

have any such matter or thing in any dwelling-house, or any building, lodging, apartment, field, or other place, open or enclosed, whether belonging to or occupied by himself or not, and whether such matter or thing shall be so had for his own use or benefit, or for that of another, every such person shall be deemed and taken to have such matter or thing in his custody and possession, within the meaning of this Ordinance.

13. And be it enacted, that this Ordinance shall take effect from and immediately after the promulgation thereof.

Passed in Council this thirty-first day of December, one thousand eight hundred and forty-two.

THOMAS F. JOHNSTON,
Clerk of Council.

No. 15.—1842.

AN ORDINANCE for Assimilating the Laws with respect to Riots and Unlawful and Tumultuous Assemblies to the Laws of England in like cases.

(L. S.) C. CHICHESTER,

Acting Governor, Lieut.-Colonel 81st Regiment.

WHEREAS it is expedient that the Laws in this Colony with respect to Riots and Unlawful and Tumultuous Assemblies should be assimilated to the Laws of England in like cases: Now therefore be it enacted by His Excellency the Governor and Commander-in-Chief of the said Island and its Dependencies, by and with the advice and consent of the Council of Government thereof, That if any persons to the number of twelve or more, being unlawfully, riotously and tumultuously assembled together to the disturbance of the public peace, and being required or commanded by one or more Magistrate or Magistrates, by Proclamation under the Queen's name, in the form hereinafter directed, to disperse themselves and peaceably to depart to their habitations, or to their lawful business, shall, to the

Twelve persons or more unlawfully assembled, and not dispersing after being commanded by a Magistrate, by Proclamation, to be adjudged felons.

number of twelve or more (notwithstanding such Proclamation made), unlawfully, riotously and tumultuously remain or continue together for the space of one hour after such command or request made by Proclamation, then such continuing together to the number of twelve or more after such command or request made by Proclamation shall be adjudged felony, and every person so offending shall be adjudged a felon, and on conviction shall be liable to be imprisoned for any time not exceeding four years.

How the Proclamation shall be made.

2. And be it further enacted, That the order and form of the Proclamation that shall be made by the authority of this Ordinance shall be as hereinafter followeth, that is to say, the Magistrate shall appear among the said rioters, or as near to them as he can safely come, and with a loud voice command, or cause to be commanded, silence to be kept while Proclamation is making, and after that shall openly and with a loud voice make or cause to be made Proclamation of these words or like in effect :

The Proclamation.

“ Our Sovereign Lady the Queen chargeth and commandeth all persons being assembled, immediately to disperse themselves, and peaceably to depart to their houses or to their lawful business, upon the pains contained in the Ordinance, in such case provided.

“ God save the Queen ”

Magistrates to resort to the place.

And all such Magistrates, within the limits of their respective jurisdictions, are hereby authorized, empowered, and required, on notice or knowledge of any such unlawful, riotous and tumultuous assembly, to resort to the place where such unlawful, riotous, and tumultuous assembly shall be of persons to the number of twelve or more, and there to make or cause to be made Proclamation in manner aforesaid.

Persons so assembled, and not dispersing within one hour, to be seized,

3. And be it enacted, That if any such persons so unlawfully, riotously and tumultuously assembled, or twelve or more of them, after Proclamation made in manner aforesaid, shall continue together and not disperse themselves within one hour, then it shall be lawful to and for every Magistrate having jurisdiction where such assembly shall be, and to and for such other person or persons as shall be commanded to be assisting unto any such Magistrate, who is hereby authorized and empowered to command all Her Majesty's subjects of age and ability

to be assisting to him therein, to seize and apprehend, and they are hereby required to seize and apprehend such persons so unlawfully, riotously and tumultuously continuing together after Proclamation made as aforesaid, and forthwith to carry the persons so apprehended before one or more Magistrate or Magistrates for the district or place where such persons shall be so apprehended, in order to their being proceeded against for such their offences according to law; and that if the persons so unlawfully, riotously and tumultuously assembled, or any of them, shall happen to be killed, maimed, or hurt in the dispersing, seizing, or apprehending, or endeavouring to disperse, seize, or apprehend them, by reason of their resisting the persons so dispersing, seizing, or apprehending, or endeavouring to disperse, seize, or apprehend them, then every such Magistrate, and all and singular persons being aiding or assisting to them or any of them, shall be free, discharged, and indemnified, as well against the Queen's Majesty, her heirs and successors, as against all and every other person or persons, of, for, or concerning the killing, maiming, or hurting of any such person or persons so unlawfully, riotously and tumultuously assembled, as shall happen to be so killed, maimed, or hurt as aforesaid.

And if they make resistance, the persons seizing them to be indemnified.

4. And be it further enacted, That if any person or persons do, or shall with force and arms wilfully and knowingly oppose, obstruct, or in any manner wilfully and knowingly let, hinder, or hurt any person that shall begin to proclaim, or go to proclaim, according to the Proclamation hereby directed to be made, whereby such Proclamation shall not be made, the person so offending shall be guilty of felony, and being convicted thereof, shall be liable to be imprisoned for any term not exceeding four years; and that also every such person or persons so being unlawfully, riotously and tumultuously assembled together to the number of twelve as aforesaid, or more, to whom Proclamation should or ought to have been made if the same had not been hindered as aforesaid, shall likewise, in case they or any of them, to the number of twelve or more, shall continue together and not disperse themselves within one hour after such let or hindrance so made, having knowledge of such let or hindrance so made, be guilty of felony, and being

Opposing the making such Proclamation, felony.

Persons so assembled if Proclamation be hindered shall nevertheless be felons.

convicted thereof, shall be liable to be imprisoned for any term not exceeding four years.

Prosecution
to be com-
menced within
twelve months

5. And be it further enacted, That no person shall be prosecuted by virtue of this Ordinance for any offence hereinbefore mentioned, unless such prosecution shall be commenced within twelve months after the offence committed.

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Sec. 6 is repealed by Ordinance 7 of 1879.

In cases of im-
prisonment
with hard la-
bour, Court
may order
solitary con-
finement.

7. And be it further enacted, That when any person shall be convicted of any offence punishable under this Ordinance for which imprisonment may be awarded, it shall be lawful for the Court to sentence the offender to be imprisoned, or to be imprisoned and kept to hard labour in the Royal Gaol during the whole or any portion or portions of such imprisonment, and also to direct that the offender shall be kept in solitary confinement for such portion or portions of such imprisonment, or imprisonment with hard labour, not exceeding one month at a time, and not exceeding three months in any one year, as to the Court in its discretion shall seem meet.

Who shall be
Magistrates
under this Or-
dinance.

8. And be it further enacted, That all Members of the Council of Government in this Colony, and all Stipendiary and other Justices of the Peace, shall respectively be Magistrates for the purposes and within the terms and meaning of this Ordinance.

Commence-
ment of this
Ordinance.

9. And be it further enacted, That this Ordinance shall come into operation and take effect from and immediately after the promulgation thereof.

Passed in Council this thirty-first day of December,
one thousand eight hundred and forty-two.

THOMAS F. JOHNSTON,

Clerk of Council.