remaining unprovided for by appropriation upon the application of the person by whom such liability has been established, or of the executors or administrators, and on notice by the party applying to the other of them, to order payment of the debts which may have been allowed and which remain unpaid, and to provide for the certain liabilities which may have been allowed and which remain unprovided for, in like manner as the same could or might have been paid or provided for in a suit for that purpose, instituted by cause petition, or to direct an account to be taken of the debts and certain liabilities allowed as aforesaid, which remain unpaid or unprovided for, and also the usual accounts of the personal estate of the deceased person, with all usual and proper directions; and every such order shall have the same force and effect, and shall be prosecuted and carried on in like manner as a decree in a creditor's suit instituted by cause petition.

46—In case any contingent liability shall be duly allowed as aforesaid, it shall be lawful for the Court or Judge, by order to be made upon the application of the executors or administrators, on notice to the person who may have established such contingent liability, to order such sum of money, part of the estate of the deceased person, as to the Court or Judge shall seem just, to be set apart and appropriated for answering such contingent liability, and to give such directions as the Court or Judge shall think fit, touching the payment of such sum of money into Court, and the investment thereof, and the payment, application, or accumulation of the interest or dividends thereof, in the meantime, and until the same shall be required to answer such liability; and when such liability shall be ascertained or determined, to give such directions as to the payment of such sum out of Court, as the Court or Judge shall deem right: Provided always, that no order to be made as aforesaid shall in any manner bind the assets so appropriated as against the persons

Court or Judge on application of executors or administrators may direct appropriation of money to meet contingent liability.

entitled to the estate of the deceased, subject to the contingent liability, and any person interested in such appropriated assets may apply to the Court touching the same, as he may be advised.

Court may re-
strain proceed-
ings against ex-
ecutors or ad-
ministrators.

47—After the filing of such certificate or report as aforesaid, it shall be lawful for the Court or Judge, upon the application of the executors or administrators of the deceased, by order to restrain by injunction any proceedings at Law against them by any person having or claiming to have any demand upon the estate of the deceased, by reason of any debt or liability other than the persons who may have established contingent liabilities under the said order, for which no appropriation may have been made.

Protection to
be afforded to
executors and
administrators.

48—In case no debt or liability, or no debt or liability other than a contingent liability shall have been allowed as aforesaid, or in case any debt or liability other than as aforesaid shall have been allowed as aforesaid, then after the same shall have been paid or provided for by appropriation as aforesaid, all payments made by the executors or administrators, or any of them, on account of the estate of the deceased person, and all dispositions of such assets made by them, or any of them, on account of such estate shall, as against all persons having or claiming to have any demand upon such estate, by reason of any debt or liability other than persons who may have established under the said order any contingent liability for which no such appropriation as aforesaid may have been made, be as good and effectual as if the same had been made under a decree of the Court: Provided always, that nothing herein contained shall in any manner affect or prejudice the rights of any creditor or other person having any demand or claim upon the estate of the deceased against any assets so paid or disposed of, or against the persons to whom such payment or disposition may have been made, or against any assets appropriated under the provisions of this Law, and the appropriation of which, if made under a decree of the said Court, in a suit to which he was not a party, would not have been binding upon him.

49—It shall be lawful for any person claiming to be a creditor, or a specific pecuniary or residuary legatee, or the next of kin, or some or one of the next of kin of a deceased person, to apply for and obtain as of course, without cause petition filed, or any other preliminary proceedings, a summons from the Vice-chancellor, requiring the executor or or administrator; as the case may be, of such deceased person to attend before him at Chambers for the purpose of showing cause why an order for the administration of the personal estate of the deceased should not be granted; and upon proof, by affidavit, of the due service of such summons, or on the appearance in person, or by his solicitor or counsel of such executor or administrator, and upon proof by affidavit of such other matters, if any, as such Judge shall require, it shall be lawful for such Judge, if in his discretion he shall think fit so to do, to make the usual order for the administration of the estate of the deceased, with such variations, if any, as the circumstances of the case may require; and the order so made shall have the force and effect of a decree to the like effect, made on the hearing of a case between the same parties: Provided, that such Judge shall have full discretionary power to grant or refuse such order, or to give any special directions touching the carriage or execution of such order, and in the case of applications for any such order by two or more different persons or classes of persons, to grant the same to such one or more of the claimants, or of the classes of claimants as he may think fit; and, if the Judge shall think proper, the carriage of the order may subsequently be given to such party interested and upon such terms as the Judge may direct.

Creditor, &c., may summon executor, &c., to show cause why an order for administration of personal estate should not be granted.

Power to Judge to order administration of such estate.

50—A duplicate or copy of such summons shall, previously to the service thereof, be filed in the office of the Court, and no service thereof upon any executor or administrator shall be of any validity unless the copy so served shall bear an endorsement signed by the Registrar and Clerk of the Courts and Crown, indicating the filing thereof; and the filing of such summons shall have the same effect with respect to *lis pendens* as the filing of a cause petition.

Copy of the summons to be filed in the office of the Court.

Creditor may obtain order for administration of real estate.

51—It shall be lawful for any person claiming to be a creditor of any deceased person or interested under his will, to apply for and obtain in a summary way, in the manner hereinbefore provided with respect to the personal estate of a deceased person, an order for the administration of the real estate of a deceased person, where the whole of the real estate so sought to be administered is by devise vested in trustees, who are by the will empowered to sell such real estate, and authorized to give receipts for the rents and profits thereof, and for the produce of the sale of such real estate, or where the real estate of such person is otherwise liable to be sold for payment of the demand of the person so applying; and all the provisions hereinbefore contained with respect to the application for such order at the suit of a creditor in relation to the personal estate of a deceased person, and consequent thereon, shall extend and be applicable to an application for such order as last hereinbefore mentioned with respect to real estate, and such application and proceeding may be combined with an application and proceeding for the administration of the personal estate of the same person, where it is necessary or proper that such real and personal estate shall be administered together.

52—*

No suit to be objected to because only declaratory order sought.

53—No suit in the Court shall be open to objection on the ground that a merely declaratory decree or order is sought thereby; and it shall be lawful for the Court to make binding declarations of right, without granting consequential relief.

54—*

55—*

Where account required to be taken Court may give special directions.

56—It shall be lawful for the Court, in any case where any account is required to be taken, to give such special directions as it may think fit, with respect to the mode in which the account should be taken or vouched, and such special directions

*Repealed by sec. 2 of Law 25 of 1879

may be given either by the decree or order directing such account, or by any subsequent order or orders, upon its appearing to the Court that the circumstances of the case are such as to require such special directions.

57—Where any real or personal property shall form the subject of any proceedings in the Court of Chancery, and the Court shall be satisfied that the same will be more than sufficient to answer all the claims thereon, which ought to be provided for in such suit, it shall be lawful for the said Court, at any time after the commencement of such proceedings, to allow to the parties interested therein, or any one or more of them, the whole or part of the annual income of such real property, or a part of such personal property, or a part or the whole of the income thereof, up to such time as the said Court shall direct, and for that purpose to make such orders as may appear to the said Court necessary or expedient.

Where real or personal property the subject of the suit Court may allow to parties the whole or part of the income.

58—*

59—*

60—*

61—*

62—Where by any decree or order costs shall be ordered to be paid to any person, and the person to whom such costs shall be ordered to be paid shall die before such costs shall have been paid, or the amount thereof ascertained, such costs, notwithstanding the death of such person may, on the application of his personal representative, be taxed by the taxing officer.

Costs may be taxed notwithstanding death of person to whom awarded.

63—Where by any decree or order costs shall be ordered to be paid by any person, and in consequence of the death of such person such costs cannot, according to the existing Law or practice be taxed, it shall be lawful for the Court, on the application of the person entitled to such costs, to direct the taxing officer to tax the same upon service of a summons upon

Costs may be taxed notwithstanding death of person by whom to be paid.

*Repealed by sec. 2 of Law 25 of 1879.

the personal representative of the person by whom such costs have been ordered to be paid, or such person as the Court shall appoint to represent the estate of such deceased person.

Summons to tax to be served in ordinary way.

64—Summonses to tax costs, pursuant to the two last preceding sections of this Law, shall be served in like manner as ordinary summonses issued by the taxing officer, or in such manner as the taxing officer shall, by any writing to be signed by him, direct.

Taxing officer may proceed *ex parte*.

65—The taxing officer may proceed *ex parte* with such taxation in case the person served with such summons shall not, by himself or his solicitor, attend pursuant thereto.

Taxed costs may be recovered.

66—All costs taxed under the provisions of this Law may be recovered in like manner as if the same had been taxed in the lifetime of the person to whom or by whom the same shall have been awarded to be paid, or of the person in consequence of whose death the same could not, according to the existing Law or practice have been taxed, any Law or practice to the contrary notwithstanding.

67—*

Governor in Privy Council may direct that all or any part of this Law may be in force as to District Courts.

68—The Governor may, by order in Privy Council, to be published in the "Jamaica Gazette by Authority," direct that all or any part of this Law shall be applicable to the District Courts, subject to the appeal given by the "District Courts Equitable Jurisdiction Law, 1867," and be administered by the Judges of the said Courts to the extent of the jurisdiction conferred by the said last-mentioned Law.

69—*

No payments of Chancery monies to be made out of the Treasury except the order or decree

70—It shall not be lawful to make any payment out of the Treasury of this Island in respect of any monies directed to be paid by any decree or order of the Court of Chancery unless the name of the person entitled thereto, and the particular

*Repealed by sec. 2 of Law 25 of 1879.

sum payable to him, shall be specified in such order; and before any payment out of the Treasury of this Island shall be made, any decree or order whereby the funds at the credit of the suit, or any portion of them, are directed to be appropriated, there shall be lodged with the Auditor General, by the solicitor having the carriage of the suit, a certified copy of such decree or order, and a report by the Master of the appropriation to be made thereunder, specifying the names of the respective persons entitled, the sums payable to such persons respectively, and their respective priorities, or, in lieu of such report of appropriation, a statement, in writing, to the like effect, signed by the solicitors of the respective parties in the cause, and counter-signed by the Registrar and Clerk of the Courts and Crown.

shall specify the sum and to whom payable.

And in cases of appropriation there be left with the copy decree or order a Master's report of appropriation or statement signed as herein required.

71—*

72—*

SCHEDULE A.*

JAMAICA—LAW 26 OF 1869.

A Law to Make the Records and Office Copies of the Records of Exemplifications of Wills Evidence in all Courts of Law and Equity in this Island.†

[11th June, 1869.]

* Repealed by sec. 2 of Law 25 of 1879.

† Repealed by sec. 2 of Law 6 of 1879.

JAMAICA—LAW 27 OF 1869.

A Law to Amend the Law 5 of 1868, "A Law for Converting the Taxes on Houses into a Tax for the Support of the Poor."

[11th June, 1869.]

Preamble.

WHEREAS it is expedient to amend the Law 5 of 1868, in the respects heinafter mentioned: Be it enacted by the Governor of Jamaica, with the advice and consent of the Legislative Council thereof, as follows:

Taxes on houses in lieu of taxes under Law 5 of 1868.

1—On and after the first day of August, one thousand eight hundred and sixty-nine, and in each succeeding year, there shall be granted and raised, by way of poor rate for the purposes of the above mentioned Law, in lieu of the taxes on houses under that Law, the taxes or duties following; that is to say,

Of £6 or upwards annual value.

On every house of the annual value of six pounds or upwards, a tax or duty after the rate of one shilling and sixpence in the pound of such value.

Below £6.

On every house under the annual value of six pounds (not being dwellings appropriated to indentured immigrants on any estate or pen), a tax or duty thereon, as follows:

Class 1. On every house thatched or shingled, or otherwise roofed, but without flooring, and without land, or with land to an extent less than one acre, a tax or duty of two shillings.

Class 2. On every house thatched or shingled, or otherwise roofed, with flooring, and without land, or with land to an extent less than one acre, a tax or duty of four shillings.

Class 3. On every house thatched or shingled, or otherwise roofed, and whether with or without flooring, if

the owner or occupier possess land whether in the same or in any other parish, either attached to, or detached from the said house, equal in extent to an acre or more, a tax or duty of six shillings.

Provided, that where the tenure of any house, or house and land occupied by any person shall be at will, the owner, lessor, or other person having the right to determine such tenure shall, on determining such tenure, repay to such tenant one-twelfth part of such annual house tax as the tenant may have paid for every complete month remaining of the year on account of which he shall have paid the tax due upon the house; and no tenure at will of a house, or of a house and land, shall be lawfully determinable unless tender of such repayment be made.

Proviso as to tenant at will.

2—Every person in the possession of any house by this Law made liable to the tax or duty hereby imposed, shall, on the first day of August next ensuing, and on the first day of August in each succeeding year, or within ten days thereafter respectively, give in to the Collector of Taxes, or other officer having the collection of the taxes or duties of the parish, or district of the parish in which such house is situate, a just and true return of such house, and the annual value thereof, and if under the annual value of six pounds, shall show whether the owner or occupier thereof holds any lands not assessed to the tax or duty on houses under this Law, and the person making such return shall sign a declaration to the truth thereof, and pay to the Collector of Taxes, or other officer as aforesaid, the full amount of the duties imposed on such houses by this Law, and obtain from him an acquittance of the same.

Persons in possession of houses to make return to Collector of Taxes and pay duties.

3—This Law, and Law 5 of 1868, shall be read as one Law, and the powers, provisions, clauses, regulations, directions, surcharges, and penalties contained in, or imposed by the "License and Registration Duties Law, 1867," and "The Tax Collection Law, 1867," or any other Law or Laws which for the time being may be in force relating to license and

This Law and Law 5 of 1868 to be read as one Law and provisions of Laws 30 and 32 of 1867, or other Laws in force, applicable.

registration duties, and the collection of taxes, shall be in full force and effect with respect to the taxes or duties granted by this Law respectively, so far as the same are or shall be applicable in all cases not hereby expressly provided for, and shall be observed and put in execution in collecting the said taxes or duties, and otherwise in relation thereto, so far as the same shall not be superseded by, and shall be consistent with this Law, as fully and effectually to all intents and purposes as if the same had been herein repeated and specially enacted with reference to the taxes and duties granted by this Law.

JAMAICA—LAW 28 OF 1869.

A Law to Constitute a Rural Police.*

[11th June, 1869.]

JAMAICA—LAW 29 OF 1869.

A Law to Repeal the Acts Seventh Victoria, Chapter Fifty-Seven, and Twenty-Seventh Victoria, Chapter Twenty-One, Relating to Wharves and Wharfage, and to Re-enact the same with Amendments.

[11th June, 1869.]

BE it enacted by the Governor of Jamaica, with the advice and consent of the Legislative Council thereof, as follows :

Short title.

1—This Law shall be cited, for all purposes, as “The Wharfage Law, 1869.”

* Repealed by sec. 1 of Law 8 of 1889.

2—The Acts seventh Victoria, chapter fifty-seven, and twenty-seventh Victoria, chapter twenty-one, are hereby repealed: Provided, that such repeal shall not be construed to lessen or affect any liability now existing thereunder, or to invalidate or affect any thing done prior to the passing of this Law, in pursuance of the said Acts, or either of them, and all penalties and forfeitures incurred under the said Acts, or either of them, may be recovered and enforced, as if this Law had not passed.

7 Vic. c. 57,
and 27 Vic. c.
21, repealed.

Proviso.

3—If any owner of any wharf, or any person acting under him, shall receive payment for any goods landed on or delivered at such wharf, or for any vessel lying, or delivering, or landing thereat, or on the adjacent beach, the said wharf shall be declared and held to be a public wharf; and if any goods, wares, or merchandize be landed or shipped at or from any beach in any harbour or port of this Island, where there is a public wharf, (not being the goods, wares, or merchandize of the proprietor or occupier of such beach), the owner or wharfinger of the nearest public wharf in such harbour or port shall be entitled to demand and recover from the owner of such goods, wares, or merchandize payment of the rates of wharfage on such goods, wares, and merchandize, according to the schedule to this Law annexed.

What constitutes a public wharf.

4—Every person keeping a public wharf shall be obliged to keep a book, wherein he shall fairly enter the marks and numbers of all goods which shall be landed on or delivered at his wharf, and also the names of the persons by whom landed or delivered, and the names of the persons to whom the same are to be delivered, and the names of the vessels out of or on which the said goods shall be taken or shipped, and shall also give receipts for all goods that shall be so delivered or landed at or upon his wharf, to which book all persons shall have free access during the working hours of the day at such wharf; and any owner of a wharf, or the wharfinger, who shall neglect to keep such book, and to make such entries, or to give receipts as aforesaid, or refuse access to such book, if demanded, shall forfeit, for every offence, a sum not exceeding ten pounds.

Keepers of public wharves must keep books, in which all goods landed or delivered shall be entered.

Wharfinger must receive goods, &c., and store such as are liable to damage by exposure.

5—Every wharfinger is hereby obliged to receive, ship, or deliver all goods, wares, and merchandize brought to his wharf, and to put into a good and proper store or stores, or other safe and dry place, such of the goods, wares, and merchandize as are liable to damage by exposure; and, if thereunto required, to weigh, gauge, measure, count, or examine, according to their quality, all goods, wares, and merchandize when received, landed, delivered, or shipped at his wharf.

Wharfinger entitled to the rates in the schedule annexed to this Law.

6—Every wharfinger shall be entitled to demand and receive for the wharfage and storage of all such goods, wares, and merchandize, including the shipping, landing, receiving, storing, shedding, weighing, skidding, gauging, and properly securing thereof, at and after the rates stated in the schedule to this Law annexed, an exact table or list of which rates, as appointed by this Law, shall be affixed to some public place on his wharf.

Owner or wharfinger to deliver goods, &c. (within working hours), when required so to do.

7—Every owner of a wharf, or the wharfinger shall, and he is hereby required to deliver any goods, wares, or merchandize received into his custody, or possession (if demanded during the working hours), to such person or persons to whom they shall stand entered in the books of such wharf, or to his or their order: Provided, that payment is tendered for the wharfage of such goods, wares, or merchandize, according to the rates to this Law annexed.

Owner of wharf to erect crane and sheds and not to allow goods, &c. to be exposed longer than necessary to remove them to the sheds.

8—Every owner of a wharf, or the wharfinger, is hereby obliged to erect a proper crane for the landing, and sheds or other places of security for all goods, wares, and merchandize landed at or brought to his wharf, and no articles shall be allowed to remain exposed longer than the necessary time for removing them to the said sheds or places of security; and every description of goods, wares, or merchandize shall be placed on skids of the height of four inches at least from the ground, and be properly secured, under a penalty, not exceeding five pounds, for every default, and of being further

liable to an action at Law for whatever goods, wares, and merchandize shall be damaged for want of such precaution, or shall be lost or stolen from such wharf.

9—Every wharfinger is hereby obliged, within fourteen days after the thirtieth day of June and the thirty-first day of December in every year, to make a declaration before a Justice of the Peace, that the accounts entered in his wharf-book from the _____ day of _____ preceding (being the day on which he commenced to keep the said wharf, or the day up to which he had previously made the declaration under this or the previous Law), are just and true, and in conformity to the Law in that respect; and every such declaration shall be entered in the said wharf-book at the close of the entries therein for the immediately preceding six months, which declaration shall be in the words, or to the effect following:

Wharfinger to make declaration half yearly, to be entered in book.

I, A. B., wharfinger of _____ do declare that all accounts of wharfage, storage, weighing, prices, shipping, receival, and delivery of all goods, wares, and merchandize, brought to this wharf from the _____ day of _____ to the _____ day of _____ are just and true, and entered, to the best of my knowledge, in pursuance of, and in conformity to the directions of "The Wharfage Law, 1869."

Form of declaration.

A. B.

Taken and declared at _____ before me, this
day of _____ 18 _____

C. D., *j.p.*

And the entries in such book, so declared to as hereinbefore directed, shall be received, deemed, and taken as good and valid evidence in the several Courts of Law and Equity of this Island.

Entries evidence.

10—If any wharfinger shall neglect or refuse to do and perform his duty in any of the particulars hereinbefore set forth, for which no penalty is by this Law imposed, or shall ask,

Wharfinger neglecting his duty or asking larger rates than under

this Law liable to penalty.

demand, or receive any greater or larger rates than are in the schedule to this Law annexed, he shall, for every such offence, forfeit a sum not exceeding ten pounds.

Wharfinger entitled to lay wharfage.

11—Every wharfinger shall be entitled to demand and receive for all goods, wares, and merchandize landed on his wharf, that have been stored or warehoused, and not taken away by the owner or person to whom they belong within the space of three months from the landing thereof, one-fourth of the original wharfage, according to the schedule to this Law annexed, and a like sum for every additional three months: Provided, that before such additional charge can be made ten days' notice be given to the parties concerned.

Wharfinger giving, lending or using goods, &c., or consenting thereto, liable to penalty or imprisonment.

12—If any wharfinger shall give, lend, or use, or consent, or be in any way privy to any person in his employment giving, lending, or using any goods, wares, or merchandize landed at, or received on his wharf without the consent of the owner of, or person entitled to the said goods, wares, and merchandize first had and obtained, such wharfinger shall, on conviction before a Judge of a District Court, or two Justices of the Peace, be liable to a penalty not exceeding twenty pounds, or imprisonment, with or without hard labor, not exceeding thirty days, without prejudice to any other remedy at Law by the owner or party entitled to such goods, wares, or merchandize.

Wharfinger must weigh dyewood and take account of lumber and staves received.

13—Every wharfinger receiving logwood, fustic, or other dyewoods, or lumber, staves, or shingles upon his wharf, shall weigh such dyewoods, and take an account of the measurement of such lumber, and count such staves and shingles, and enter in the book, so to be kept by him as aforesaid, against the entry of the said articles, the result of such weights, measurement, or counting, with the dates when made, and shall place the said several articles respectively in separate lots; and every wharfinger neglecting to perform such duty shall, on conviction before a Judge of a District Court, or two Justices of the Peace, be liable to a penalty, not exceeding ten pounds.

14—In case any goods, wares, or merchandize shall have remained on any public wharf for a period of two years from the landing thereof (whether the same shall have been landed before or after the coming into operation of this Law), and the same shall be unclaimed, or the person or persons to whom the same shall have been consigned or belong shall refuse or neglect to pay to the owner of such wharf or the wharfinger the usual and legal rates of wharfage, landing, and storing of such goods, wares, or merchandize, then, and in every such case, it shall be lawful for the owner of such wharf or the wharfinger to sell, or cause to be sold by public auction such goods, wares, or merchandize; and the monies arising from such sale shall be applied and appropriated by such owner or wharfinger in defraying the amount due for wharfage, landing, and storage as aforesaid, and the expenses of sale, including the expense of advertising as hereinafter directed, and the residue of the said monies shall be paid to the person or persons entitled thereto, if known, or if not known, or such person or persons shall refuse to receive the same, to the Treasurer of this Island, to be by him kept without interest until the same shall be claimed by the person or persons legally entitled thereto, on due proof to the satisfaction of such Treasurer: Provided, that it shall not be lawful for the owner of such wharf or the wharfinger to sell or dispose of such goods, wares, or merchandize, unless he shall first have advertised the same consecutively for at least one month in two newspapers of this Island, giving full and specific particulars of such goods, wares, or merchandize, and the dates of their landing, and by what vessel, the port from whence shipped, and the names of the shipper and consignee thereof, if within his knowledge.

Goods which have remained for two years, may be sold after being advertised.

15—In case any owner of a wharf or the wharfinger shall, for the space of fourteen days after such sale as aforesaid, purposely withhold the surplus monies arising from any such sale by not paying the same to the party entitled, if known, or in case the party shall not be known, or refuse to receive the same, to the Treasurer of this Island, every such person, so

Penalty on wharfinger not paying over surplus of sale monies.

offending, shall forfeit and pay the sum of fifty pounds, to be recovered by plaint at the instance of her Majesty's Attorney General, in the District Court of the district where the sale shall have taken place; and every such penalty shall be applied to the use of the Government of this Island.

Wharfinger to give notice to parties of any loss apprehended to goods.

16—It shall be the duty of every wharfinger to give notice to any party having goods, wares, or merchandize at his wharf of any loss likely to accrue thereto, of which such wharfinger shall have reasonable cause of apprehension, and in the event of such loss, without such notice having been given, such wharfinger shall be liable to forfeit and pay a sum, not exceeding ten pounds, to the Treasurer of this Island for the use of the Government thereof: Provided, that nothing herein contained shall prevent the party suffering such loss from enforcing his remedy for the value thereof by action at Law or otherwise.

Working hours defined.

17—The working hours under this Law shall be from the hour of seven in the morning until four in the afternoon.

Books to be preserved for six years and to be accessible.

18—All books required to be kept in pursuance of this Law shall be carefully preserved by the owner or other person in possession of the wharf as occupier, lessee, or tenant, accessible to all parties as aforesaid, for the space of six years from the period of the completion of all entries therein, under a penalty of twenty pounds.

Recovery of penalties.

19—All penalties under this Law, not declared how to be recovered, may be recovered before the Judge of the District Court of the district, or two Justices of the Peace of the parish where the offence was committed, and shall be appropriated and applied to the use of the Government of this Island.

Commencement of Law.

20—This Law shall come into operation on the first day of July, one thousand eight hundred and sixty-nine.

SCHEDULE REFERRED TO IN THIS LAW.

Bales, bundles, boxes, cases, chests, trunks, and crates of earthen or glass ware, not exceeding eight feet, except as hereinafter specified, per cubic foot	...	...	...	£0	0	6
Above eight feet, per cubic foot	...	...	...	0	0	3
Bolt of canvass, oznaburgh, or crocus, loose	...	...	...	0	0	3
Cordage, per one hundred and twelve pounds	...	...	...	0	0	9
Mahogany, cedar, and other hard timber, per one thousand feet	...	...	...	0	12	0
Nicaragua and camwood, per ton	...	...	...	0	10	0
Logwood, fustic, lignumvitæ, ebony, and other dye and hardwoods, per ton	...	...	...	0	5	0
Scantling, planks, and boards, wrought or unwrought, per thousand superficial feet, staves, and heading, per twelve hundred pieces	...	...	...	0	9	0
Shingles, per thousand packed, two shillings; loose, three shillings.	...	...	...
Oars and handspikes, per dozen	...	...	...	0	1	6
Vat or butt of malt liquor, per one hundred gallons	...	...	...	0	3	0
Butt of wine or spirits	...	...	...	0	6	0
Pipe of wine, brandy, or gin	...	...	...	0	4	6
Hogshead of sugar	...	...	...	0	3	0
Tierce of sugar	...	...	...	0	2	0
Barrel of sugar	...	...	...	0	0	9
Puncheon of rum	...	...	...	0	2	0
Hogshead of salt-fish, salt, lime, coals, or slates	...	...	...	0	3	0
Hoghead of tobacco, per one hundred and twelve pounds	...	...	...	0	0	6
Hogshead of oats, earthen, or glass ware	...	...	...	0	2	3
Hogshead of porter, beer, or cider	...	...	...	0	1	6
Tierce of coffee	...	...	...	0	2	0
Puncheon of hams, bacon, or dried meats	...	...	...	0	2	0
Tierce of ginger, pimento, rice, cornmeal, earthen or glass ware	...	...	...	0	1	6
Barrel of flour or other dry provisions	...	...	...	0	0	6
Barrel of tar, pitch, turpentine, wet provisions, salt, coffee, pimento, or of a similar description...	...	...	...	0	0	9

Grindstones and tombstones, per one hundred and twelve pounds...	...	...	0	0	9
Hogshead or puncheon shooks	...		0	0	6
Wood hoops, per one thousand		...	0	6	0
Ox bows, per dozen	...	...	0	0	6
Hides, per dozen, wet, three shillings; dry, two shillings.					
Bags of all descriptions, per one hundred and twelve pounds.	...	...	0	0	6
Puncheon of temper lime	...		0	2	3
Corn and salt, per bushel, two pence; if stored, per bushel, three pence.					
Coach or chariot, including wheels		...	1	10	0
Chaise or cart	...	...	0	12	0
Chairs, tables, jointers, piano-fortes, desks, side-boards, &c., per cubic foot	...	...	0	0	6
Plough and harrow	...	...	0	3	0
Jack screw	...	...	0	0	9
Chests tea	...	...	0	1	6
Hampers or baskets of cheese or potatoes, per one hundred and twelve pounds	...		0	0	9
Jugs and jars of all descriptions, per gallon			0	0	2
Firkin of butter, beef, tongues, herrings	...		0	0	6
Kegs of paint, per fifty-six pounds	...		0	0	3
Keg of pease, grits, biscuits, currants, or dried fruits	...	...	0	0	3
Boxes of soap or candles, per one hundred and twelve pounds	...	...	0	0	9
Iron ware, pewter, copper, lead, tin, and brass of every description, per one hundred and twelve pounds	...	...	0	0	6
Bricks, tiles, and slates, per one thousand			0	9	0
Paving stones, each	...	...	0	0	3
Dripstones, each	...	...	0	1	6
Puncheon or tierce of corn	...	...	0	1	3
Hogshead of corn	...	...	0	2	0
Chest of arms	...	...	0	6	0
Truss hoops, per set	...	...	0	0	9

Smiths' bellows, each	0	3	0
Butt and pipe staves and heading, per one thousand	0	15	0
Spades and shovels, per dozen	0	0	6
Horses, mules, asses, and horned cattle, each	0	2	6
Sheep, hogs, and goats, each	0	0	6
Coffee, receiving, weighing, tiercing, and shipping, per one hundred and twelve pounds ...	0	0	9
Coffee in bags, per one hundred and twelve pounds	0	0	6
Pimento in bags, per one hundred and twelve pounds	0	0	3
Barrel or half barrel gunpowder	0	6	0
Keg of gunpowder	0	1	6
Coals, when loose, per ton	0	7	6
Lancewood spars, per dozen	0	2	0
Bottled liquor in barrels or other packages, per dozen bottles	0	0	3
Oil and vinegar, per gallon	0	0	2
Iron pots, boilers, and other hollow ware, per gallon	0	0	1
And all goods, wares, and merchandize, not herein particularly enumerated and set forth, shall be paid for in proportion to the foregoing rates.			

JAMAICA—LAW 30 OF 1869.

A Law to Amalgamate the Free School of Saint Jago de la Vega and the School Established under the Will of the late Francis Smith, Esquire, Deceased.

[18th June, 1869.]

WHEREAS the free school of Saint Jago de la Vega is Preamble. vested in Trustees, who are a Corporation by the name of "The Governors of the free Grammar School of Saint Jago de la Vega," and the government of the said school is regulated by the Act twenty-seventh Victoria, session one,

chapter nineteen : And whereas Francis Smith, late of the Parish of Saint Catherine, esquire, deceased, by his will, bearing date the twentieth day of August, one thousand eight hundred and thirty, bequeathed the sum of three thousand pounds, then current money, equal to the sum of one thousand eight hundred pounds of present lawful money of Jamaica, to the Lord Bishop of Jamaica, and the Custos and the Rector of the Parish of Saint Catherine for the time being, to be invested in some institution permanently for the instruction of the poorer classes of all colours, free and slave, in the doctrines of the Church of England, and the promotion of industry ; and provided that the acts of any two of his Trustees should be valid, and fettered them with no condition except that the said bequest should be carried into effect within two years after his death, or should become void : And whereas the said sum of one thousand eight hundred pounds was paid to the Trustees appointed by his said will, and has been by them lodged in the Public Treasury, and a school, generally known by the name of " Smith's Charity," has been conducted by them up to the present time : And whereas it has been found upon inquiry that the two schools aforesaid have not been efficiently conducted, and it is expedient to amalgamate the two institutions into one school, and to conduct the amalgamated school upon an improved system of management, and to introduce therein, as far as may be practicable, the industrial element : And whereas the Governors and Trustees of the said free school of Saint Jago de la Vega and the Trustees of the school established under the said will have signified their approval of such amalgamation and reform : And whereas it is expedient that the amalgamated and reformed institution thus constituted should be conducted according to such rules and system as the Governor in Privy Council from time to time may determine, in order to the effective carrying out of the objects of the founders, with reference to the circumstances of the present time : Be it therefore enacted by the Governor of Jamaica, with the advice and consent of the Legislative Council thereof, as follows :

1—From and after the passing of this Law the said schools shall be and are amalgamated and made one, and the amalgamated school shall be called by the name of “ Beckford and Smith’s School ;” and the funds of both the institutions aforesaid shall constitute one fund, and shall be vested in the name of the Colonial Secretary for the time being, who shall have power to sue and be sued on account of such institution in any Court of Law or Equity, and to hold and convey, on behalf of such institution, such real and personal property as is now vested in the Trustees aforesaid, and to hold, purchase, and convey, on behalf of such institution, such real and personal property as the purposes of such institution may require.

The two schools amalgamated and to be called “ Beckford’s and Smith’s School.”

Funds vested in Colonial Secretary.

2—The Governor in Privy Council shall be authorized from time to time to make such rules for the management of “ Beckford and Smith’s School,” thus constituted, as to him shall seem fit.

Rules to be made by Governor in Privy Council.

3—The Governor shall be empowered from time to time to appoint and remove the head master and such under masters and servants as may be thought necessary for the school, and to fix for each such salary or wages as he may deem proper, to be paid from the amalgamated fund of the institution.

Governor to appoint and remove masters and servants, to fix for each his salary or wages.

4—The perpetual annuity of sixty pounds, and the sum of forty-two pounds fifteen shillings and four pence, interest on seven hundred and twelve pounds invested under the said recited Act, now payable from the Public Treasury to the Governors of the free grammar school of Saint Jago de la Vega, and the interest of all other monies to be invested under the said Act or this Law, and the perpetual annuity of one hundred and eight pounds from the Public Treasury, payable to the Trustees of the school under the will of the said Francis Smith, shall become and be a consolidated fund applicable for the purposes of the said two schools now amalgamated as aforesaid, and shall be held by the Treasurer of the Island, to be applied by half-yearly payments for the purposes of Beckford and Smith’s school.

Annual funds of both charities to be a consolidated fund applicable by half yearly payments, for the purposes of Beckford’s and Smith’s school.

Monies owing to the Corporation under 27 Vic. sec. 1, ch. 19, and the interest and the securities for the same, vested in the Colonial Secretary with powers of former Corporation, and all monies due by either institution, payable out of said consolidated fund.

5—All unpaid monies due and owing to the Corporation established under the said Act twenty-seventh Victoria, session one, chapter nineteen, and the interest thereof, and all securities for the same, and all monies hereafter to accrue due to the same Corporation, are hereby vested in the Colonial Secretary for the time being, in trust for the purposes aforesaid, who shall have the same powers for the recovery of the same that were given to or were vested in the former Corporation; and all monies now due by either of the aforesaid institutions shall be paid out of the consolidated fund aforesaid.

Law 8 of 1868, as to Saint Jago de la Vega free school repealed, and the powers of the Trustees under the will of Frs. Smith, determined.

6—The Law 8 of 1868, so far as it affects the Saint Jago de la Vega free school, is hereby repealed, and the powers of the Trustees under the will of the said Francis Smith are hereby determined.

Deed, &c., under this Law, or relating to Beckford and Smith's school exempt from stamp duty.

7—All deeds and proceedings under this Law, or in any wise relating to Beckford and Smith's school, and all conveyances and other deeds to and from the Colonial Secretary in relation to the said institution, shall be exempted from stamp duty:

27 Vic. sess. 1. ch. 19, repealed.

8—The said Act twenty-seventh Victoria, session one, chapter nineteen, is hereby repealed, save as to any proceedings pending, and acts done thereunder previous to the passing of this Law.

JAMAICA—LAW 31 OF 1869.

A Law to Provide for the Maintenance, by Parents and Step-Parents, of Children, and by Children of their Parents and Step-Parents.*

[18th June, 1869.]

* Repealed by sec. 1 of Law 16 of 1881.

JAMAICA—LAW 32 OF 1869.

A Law to Amend the Law 33 of 1868, "The Stamp Duty Law, 1868."
[6th July, 1869.]

WHEREAS doubts have arisen whether, under the Law Preamble.
33 of 1868, "The Stamp Duty Law, 1868," certain descriptions of deeds and instruments which, by particular Laws passed prior to the coming into operation of the said Law were exempted from stamp duty, have not become chargeable with duty under the said Law, and it is expedient to remove such doubts, and to amend the said Law in the several other respects hereinafter mentioned: Be it enacted by the Governor of Jamaica, with the advice and consent of the Legislative Council thereof, as follows:

1—Nothing in the said Law 33 of 1868, "The Stamp Duty Law, 1868," or in the schedule thereto annexed contained, shall extend, or be deemed or construed to extend to charge with stamp duty any deed or instrument which, by any Act or Law theretofore passed and now in force, was expressly exempted from all stamp duty; and every deed or instrument which, under such Acts or Laws would have been exempted from all stamp duty, and which shall not have been stamped with the stamp under the said Law 33 of 1868, shall be admitted and received in evidence in all Courts and before all persons whomsoever. Law 33 of 1868 not to extend to charge with duty instruments exempted by prior Laws.

2—Every instrument liable to stamp duty under the said Law 33 of 1868, or any other Law heretofore in force imposing stamps, shall be admitted in evidence in any criminal proceeding, although it may not have the stamp required by Law impressed thereon, or affixed thereto. Instrument may be admitted in criminal proceedings though not duly stamped.

3—Where any person holding a commission, grant, warrant, or appointment by her Majesty's letters patent, or by the Governor, shall have paid the stamp duties under the said Law, or any previous stamp Act, upon such his commission, grant, warrant, or appointment, and shall be appointed to any other Duties on appointments to office after the first to be calculated on difference or excess only.

office under Government charged with a higher stamp duty, the rate of duty upon the commission, grant, warrant, or appointment to the latter office, shall be calculated only on the difference or excess between the salary or emoluments of his former office and the office to which he shall be next thereafter appointed, after the rate of four pounds for every one hundred pounds, and proportionately for the fractional part of one hundred pounds.

PAPER STAMPS.

Paper stamps to be calculated by words.

4—In lieu of the stamps imposed on paper, vellum, or parchment, according to the number of lines, there shall be charged on such paper, vellum, or parchment, according to the number of words and figures (each figure being reckoned as a word) contained in any sheet or sheets of paper, vellum, or parchment.

When the same shall be under or amount to six hundred words ... £0 1 6

And the like sum for every number of six hundred words, and for every fractional part of such number of words.*

This Law incorporated with Law 33 of 1868.

5—This Law shall be incorporated with, and read with the said Law 33 of 1868, as one Law.

JAMAICA LAW—33 OF 1869.

A Law to Amend the Laws Relating to Surveyors of Land.
[6th July, 1869.]

Preamble.

WHEREAS it is expedient to amend the Laws relating to surveyors of land: Be it therefore enacted by the Governor of Jamaica, with the advice and consent of the Legislative Council thereof, as follows:

*Repealed, so far as it relates to proceedings or copies of proceedings, or documents in the Supreme Court, by sec. 296 of Law 41 of 1872.

1—This Law may be cited, for all purposes, as the “ Land Short title.
Surveyors Law, 1869.”

2—The Act twenty-second Victoria, chapter forty, *An Act* 22nd Vic. c. 40,
and 25 Vic. c. 27
repealed.
*to repeal the several Acts relating to, and regulating the pro-
ceedings of land surveyors,* and the Act twenty-fifth Victoria,
chapter twenty-seven, are hereby repealed, but without
prejudice to any thing done, commenced, or pending under
those Acts; and any penalty incurred under, or offence com-
mitted against any provision of the said Acts may be enforced
or punished as if the said Acts were not repealed.

3—Except as hereinafter mentioned no person shall be Qualification of
surveyors of
land.
qualified as a surveyor of land in this Island unless he shall
have been bound by indenture to serve some legally com-
missioned surveyor of land for the space of five years; and
during the said term shall have continued in the active ser-
vice of his employer in this Island in his proper business as
a surveyor, and shall not have carried on any other business
during the said term of five years; and further, unless he shall
have been duly examined and commissioned as hereinafter
directed; and any unqualified person who shall act as a sur-
veyor of land shall, for each offence, be liable to a penalty
of not less than ten pounds, and not more than fifty pounds,
to be recovered in the District Court of the district in which
the offence may have been committed: Provided, that nothing Proviso.
herein contained shall prevent any apprentice so bound in
manner aforesaid, after he shall have served two years of
apprenticeship, from performing the duties and office of a
surveyor of land for his said employer with his sanction, and
under his guidance and responsibility: Provided, that it shall
not be lawful for any such apprentice to sign his employer's
name to any plat or survey.

4—In case of the death or removal from the Island of such Transfer of un-
expired term of
apprenticeship
on death or re-
moval from the
Island of em-
ployer.
employer before the expiration of the apprenticeship of such
person, it shall be lawful for any other legally commissioned
surveyor to receive the transfer of the articles of apprentice-
ship of such person, and such apprentice may continue to

Proviso.

serve with such other surveyor the unexpired term of apprenticeship in like manner and under similar obligations as with his first employer: Provided, that when through a change of employer, sickness of the apprentice, or other unavoidable cause, the before mentioned space of five years shall be made up of broken periods, it shall be necessary that the whole space of five years be comprised within a period not exceeding six years in duration.

No surveyor to have more than two indentured apprentices, nor any apprentice under 16. Indenture to be stamped and recorded.

5—No commissioned surveyor shall have more than two indentured apprentices at the same time, nor shall he take any person as his indentured apprentice under the age of sixteen years; and the indenture of each apprentice shall be impressed with a stamp of thirty pounds, and shall, within six months after execution, be recorded in the office of the Registrar and Clerk of the Courts and Crown.

Transfer of articles to be recorded.

6—Every transfer of articles of apprenticeship that may have been made by virtue of the last preceding clause, shall be recorded in the said office within the period of three months.

Any person who may have served such apprenticeship or who may have practised as surveyor in Great Britain or Ireland for five years, or who may be legally qualified in any of her Majesty's colonies, may apply to be examined and admitted, and on proof of service, or of his having practised, or that he is qualified as aforesaid, may be examined by examiners.

7—Any person who has already served or may hereafter serve an apprenticeship as aforesaid, or who may have practised the profession of surveyor of land in Great Britain or Ireland for a period of not less than five years, or who may be legally qualified to act as a surveyor of land in any of her Majesty's colonies, may apply to the Supreme Court of this Island for an order to be examined and admitted; and it shall be lawful for the Supreme Court, on being furnished with satisfactory proof that such person hath duly served five years under articles of apprenticeship duly executed, and hath otherwise complied with the requirements of this Law, or that he hath practised the profession of surveyor of land in Great Britain or Ireland for a period of five years, or that he is legally qualified in some one of her Majesty's colonies, to make an order directing the Inspector of Schools, the Government Surveyor, and a Commissioned Land Surveyor (to be

appointed by the Court), to examine such person as to his qualifications for the office of Land Surveyor.

8—On an attested copy of such order being served on the said examiners they shall appoint a time and place for the purpose of proceeding with such examination; the examination shall embrace the following subjects; namely, arithmetic, algebra, as far as simple equation, plane geometry, plane trigonometry, topographical drawing, the practical use of the principal instruments employed in surveying, and their adjustments, and the theory and practice of land and railway surveying; if the result of such examination shall appear satisfactory to the said examiners they shall certify to the Supreme Court, or to one of the Judges thereof, in chambers, if the said Court is not sitting, that such person hath been found qualified, and the said Court or Judge shall thereupon cause an order to be entered up in the office of the Registrar and Clerk of the Courts and Crown authorizing such person to act as a surveyor of land on his taking out the necessary commission.

Examiners may appoint time and place of examination, nature of examination, if result satisfactory, examiners to certify that person is qualified to Court or Judge, who shall thereupon cause an order to be entered authorizing the person to act as surveyor on taking out the necessary commission.

9—On presentation to the Governor of an attested copy of the said order such person shall be entitled to receive a commission as a land surveyor, which commission shall be impressed with a stamp duty of sixty pounds in lieu of all other stamps and fees whatsoever, and shall be signed by the Governor, and shall be published in the "Jamaica Gazette:" Provided, that if the stamp duty of thirty pounds on articles of apprenticeship shall have been already paid, then such commission shall bear a stamp of thirty pounds only.

On presentation to the Governor of certified copy of such order commission to issue.

Stamp duty thereon.

10—No commissioned surveyor of land shall permit his name to be signed or subscribed to any plat or survey by any person whomsoever, under a penalty not exceeding twenty pounds.

No surveyor to permit his name to be signed or subscribed to any plat or survey by any person under penalty.

11—All persons who have heretofore been duly commissioned as surveyors of land in this Island shall henceforth be deemed qualified surveyors of land, and shall enjoy all the

Persons heretofore duly commissioned as surveyors to

be deemed qualified.

privileges appertaining to the office of a commissioned surveyor of land.

Surveyor intentionally or through negligence, carelessness, or culpable ignorance making or delivering an incorrect plan liable to lose his commission, or be suspended, or under a penalty not exceeding twenty pounds and to repay fees received.

12—Any commissioned surveyor who, whether by himself or his indentured apprentice, shall intentionally, or through negligence, carelessness, or culpable ignorance make an incorrect survey, or deliver an incorrect plan of any land, shall be liable, on the complaint of any person aggrieved thereby, to have his commission as a surveyor of lands cancelled by order of a Judge of the Supreme Court, or to be temporarily suspended from the exercise of his office as a commissioned surveyor during such time as may be fixed by a Judge of the Supreme Court, or to incur a penalty not exceeding twenty pounds; and such surveyor shall further be required to repay any fees that he may have received from the complainant in consideration of such survey or plan, if it be so ordered by such Judge.

Ten days' notice in writing of survey to be given.

13—When any surveyor of land intends to survey or to re-survey land under an order of Court, or by the appointment of any person, such surveyor shall give at least ten days' notice in writing, according to the form or effect of schedule A unto this Law annexed, the original of which notice shall bear a stamp of one shilling, of such his intention to the owners or parties in possession of the adjacent lands, the notice to be left at the residence of each of such parties; and if no one be found in possession then the notice shall be stuck up in any conspicuous place on the premises; and, in such notice, he shall state what particular land he intends to survey, or what line or lines he intends to open, by what authority, and by whom employed; he shall also state the particular point or corner at which he intends to begin, and the course on which he will proceed, and the day and hour on which he proposes to begin the said survey; from which point or corner only shall he proceed under a penalty not exceeding twenty pounds: Provided, that nothing herein contained shall prevent the parties interested in the lines about to be run from agreeing to commence at a different point from that

Particulars of notice.

Proviso.

stated in the notice, or from agreeing to have the said lines run and established, without notice as aforesaid.

14—When any such surveyor, after having given notice of survey as aforesaid, shall be unable to attend on the day appointed, he shall give information thereof; and shall, before proceeding with the survey to be made, issue fresh notices, but he shall not be entitled to charge for any such further notice.

Where surveyor cannot proceed after notice given new notices necessary.

15—If any surveyor, after having commenced any such survey as aforesaid, shall be unable to complete the same, it shall be his duty, before again proceeding with such survey, to give further notice, in writing, of the resumption of such survey, stating when and where, and in what direction he intends to proceed as hereinbefore directed; but such notice shall not be subject to any stamp duty, and shall be unnecessary where the parties agree to the survey being proceeded with without notice.

If after commencing he shall be unable to complete survey, further notice in writing of resumption of survey to be given.

16—Any duly qualified surveyor, or his indentured apprentice, who shall have served for two years may, after due service of notice, enter upon any land adjoining to that about to be surveyed and laid out by him, and may make traverses for the purpose of gaining information, but shall not run or mark any lines; and such survey shall not affect the rights of any parties to the ownership of the land; and any person who shall obstruct, or cause to be obstructed such survey, whether by force or by threats, shall forfeit, for each and every day he shall so obstruct, or cause obstruction, a sum not exceeding five pounds; and in default of payment, be liable to thirty days' imprisonment, with or without hard labor.

Surveyor or his indentured apprentice, who shall have served two years, may enter upon adjoining land and make traverses, but shall not run or mark lines.

Punishment for obstructing such survey.

17—Any surveyor of land or other person who shall wilfully deface, destroy, or remove any line upon earth, or any land mark, or marked tree, post, or pillar, shall be liable to a penalty not exceeding fifty pounds for each offence; and, in default of payment, to three months' imprisonment, with or without hard labor.

Penalty for wilfully defacing, destroying, or removing any line upon earth.

Plans or diagrams to be annexed to deeds to be signed by surveyor and to contain particulars here required under penalty.

18—From and after the passing of this Law every plan or diagram given by a surveyor of land, intended to be attached to any conveyance or other deed of land surveyed by him, or by his indentured apprentice, shall bear the signature of the surveyor who is responsible for the survey; and it shall also have inscribed on it a memorandum of the following particulars: that is to say, the name of the party at whose instance the survey was made, the day on which it was commenced, the names of the parties interested in the survey who were served with notices, the names of those who appeared either personally or by their representatives, the grounds of objections to the survey, if any, the grounds of the surveyor's decision, the courses and horizontal distances of the several lines, the corner trees, if any, and marks; and any surveyor of land who shall neglect to comply with the provisions of this section shall be liable to a penalty not exceeding ten pounds.

Surveyors entitled to fees in schedule B.

19—Surveyors of land shall be entitled to demand and recover fees according to schedule B, unto this Law annexed: Provided, that nothing herein contained shall prevent parties from making special agreements for work performed or about to be performed.

Assistants making wrong measurements or doing any act with intent to falsify a survey penalty.

20—Any person employed to assist any surveyor in making a survey, who shall wilfully and fraudulently make a wrong measurement, move any mark, or do any other act with intent to falsify a survey, shall be liable to a penalty not exceeding twenty pounds, or to imprisonment with hard labor for three months.

Penalties how to be recovered.

21—All penalties hereby imposed shall be recovered by plaint in the District Court of the district in which the offence shall have been committed, one half of the penalties shall be for the benefit of the informer or complainant, and the other half shall be paid to the Crown for the general uses of this Island.

22—No person shall be liable to the infliction of any of the penalties or forfeitures imposed by this Law, unless complaint respecting the alleged offence shall have been made within twelve calendar months next after the commission of such offence.

Limitation of proceedings.

23—All notices, plans, and other documents, prepared by the Government Surveyor on behalf of the Government, shall be free from stamp duty.

Documents for Government exempt from stamp duty.

SCHEDULE A.

FORM OF NOTICE REFERRED TO IN THIS LAW.

I hereby give you Notice, that I am employed by to survey (here state the land to be surveyed), situated in the Parish of and known by the name of which adjoins lands said to be in your possession, or belonging to you, and that I shall commence to survey the esame on the day of 18 at of the clock of the noon of that day, beginning at and proceeding (here state the course and distance), at which time and place you are requested to attend by yourself or agent, as you may think fit, and in the meantime I will make such traverses as I may deem requisite.

Dated this day of 18

(Signature.)

To

SCHEDULE B.

SCALE OF CHARGES.

	£	s.	d.
Traversing road, per chain	0	0	2
Traversing gullies, per chain	0	0	4
Traversing river courses, per chain	0	0	6
Traversing or running lines, per chain	0	1	6

Laying out a road per mile, inclusive of plan	6	0	0
Attending juries per day, for the purpose of pointing out proposed road	2	0	0
Laying out railways, per mile	7	0	0
Making levels for any purpose, per mile	2	0	0
Laying out tramroad, per mile	6	0	0
Laying out a single lot of foot land, including diagram, exclusive of stamp	0	16	0
For every additional lot, if the whole do not exceed ten lots	0	5	0
For every additional lot beyond ten lots, the whole not exceeding twenty lots	0	4	0
For every lot beyond twenty lots	0	3	0
Laying out lots not exceeding three acres each (not including diagrams), for each lot	1	0	0
Laying out lots exceeding three acres, and not exceeding five acres	1	10	0
Laying out lots exceeding five acres, and not exceeding ten	2	0	0
Laying out lots exceeding ten acres, and not exceeding twenty	2	10	0
Laying out lots exceeding twenty acres, and not exceeding thirty	3	0	0
For each diagram of the above, exclusive of stamp	0	6	0
Laying out lots exceeding thirty acres each, and not exceeding one hundred acres, for each additional ten acres, in addition to the above charge of three pounds, the sum of	0	12	0
For every diagram of the above, exclusive of stamps	0	16	0
All surveys of above one hundred acres to be charged for by the lineal chain, as above.			
Making search in the Secretary's office, per day, or portion of a day	1	0	0
Writing out original notice of survey, exclusive of stamp	0	2	6
Writing out each copy of notice, exclusive of cost of service	0	1	0

For every plain plan of any property over one hundred acres (the same having been previously surveyed), according to agreement not exceeding the rate of sixteen shillings for every hundred acres.

For embellished plans, drawings, &c., to be charged as may be agreed on.

Copies of old plans to be charged for as may be agreed on.

General plans of any number of properties or districts, as may be agreed on.

Attending to survey land by appointment of employer, when such employer does not attend either personally or by an agent at the time and place appointed 2 2 0

Attending by appointment of another surveyor to run a line, when surveyor does not attend, or the running of such line shall be interrupted 2 2 0

Attending on behalf of a proprietor to protect boundaries when a survey is in course of being made of adjoining lands, per diem ... 2 2 0

SURVEYING FOR PLANTATION PURPOSES.

For every sub-division on any property, pen, or estate of any description of cultivation, common, ruinate, or woodlands, where such sub-divisions are fenced, or have known and visible boundaries, and when such survey is intended entirely for plantation purposes, and the said sub-divisions do not average more than two and a half acres, for each sub-division 0 4 0

For every sub-division as above, when such sub-divisions exceed on an average two and a half acres but do not exceed five acres each ... 0 8 0

For every sub-division as above of not more than ten acres each 1 0 0

For every sub-division as above of not more than twenty acres each	1 15 0
For every sub-division of not more than thirty acres	2 5 0
For every additional ten acres beyond thirty acres, the surveyor shall be entitled to receive and charge, in addition to the last preceding charge, for each sub-division	0 5 0

And when the lines of the property are run at the same time that the sub-divisions are made as above, it shall be lawful for the surveyor to charge for running such lines, notwithstanding such lines may form a part of the boundary of such sub-divisions as above, and notwithstanding such sub-divisions may be contiguous to each other.

The foregoing charges do not include the expense of chain bearers, or of labourers attending the surveyor.

JAMAICA—LAW 34 OF 1869.

A Law to Amend the Immigration Laws.*

[16th July, 1869.]

JAMAICA—LAW 35 OF 1869.

A Law to Authorize the Issue of a Nickle Coinage in this
Island.†

[22nd July, 1869.]

* Repealed by sec. 2 of Law 23 of 1879.

† Repealed by sec. 1 of Law 49 of 1869.

JAMAICA—LAW 36 OF 1869.

A Law further to Amend the Laws Relating to the Jurisdiction of the District Courts.*

[22nd July, 1869.]

JAMAICA—LAW 37 OF 1869.

A Law as to Quarantine.†

[22nd July, 1869.]

WHEREAS it is desirable to consolidate the Laws relating to quarantine: Be it enacted by the Governor of Jamaica, with the advice and consent of the Legislative Council thereof, as follows:

1—This Law may, for all purposes, be cited as “The Quarantine Law, 1869.”

2—In this Law the term “infected place” means any port or place where yellow fever, the plague, cholera, or any epidemic disease of a contagious or infectious character in fact prevails, or any port or place which the Governor, in Privy Council, may declare to be an infected port or place; the word “vessel” means any ship, vessel, or boat; and the word “master” means the master, officer, or other person for the time being in charge or command of such vessel.

3—The Governor is hereby authorized to appoint not less than three, or more than five persons to be a Board, to be called “The Quarantine Board,” who shall hold their offices during pleasure, and from time to time to fill up the vacancies to such Board; and such Board, of whom two shall be a

* Repealed by sec. 261 of Law 22 of 1874.

† Law 32 of 1872, by its fourth Section, incorporated with this Law.

quorum, shall have full power and authority to superintend and enforce the carrying out of the Laws, rules, and regulations for the time being in force relating to quarantine.

Appointment of officers.

4—The Governor is hereby authorized from time to time to appoint such officers as may be necessary to carry out the said Laws, rules, and regulations under the direction of the said Board, who shall hold their offices during pleasure.

Power to Governor to make rules.

5—The Governor, in Privy Council, may from time to time make such rules and regulations as to him shall seem fit for the more effectual carrying out the provisions of this Law, and to secure the due performance of quarantine, and for the government of all vessels and persons coming from any infected place, and may alter or amend any such rules and regulations; such rules and regulations, and altered or amended rules and regulations, shall be duly published in the "Jamaica Gazette," and, after such publication, shall have the same force and effect as if the same had been herein particularly specified.

Governor may declare infected places.

6—Whenever it shall appear to the Governor, in Privy Council, that any disease of a contagious or infectious character prevails at any port or place, or that it is probable that any such disease may be brought into the Island from any port or place, it shall be lawful for him to declare, by like public notification, that such port or place is an infected port or place.

Vessels and persons liable to quarantine.

7—All vessels arriving at this Island, together with all persons, goods, and merchandize whatsoever thereon, coming from any infected place, or having on board any person who has come from such infected place, or who is ill of any contagious or infectious disease, or on board of which vessel any person shall have died from any such disease during the passage to this Island, shall be liable to perform quarantine in such place for such time and in such manner as hereinafter provided.

8—Every vessel arriving at any of the ports of this Island from any infected place shall, immediately on arrival, and before having any communication with the shore, be visited by the Visiting Officer of the port to which such vessel shall come, who is hereby authorized and required, at a convenient distance from such vessel, to put the following questions, or such of them as may be necessary, and any other questions which he may consider desirable :

Vessels to be
visited by Visit-
ing Officer.

1. What is the name of the vessel, and of the master ?
2. To what port or place does she belong ?
3. From whence do you come ?
4. To what port or place are you bound ?
5. At what ports or places have you touched in the course of the voyage ?
6. What vessels have you had any intercourse or communication with during your voyage, and from whence did they come ?
7. Have you any, and what bill of health ; produce it ?
8. Did you carry any bill of health with you to the port or place where you took in the cargo or passengers you now have on board ; from what place ; were the said bills of health clean, unclean, or suspected ?
9. Did any contagious or infectious disease prevail in any degree at the port or place from which you sailed, or at any of the ports or places at which you touched ; if yes, say what disease prevailed, and at which port or place ?
10. What number of officers, crew, passengers, or other persons have you on board ?
11. Were any of these taken on board at any port or

place during the voyage to this Island; if yes, who were so taken on board, and at what port or place, and on what day or days?

12. Are any persons on board your ship suffering under any contagious or infectious disease; or have any persons died or been ill of any disease of that nature in your passage to this Island; and if any, what number?

13. If any have died or been ill of any such disease, have their bedding and clothes been destroyed?

14. In the course of your voyage have any persons on board suffered from sickness of any kind; what was the nature of the sickness, and when did it prevail; how many persons were affected by it?

15. How had the persons attacked been employed before they came on board; had they been employed in loading or unloading the vessel?

16. Did the persons who were ill fall sick nearly about the same time, or within a few days of each other; or did the disorder spread successively from one to another, and increase considerably?

17. What is the number of persons now ill on board your vessel; are the convalescents able to be on deck; if so parade them on the gangway?

18. Have there been any deaths on board during the voyage; if yes, what were the causes of the deaths, and when did such deaths take place?

19. Have you any person on board who has left (name of infected port or place) within fourteen days?

20. Where did you take in the cargo now on board, and when; if at more than one place, state the places?

21. Was any cargo, or were any letters, parcels, or articles of any kind put on board at (name of infected port

or place); if yes, state what was put on board, and when and whether any special precaution was taken with respect to such thing?

9—The said Visiting Officer may, if he thinks it necessary, go on board any such vessel and examine the master, officers, crew, and passengers thereof respectively, as to their state of health then and during the voyage, and demand to see the journal or log and ship's papers of such vessel, and put any of the questions set forth in the preceding section, or any other questions which he shall think desirable.

Visiting Officer
may go on
board.

10—Any master or other person who shall conceal from any Visiting Officer the true state of the health of the crew or other persons on board such vessel, or shall give an untrue answer to any inquiry made by such Visiting Officer, under the authority of this Law, shall be liable to a penalty not less than five pounds, and not exceeding one hundred pounds.

Penalty for con-
cealment or un-
true answer.

11—No master or other person belonging to or on board of such vessel, and no pilot or pilot's assistant who shall have proceeded on board such vessel, shall quit the same for the purpose of landing or communicating with the shore before such vessel shall have been visited by the Visiting Officer, unless permission to do so be granted in writing by the Visiting Officer.

Penalty for
quitting vessel
before visit of
Visiting Officer.

12—No person, the pilot or his assistant excepted, shall proceed on board such vessel before she shall have been visited by the Visiting Officer, unless permission to do so be granted to him in writing by the Visiting Officer.

Proceeding on
board without
permission.

13—Any person offending against the provisions of either of the two last preceding sections shall be liable to a penalty not less than five pounds, and not exceeding fifty pounds.

Penalty.

14—If any vessel shall have arrived from, or touched at any infected place, or have on board any person who has come from such place, or on board which any person may

Vessels from in-
fected places
may be ordered
to quarantine

ground, until released.

have died during the passage to this Island, or may be ill of any contagious or infectious disease, or if the Visiting Officer shall have good grounds to suspect that such vessel, or some person on board thereof, has arrived from or touched at any such place, the said Visiting Officer is required to cause the said vessel to hoist a quarantine flag, and to anchor at the quarantine ground until released by the said Visiting Officer.

Duration of quarantine.

15—Subject to any special rules and regulations of the Governor, in Privy Council, the following rules, as to the duration of quarantine, shall be observed :

1. All vessels, on board of which any person shall be sick, or shall have been sick of any contagious or infectious disease, or shall have died of such disease within fourteen days before her arrival at this Island, shall remain in quarantine until the expiration of fourteen days from the day when such sickness shall cease, or shall have ceased, or from the day when such death occurred.

2. All vessels that shall have sailed from, or touched at any infected place, or shall have any person on board who shall have come from any such place, shall remain in quarantine for such time, not being less than two days, nor exceeding fourteen, as shall be directed by the Quarantine Board on a due investigation of all the circumstances of the case.

3. If, during the continuance of a vessel in quarantine any person on board such vessel falls sick of any contagious or infectious disease, such vessel shall be liable to remain in quarantine for a further period of fourteen days from the day when such sickness shall cease.

Selection of quarantine grounds.

16—The Quarantine Board shall, with the approval of the Governor, appoint suitable places for quarantine grounds, and shall have power, with the like approval, from time to time to change such places.

17—Any master of a vessel liable to the performance of quarantine, who shall not, after notice, cause such vessel to proceed to the quarantine ground, shall be liable to a penalty not less than ten pounds, and not exceeding fifty pounds; and it shall be lawful for the Visiting Officer, or any person called to his assistance, to enforce the removal of any such vessel to the quarantine ground, and to use all necessary means for that purpose.

Removal of vessel to quarantine grounds.

18—The master of every vessel subject to quarantine shall, during the day, hoist and keep flying a yellow flag, which shall be provided by the Quarantine Board, and shall, during the night, hoist and keep alight a signal lantern, which when necessary shall also be provided for by the Quarantine Board; and every master offending herein shall be liable to a penalty not less than five pounds, and not exceeding fifty pounds.

A flag to be hoisted during quarantine.

19.—Until any vessel as aforesaid shall have performed and been duly discharged from quarantine no person on board of or belonging to such vessel, nor any part of the cargo, stores, or lading of the same, nor any article or thing belonging to the passengers, master, officers, or crew thereof shall be permitted to leave, or be removed, or taken from such vessel either to go or be put on shore, or on board of any other vessel in any port of this Island, unless by the direction of the Governor, in Privy Council, or of the Quarantine Board, or of some persons, duly authorized by them; and every such vessel, and all persons, goods, and merchandize thereon, and all vessels and persons having communication with the same, shall be subject to such rules and regulations as may be made by the Governor, in Privy Council.

No person to land, and no cargo to be taken from any such vessel.

20—Until any vessel as aforesaid shall have performed and been duly discharged from quarantine, no person, except the Visiting Officer, or such other person as may be authorized by the Quarantine Board, shall go on board such vessel; and no article or thing shall be taken or received on board such vessel except by the direction of the Quarantine Board, or of the said Visiting Officer.

No person or thing to go or be taken on board without permission.

Penalty.

21—Any person offending against the provisions of sections nineteen and twenty, or either of them, shall be liable to a penalty not less than five pounds, and not exceeding fifty pounds.

Penalty on master for infringement of Law.

22—If, during the time that any vessel is in quarantine the master thereof shall, without the permission of the Quarantine Board, or of the Visiting Officer, quit, or knowingly suffer any passenger, seaman, or other person on board to quit such vessel, or any goods, articles, or things whatsoever to be taken from such vessel, he shall be liable to a penalty not less than ten pounds, and not exceeding one hundred pounds.

Unlicensed person may be compelled to return on board.

23—Any person who, during the continuance of quarantine, leaves the vessel without proper permission on that behalf, may, in addition to the penalty hereinbefore mentioned, be apprehended by any Constable or other person, and compelled to return to the said vessel, or be taken before a Justice, who may order that such person be returned to the said vessel, or be confined in some lazaretto, or other suitable place of confinement for such period not less than two days, nor exceeding fourteen, as he may think fit.

Unlicensed person may be compelled to remain on board.

24—Any person who goes on board a vessel in the performance of quarantine without permission as aforesaid, may be compelled to remain on board the said vessel, and be subject to the rules and regulations thereof during the continuance of the quarantine, or until such time as to the Quarantine Board shall seem fit.

Governor in Privy Council empowered to provide lazarettoes.

25—The Governor, in Privy Council, is hereby authorized, whenever it shall be thought necessary, to provide, at the public expense, one or more vessel or vessels, or buildings, and to cause the same to be fitted up as lazarettoes for such use and purposes as the Quarantine Board shall, with the approval of the Governor, from time to time order and direct.

Governor to frame rules for lazarettoes.

26—The Governor, in Privy Council, is authorized from time to time to frame such rules and regulations as may be

deemed expedient for the Government and direction of the lazaretto or lazarettoes, and of such persons as may belong thereto, or be placed therein, and to alter or amend such rules.

27—Any person, except the Visiting Officer, who enters or leaves any lazaretto without permission from the Quarantine Board, or from the said Visiting Officer, may be dealt with in the manner hereinbefore provided in the case of a person without permission going on board or leaving the vessel in the performance of quarantine, and shall be liable to the like penalties.

Penalties for entering or leaving lazarettoes without permission.

28—Any officer or person appointed to enforce the performance of quarantine, who shall desert from duty, or shall infringe, or knowingly suffer or permit any person to infringe the provisions of this Law, and of any rules and regulations in force concerning quarantine, shall be liable to a penalty not less than five pounds, and not exceeding fifty pounds, and shall be subject to immediate dismissal.

Misconduct of quarantine officers.

29—Any person who shall knowingly conceal or clandestinely convey any letters, goods, wares, or merchandize from any vessel liable to, or in the performance of quarantine, or from any vessel, house, or other place where any person or goods shall be subjected to quarantine, shall be liable to a penalty of not less than ten pounds, and not exceeding fifty pounds.

Concealment or conveyance of property from vessel or place in quarantine.

30—As soon as any quarantine shall have been fully performed by any vessel or person, the Visiting Officer or other person appointed by the Governor in that behalf, shall grant a certificate to that effect; whereupon every such vessel or person and all cargo and goods on board such vessel shall be liberated from all detention on the ground of quarantine.

Release from quarantine.

31—It shall be lawful for the Governor, in Privy Council, to enforce any rule or regulation to be made in pursuance of this Law, by a fine or penalty not exceeding, in any one case, the sum of ten pounds.

Power to add penalties to rules.

Recovery of penalties.

32—All penalties incurred under this Law, or the rules and regulations to be made in pursuance thereof, may be recovered before any two Justices, who, in default of payment, are hereby authorized to commit the offender to the nearest goal for any period not exceeding six months: Provided always, that upon payment by the offender of the penalties and costs, after commitment, his imprisonment shall cease.

Appropriation of penalties.

33—All penalties which shall be recovered and paid under this Law, and the rules and regulations aforesaid, shall be paid to her Majesty, her heirs and successors, for the public use of the Island.

Protection of persons acting under this Law.

34—For the protection of persons acting in the execution of this Law all actions and prosecutions against any person for any thing done in pursuance of this Law, shall be commenced within six calendar months after the act committed and not otherwise; and notice, in writing, of such action, and the cause thereof, shall be given to the defendant one calendar month at least before the commencement of the action, and in any such action the defendant may plead the general issue, and give this Law, and the special matter in evidence at any trial to be had thereupon; and no plaintiff shall recover in any such action, if sufficient amends shall have been tendered or paid into Court by or on behalf of the defendant; and if a verdict shall pass for the defendant, or the plaintiff shall become nonsuit, or discontinue any such action after issue joined; or if, upon demurrer or otherwise, judgment shall be given against the plaintiff, the defendant shall recover his full costs as between attorney and client, and shall have the like remedy for the same as any defendant hath by Law in other cases; and although a verdict shall 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 shall be shall certify his approbation of the action, and the verdict obtained thereon.

Expenses of Law provided for.

35—It shall be lawful for the Governor to authorize, by warrant upon the Treasurer, payment of any expenses incidental to the execution of this Law.

36—Nothing in this Law contained shall extend, or be construed to extend, to prevent the delivery by the officers in charge of her Majesty's mails, of any mails that may from time to time be on board of any steam vessel under such rules and regulations for the prevention of the introduction of any of the beforementioned diseases as may from time to time be made by the Governor, in Privy Council, who is hereby empowered to make such rules and regulations in regard to the landing and receipt of the said mails, and in regard to the coaling of the said steamers in any port within this Government.

Proviso with regard to vessels in charge of mails.

37—It shall be lawful for the Governor, in Privy Council, from time to time to suspend the operation of this Law, or any part thereof, and for such period of time as may be thought expedient, and again to revive the same, or any part thereof.

Suspension or removal of Law.

38—The Acts fourth Victoria, chapter thirty-two, and eighth Victoria, chapter nine, shall be, and the same are hereby repealed, but notwithstanding such repeal all penalties under the said Acts, or either of them, incurred during the subsistence of the said Acts may be recovered and enforced as if this present Law had not been passed.

Repeal of Acts.

39—All rules and regulations existing and in force in relation to quarantine at the time of the passing of this Law, so far as such rules and regulations are not inconsistent with the provisions of this Law, shall be and remain in force until other rules and regulations shall be made under this Law.

Existing rules continued until other rules made.

[END OF THE FIFTH VOLUME.]

