

Passed in Council this sixteenth day of July, in the year of our Lord one thousand eight hundred and seventy-nine.

G. F. BUSHE,
Acting Clerk of the Council.

SCHEDULE.

No. of Ordinance.	Title.	Extent of Repeal.
8 of 1869.	With regard to the Management and Disposal of Crown Lands.	The whole.
30 of 1875.	With regard to the Management and Disposal of Crown Lands.	The whole.
18 of 1878.	To amend "The Crown Lands Ordinance, 1875."	The whole.

No. 9.—1879.

16th July.

AN ORDINANCE to authorise the Grant of Licenses to be at large to Convicts under Sentence of Imprisonment.

(L. S.) HENRY T. IRVING.

24th July, 1879.

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

1. This Ordinance may be cited for all purposes as Short title. "The Convicts License Ordinance, 1879."

Interpreta-
tion.

2. In this Ordinance

The term "Convict" means any person who has been convicted upon an indictment and sentenced to imprisonment; and

The term "Chief District Police Officer" means the Commissioned or Non-Commissioned Officer of Police in immediate command of the Police at any Station to which a Police district is assigned.

Licenses to
convicts.

3. It shall be lawful for the Governor, by an order in writing under his hand, to grant to any convict, whether sentenced before or after the passing of this Ordinance, a license to be at large in this colony, or in such part thereof as in such license is expressed, during such portion of his term of imprisonment as to the Governor seems fit, and upon such conditions as are expressed in the license; and it shall be lawful for the Governor at any time by a like order to revoke or alter such license.

* * * * *

Section 4 is repealed by Ordinance 7 of 1880.

Effect of
license.

5. So long as such license continues in force and unrevoked, the convict to whom it is granted shall not be liable to be imprisoned by reason of his sentence, but shall be allowed to go and remain at large according to the tenor of such license.

Revocation of
license by
Governor.

6. Where the Governor revokes any such license as aforesaid, he may by warrant under his hand signify to any Stipendiary Justice of the Peace that such license has been revoked, and require such Stipendiary Justice to issue his warrant for the apprehension of the convict to whom the license was granted. Such warrant may be executed by any constable in any part of the Colony.

The convict, when apprehended, shall be brought as soon as he conveniently may be before some Justice of the Peace, who shall thereupon make out his warrant for the recommitment of the convict to the Royal Gaol, and such convict shall be so recommitted accordingly, and shall thereupon be remitted to his original sentence,

and shall undergo the residue of his sentence, as if no such license had been granted: Provided that the time during which the convict was at large under his license shall be reckoned as served under his sentence.

7. Every holder of a license shall notify the place of his residence to the chief District Police Officer of the district in which his residence is situated, and shall, whenever he changes such residence within the same police district, notify such change to the chief District Police Officer of that district, and whenever he changes his residence from one police district to another shall notify such change of residence to the chief District Police Officer of the police district in which he is living, and to the chief District Police Officer of the police district into which he goes to reside. Moreover, every male holder of a license shall once in every month of the year report himself at such time as may be prescribed by the chief District Police Officer of the district in which such holder may be, either to such chief officer himself, or to such other person as that officer may direct; and such report may, according as such chief officer directs, be required to be made personally or by letter; and every male holder of a license shall, before he leaves the prison in which at the time of the grant of the license he is confined, notify to the keeper of the prison the district in which he will first report himself as aforesaid.

Convict holding license to notify residence to police.

If any holder of a license remains in any place for forty-eight hours without notifying the place of his residence to the chief District Police Officer of the district in which such place is situated, or fails to comply with the requisitions of this section on the occasion of any change of residence, or with the requisitions of this section as to reporting himself once in each month of the year, or fails to notify as aforesaid the district in which he will first report himself, or fails to report himself accordingly, he shall in every such case, unless he proves to the satisfaction of the court before whom he is tried that he did his best to act in conformity with the law, be guilty of an offence against this Ordinance, and upon conviction thereof his license may, in the discretion of the court, be revoked.

Offences by
holders of a
license.

8. If any holder of a license

1. Fails to produce his license when required to do so by any judge, justice of the peace or other magistrate, before whom he may be brought charged with any offence, or by any constable, in whose custody he may be, and also fails to make any reasonable excuse why he does not produce the same, or

2. Breaks any of the conditions of his license by an act which is not of itself punishable either upon indictment or upon summary conviction

he shall be deemed guilty of an offence against this Ordinance, and shall be liable to imprisonment for any period not exceeding three months, with or without hard labour.

Any constable may without warrant take into custody any holder of a license whom he may reasonably suspect of having committed any offence, or having broken any of the conditions of his license, and may detain him in custody until he can be taken before a justice of the peace or other competent magistrate, and dealt with according to law.

Penalty on
holders of
licenses
getting their
livelihood by
dishonest
means.

9. Any constable in any police district may, if authorised so to do in writing by the Inspector Commandant or any Inspector of Police, take into custody without warrant any convict who is the holder of a license granted under this Ordinance, if it appears to such constable that such convict is getting his livelihood by dishonest means, and may bring him before a Stipendiary Justice of the Peace for adjudication, and if it appears that there are reasonable grounds for believing that the convict is getting his livelihood by dishonest means, such convict shall be deemed guilty of an offence against this Ordinance, and upon conviction thereof his license may be revoked.

Forfeiture of
license.

10. Where upon indictment any person is convicted of an offence, and of being at the time of committing such offence (in this Ordinance referred to as a substantive offence) the holder of a license granted under this Ordinance, it shall be part of the sentence that the

license shall be deemed to have become forfeited upon the commission of the substantive offence.

11. In any indictment for an offence committed by a person holding a license under this Ordinance it shall be sufficient after charging the substantive offence to state that the offender was at the time of committing such offence a convict at large under a license granted under this Ordinance.

Procedure where an indictable offence is committed by a license holder.

Upon any such indictment the proceedings shall be as follow, that is to say, the offender shall in the first instance be arraigned upon so much only of the indictment as charges the substantive offence, and if he pleads not guilty, or if the Court orders a plea of not guilty to be entered on his behalf, the jury shall be charged in the first instance to inquire concerning such substantive offence only, and if they find him guilty, or if upon his arraignment he pleads guilty, he shall then and not before be asked whether at the time of committing the substantive offence he was a holder of a license granted under this Ordinance, and if he answers that he was such holder of a license the Court may proceed to sentence him accordingly, but if he denies that at the time of committing the substantive offence he was such holder of a license as aforesaid, or stands mute of malice, or will not answer directly to such question, the jury shall then be charged to enquire whether at the time of committing the substantive offence the offender was the holder of a license under this Ordinance, and in such case it shall not be necessary to swear the jury again but the oath already taken by them shall for all purposes be deemed to extend to such last mentioned inquiry: Provided that if upon the trial for the substantive offence the person accused gives evidence of his good character it shall be lawful for the prosecutor in answer thereto to give evidence that such person was the holder of a license granted under this Ordinance before the verdict in reference to the substantive offence is returned, and in that case the jury shall at one and the same time inquire concerning the substantive offence and also whether the person indicted was at the time of committing the offence the holder of a license granted under this Ordinance.

A certificate containing the substance and effect only of the indictment for the substantive offence and of the judgment thereon purporting to be signed by the Registrar of the Courts, shall, upon proof of the identity of the person of the offender, be sufficient evidence of the matters certified without proof of the signature or official character of the person appearing to have signed the certificate.

Revocation of license after conviction.

12. Where any holder of a license granted under this Ordinance is summarily or on an indictment convicted of an offence against this Ordinance or of any other offence, the license of such holder, if not forfeited by virtue of such offence, may, in the discretion of the Court before which he is convicted, be revoked.

Effect of forfeiture or revocation after conviction.

13. Where any license granted under this Ordinance is forfeited, or is revoked in consequence of a conviction for any offence, the convict whose license is so forfeited or revoked shall, in addition to any punishment or penalty to which he may be sentenced for the substantive offence in consequence of which his license is forfeited or revoked, further undergo a period of imprisonment with hard labour equal to the portion of his term of imprisonment which remained unexpired at the time of his license being granted, and shall be dealt with in all respects as if such period had formed part of his original sentence, and such period, if imprisonment be adjudged in respect of the substantive offence, shall commence at the expiration of such last-mentioned imprisonment.

As to legal proceedings to be taken before courts of summary jurisdiction.

14. Any offence against this Ordinance shall be an offence punishable on summary conviction before a Stipendiary Justice of the Peace, and the proceedings in reference to such offence shall be according to the Ordinance No. 5 of 1868, intituled "An Ordinance respecting the Summary Administration of Justice."

Chief officer of police.

15. Any act or thing authorised to be done by or to the chief district police officer of any district may be done by or to any constable authorised by him in that behalf.

Forms of warrant, &c.

16. The forms contained in the second schedule to this Ordinance, or forms as nearly resembling the same

as circumstances admit, may be used in all cases to which they refer and are applicable, and when so used shall be valid in law.

17. Nothing in this Ordinance shall affect any prerogative of Her Majesty. Saving of Her Majesty's prerogative.

Passed in Council this sixteenth day of July, in the year of our Lord one thousand eight hundred and seventy-nine.

G. F. BUSHE,
Acting Clerk of the Council.

THE SCHEDULES.

FIRST SCHEDULE.

FORM OF LICENSE TO A CONVICT.

TRINIDAD.

Government House, Port-of-Spain,
day of 18

The Governor is pleased to grant to _____ who was convicted of _____ at the Criminal Sessions holden at _____ on the _____ day of _____ and was then and there sentenced to be imprisoned for the term of _____ and is now confined in the _____ license to be at large, from the day of his liberation under this order, during the remaining portion of his said term of imprisonment, unless the said _____ shall, before the expiration of the said term, commit some offence, in which case if it be an indictable offence, the license will be immediately forfeited by law, and if it be any other offence, the license may be revoked by the convicting Court or Magistrate, or unless the Governor pleases sooner to revoke or alter such license.

This license is also subject to the conditions endorsed upon the same, upon the breach of any of which it will be liable to be revoked, whether such breach is by a conviction or not.

And the Governor hereby orders that the said _____ be set at liberty within thirty days from the date of this order: Provided that he first notifies to the keeper of the Royal Gaol in the town of Port of Spain, the police district in which he will first report himself pursuant to the Convicts' License Ordinance, 1879.

Colonial Secretary.

Or,

[For that he, being the holder of a license under the Convicts' License Ordinance, 1879, changed his residence from the police district of _____ to the police district of _____ and failed to notify such change of residence to the chief District Police Officer of the police district of _____ and did not prove to my satisfaction that he did his best to act in conformity with the law, and I did thereupon revoke his license.]

Or,

[For that he, being the holder of a license under the Convicts' License Ordinance, 1879, failed to report himself at the time and in the manner prescribed by the chief District Police Officer of the district of _____ in which the said holder was [or, named by him the said holder as the district in which he would first report himself], namely [here state time and manner], and did not prove to my satisfaction that he did his best to act in conformity with the law, and I did thereupon revoke his license.]

And I adjudged that he the said *A. B.* should be imprisoned with hard labour in the Royal Gaol, in the town of Port of Spain, for the period which at the time when his license was granted remained unexpired of the term of imprisonment which he was then serving, to wit, the period of _____ years:

I do therefore command you the said constables to take him the said *A. B.* and him safely to convey to the Royal Gaol in the town of Port of Spain, and there deliver him to the keeper of the said gaol, together with this warrant.

And I do hereby command you the said keeper to receive the said *A. B.* into the said prison, and there to imprison him and keep him to hard labour for the said period of _____ years.

And for so doing this shall be your warrant.

Given under my hand this _____ day of _____ in the year 18 _____

(Signed) R. D. M.,
Stipendiary Justice of the Peace.

FORM OF WARRANT ON BREACH OF CONDITION
OF LICENSE.

TRINIDAD.

To all Constables and to *E. F.*, keeper of the Royal Gaol, in the town of Port of Spain.

Whereas *A. B.* of _____ was this day convicted before me, the undersigned Stipendiary Justice of the Peace, for that he, being a holder of a license under the Convicts' Licence Ordinance, 1879, had broken the following condition in his license [here set out the condition], and was adjudged by me to be imprisoned for the space of _____ with [or without] hard labour.

I do therefore hereby command you, the said constables, to take the said *A. B.* and him safely to convey to the said gaol and there to deliver him to the said keeper, together with this warrant.

And I do hereby command you, the said keeper, to receive the said *A. B.* into the said gaol, and there to imprison him [*and keep him to hard labour] for the space aforesaid.

And for so doing this shall be your warrant.

Given under my hand at this day of
of in the year 18
(Signed) *R. D. M.*, a Stipendiary Justice of the Peace.

* If hard labour is ordered.

No. 10.—1879.

16th July.

AN ORDINANCE to amend the Ordinance No. 4 of 1858, intituled "An Ordinance to Facilitate the Investment of Suitors' Moneys."

(L. S.) HENRY T. IRVING.

24th July, 1879.

Certain
debentures,
&c., to be
negotiable.

WHEREAS it is expedient that the provisions of the Ordinance No. 4 of 1858, intituled "An Ordinance to facilitate the Investment of Suitors' Moneys," whereby in certain cases the negotiability of debentures issued by or under the authority of the Government of this Colony may be restricted, should not apply to debentures or coupons issued under the Port of Spain and Arima Railway (Money) Ordinance, 1873: Be it enacted by His Excellency the Governor, by and with the advice and consent of the Legislative Council, as follows:—

Every debenture issued under the said Port of Spain and Arima Railway (Money) Ordinance, 1873, and the coupons thereto, and the right to receive the principal moneys and interest respectively secured or represented