

For every horse, mare, gelding, mule, ass, ox,
 bull, cow, calf or other cattle in droves, or not } 0 0 1 $\frac{1}{4}$
 carrying riders or burdens

No toll to be demanded or taken in respect of any carriage or vehicle, or any horse, mule, or other beast passing through the toll-gate on its return the same day.

No. 3.—1850.

9th April.

AN ORDINANCE for the removal of certain defects
 in the criminal law.

HARRIS.

WHEREAS it is necessary to make better provision for the punishment of certain offences; and whereas the technical strictness of criminal proceedings might in some instances be relaxed so as to ensure the punishment of the guilty, without depriving the accused of any just means of defence—Be it therefore enacted by His Excellency the Governor by and with the advice and consent of the Council of Government and by the authority of the same: That whoever shall unlawfully and maliciously, by the explosion of gunpowder or any other explosive substance, destroy, throw down, or damage the whole or any part of any dwelling house, any person being therein, shall be guilty of felony.

Persons maliciously blowing up dwelling houses, any one being therein, guilty of felony;

2. And be it enacted, That whoever shall unlawfully and maliciously, by the explosion of gunpowder, or any other explosive substance, destroy or damage any building with intent to murder any person, or whereby the life of any person shall be endangered, shall be guilty of felony.

or blowing up buildings, with intent to murder, guilty of felony

3. And be it enacted, That whoever shall unlawfully and maliciously, by the explosion of gunpowder or any other explosive substance, burn, maim, disfigure, disable or do any grievous bodily harm to any person, shall be guilty of felony.

or injuring persons by explosive substances, guilty of felony;

4. And be it enacted, That whoever shall unlawfully and maliciously cause any gunpowder or other explosive

or attempting to do bodily injury by

sending, &c.,
explosive or
dangerous
substances,
guilty of
felony ;

substance to explode or send or deliver to, or cause to be taken or received by any person any gunpowder or other explosive substance, or any other dangerous or noxious thing, or cast or thrown at or upon, or otherwise apply to any person any corrosive fluid or other destructive or explosive substance, with intent, in any of the cases aforesaid to burn, maim, disfigure or disable any person, or to do some grievous bodily harm to any person, shall although no bodily injury be affected, be guilty of felony.

or attempting
to blow up
buildings,
guilty of
felony.

5. And be it enacted, That whoever shall unlawfully and maliciously place or throw in, into, upon, against, or near any building or vessel any gunpowder or other explosive substance with intent to do any bodily damage to any person, or to destroy or damage any building or vessel or any machinery, working tools, fixtures, goods or chattels, shall, whether or not any explosion shall take place, and whether or not any injury be affected to any person, or any damage to any building, vessel, machinery, working tools, fixtures, goods or chattels, be guilty of felony.

Punishment
for felonies
hereinbefore
specified.

6. And be it enacted, That whoever shall be convicted of any felony hereinbefore mentioned, shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding four years.

Punishment
for persons
setting fire to
produce or
implements in
buildings.

7. And be it enacted, That whoever shall unlawfully and maliciously set fire to any hay, straw, trash, megass, cane tops, or corn stalks, or to any coal, wood, charcoal or other substance whatsoever, or to any implement of husbandry being in any building whatsoever, with intent thereby to set fire to such building and to injure or defraud any person, shall be guilty of felony, and being convicted thereof shall be liable to be imprisoned for any term not exceeding three years.

Punishment
for persons
attempting to
set fire to
buildings, &c.

8. And be it enacted, That whoever shall unlawfully and maliciously by any overt act attempt to set fire to any building or vessel whatsoever, or to any growing crop, or to any vegetable produce whatsoever, whether standing or cut down, or to any hay, straw, trash, megass or other matter used for fuel, or to any trash reserved or placed on any land in course of cultivation, with such intent that if the offence were complete, the

*Repealed
1855*

offender would be guilty of felony, shall, although such building, vessel, building, growing crop, vegetable produce, straw, trash, megass or other matter be not actually set on fire, be guilty of felony, and being convicted thereof shall be liable to be imprisoned for any term not exceeding three years.

9. And be it enacted, That whoever shall knowingly have in his possession, or make or manufacture any gunpowder, or other explosive substance, or any dangerous or noxious thing, or any machine, engine, instrument or thing, with intent by means thereof to commit, or for the purpose of enabling any other person to commit any offence against this Ordinance, shall be guilty of a misdemeanor, and on conviction thereof shall be liable to be imprisoned for any term not exceeding two years.

Punishment for persons manufacturing, &c., explosive substances for the purpose of committing offences against this Ordinance.

10. And be it enacted, That it shall be lawful for any constable, assistant constable, or other peace officer, to take into custody without a warrant any person whom he shall find lying or loitering in any highway or other public place, or in or about any building whatsoever, or in or about any cane field, or any other cultivated land, during the night, and whom he shall have good cause to suspect of having committed or being about to commit any felony under this Ordinance, and to detain such person until he can be brought before a Justice of the Peace to be dealt with according to law; provided always and be it enacted, that no such person having been so apprehended shall be detained after sunset of the following day without being brought before a Justice of the Peace.

Any person loitering at night, suspected of felony under this Ordinance, may be taken into custody without warrant; but not to be detained after sunset of the following day.

11. And be it enacted, That if any person shall knowingly send, or deliver, or utter to any other person any letter or writing accusing or threatening to accuse either the person to whom such letter or writing shall be sent or delivered, or any other person, of any crime which, if committed in England would be punishable with death or transportation, or of any assault with intent to commit any rape, or of any attempt or endeavour to commit any rape, or of any crime in and by any Ordinance in force in this Colony defined to be an infamous crime, with a view or intent to extort or gain by means of such threatening letter or writing any

Persons sending threatening letters accusing others with certain crimes, with a view to extort money, guilty of felony.

property, money, security, or other valuable thing from any person whomsoever, or shall knowingly send or deliver or utter to any other person any letter or writing threatening to kill or murder any person whomsoever, or to burn or destroy any building, or any growing crop, or any megass or trash; or shall knowingly procure, counsel, aid, or abet the commission of any of the offences aforesaid, every such offender shall be guilty of felony, and being convicted thereof shall be liable to be imprisoned for any term not exceeding three years.

Persons accusing others of crimes hereinbefore mentioned, with the view of extorting money, &c., guilty of felony.

12. And be it enacted, That if any person shall accuse or threaten to accuse either the person to whom such accusation or threat shall be made or any other person of any of the crimes hereinbefore specified with the view or intent, in any of the cases last aforesaid, to extort or gain from such person so accused or threatened to be accused, or from any other person whomsoever, any property, money, security or other valuable thing, every such offender shall be guilty of felony, and being convicted thereof shall be liable to be imprisoned for any term not exceeding three years.

Punishment of accessories after the fact.

13. And be it enacted, That every accessory after the fact to any felony punishable under this Ordinance, shall on conviction thereof be liable to be imprisoned for any term not exceeding two years.

Persons convicted of offences for which imprisonment may be awarded, may be sentenced to hard labor.

14. And be it enacted, That where any person shall be convicted of any felony or misdemeanor 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 labor during the whole or any portion or portions of such term of imprisonment.

Trial and conviction of principals in the second degree and accessories before the fact to any felony.

15. And be it enacted, That from and after the commencement of this Ordinance, every person who shall be a principal in the second degree in any felony, and every person who shall become an accessory before the fact to any felony, whether the same be a felony by the common law of England or by virtue of the present Ordinance, or of any Ordinance or Ordinances made or passed, or to be made or passed, may be indicted, tried, convicted

and punished in all respects as if he were a principal felon in the first degree.

16. And be it enacted, That from and after the commencement of this Ordinance if any person shall become an accessory after the fact to any felony, whether the same be a felony by the common law of England or by virtue of the present Ordinance or of any Ordinance or Ordinances made or passed or to be made or passed, such person may be indicted, tried and convicted either as an accessory after the fact to the principal felony together with the principal felon, or after the conviction of the principal felon, or may be indicted and convicted of a substantive felony, whether the principal felon shall or shall not have been previously convicted, or shall or shall not be amenable to justice, and may thereupon be punished in like manner as any accessory after the fact to the same felony if convicted as an accessory may be punished, and the offence of such person, howsoever indicted, may be inquired of, tried, determined, and punished by any Court which shall have jurisdiction to try the principal felon, in the same manner as if the act by reason of which such person shall have become an accessory had been committed at the same place as the principal felony; provided always, that no person who shall be once duly tried for any such offence, whether as an accessory after the fact or as for a substantive felony, shall be liable to be again indicted or tried for the same offence.

17. And be it enacted, That from and after the commencement of this Ordinance in every indictment for feloniously stealing property, it shall be lawful to add a count or counts for feloniously receiving the same property knowing it to have been stolen; and in every indictment for feloniously receiving property knowing it to have been stolen it shall be lawful to add a count or counts for feloniously stealing the same property; and where any such indictment shall have been preferred against any person, the Attorney General or other Prosecutor shall not be put to his election; but it shall be lawful for the jury who shall try the same to find a verdict of guilty either of stealing the property or of receiving it knowing it to have been stolen; and if such indictment shall have been preferred against two or more persons, it shall be lawful for the jury who shall

Trial and conviction of accessories after the fact.

As to additions of counts in indictments for stealing and receiving stolen property.

try the same to find all or any of the said persons guilty either of stealing the property, or of receiving it knowing it to have been stolen, or to find any one or more of the said persons guilty of stealing the property, and any other or others of them guilty of receiving it knowing it to have been stolen.

Criminal courts may cause indictments to be amended in certain cases.

18. And be it enacted, That it shall be lawful for the Supreme Criminal Court, and for any other Court in the said Island which shall have jurisdiction in criminal matters, if such Court shall see fit so to do, to cause the indictment or charge for any offence whatever, whether such offence be a felony or a misdemeanor, when any variance or variances shall appear between any matter in writing or in print produced in evidence, and the recital or setting forth thereof in the indictment or charge whereon the trial is pending, to be forthwith amended in such particular or particulars by some officer of the Court, and after such amendment the trial shall proceed in the same manner in all respects, both with regard to the liability of witnesses to be indicted for perjury and otherwise, as if no such variance or variances had occurred.

Indictments for misdemeanors not traversable to subsequent session. Trial may be postponed on cause shown.

19. And be it enacted, That no person against whom any indictment shall be preferred for any misdemeanor before the Supreme Criminal Court, or any other Court having jurisdiction in criminal matters, shall be entitled to traverse the same to any subsequent session of such Court; but the Court shall forthwith proceed to try the same, unless upon good cause to be shown by the person against whom such indictment hath been preferred, or the Attorney-General or other Prosecutor, and to be allowed by the Court, for the postponement of the trial.

Passed in Council this ninth day of April, in the year of our Lord one thousand eight hundred and fifty.

GEORGE B. VAN BUREN,

Clerk of Council.

The foregoing Ordinance was duly proclaimed in Port of Spain this twenty-second day of April, one thousand eight hundred and fifty.

A. CLOGSTOUN,

Marshal.