

No. 1.—1867.

1st February.

AN ORDINANCE to authorise the Punishment of Whipping in certain cases.

(L.S.) ARTHUR GORDON.

8th February, 1867.

WHEREAS the punishment at present authorised by law is insufficient to deter from larcenies and malicious injuries to property; Be it enacted by His Excellency the Governor, with the advice and consent of the Legislative Council, as follows :

1. If any person shall hereafter steal, or wilfully receive knowing the same to have been stolen, any horse, mare, gelding, colt or filly, or any mule or ass, or any bull, cow, ox, steer, heifer or calf, or any ram, ewe sheep or lamb, or any hog, sow or pig, or any goat or kid, or shall wilfully kill any such cattle with intent to steal the carcass or skin or any part of the cattle so killed, the Court or Stipendiary Justice before whom he is convicted may in addition to any punishment awarded by law for such offence direct that the offender, if a male, be privately whipped. Stealing certain animals to be punishable by whipping.
2. If any person having been convicted before the Supreme Criminal Court or any Stipendiary Justice of the Peace of stealing or destroying or damaging with intent to steal any sugar cane, cocoa tree, or coffee tree, or any culti- Stealing, &c., cultivated plants to be punishable by whipping.

vated root or plant used for the food of man or beast or for medicine or dyeing, or distilling, or for or in the course of any manufacture and growing in any land whether open or enclosed; or of stealing or wilfully receiving, knowing the same to have been stolen, any domesticated animal or any animal ordinarily used for human food, shall afterwards commit any of the said offences and shall be convicted thereof before the Supreme Criminal Court or any Stipendiary Justice of the Peace, the Court or Stipendiary Justice, before whom he is convicted, may, in addition to any punishment awarded by law for such offence, direct that the offender, if a male, be privately whipped.

Strokes not to exceed sixteen with a switch for a boy nor thirty-six with a cat for a man.

3. Provided that in the case of an offender whose age does not exceed sixteen years the number of strokes shall not exceed sixteen and the instrument used shall be a rod composed of tamarind or other switches, and in the case of any other male offender the number of strokes shall not exceed thirty-six and the instrument used shall be the ordinary cat-of-nine-tails, and in each case the Court or Justice shall specify in the sentence the number of strokes to be inflicted and the instrument to be used.

Whipping to be inflicted within the gaol; and surgeon may defer part of punishment.

4. No punishment under this Ordinance shall be inflicted except within the walls of the gaol within which the convict shall be imprisoned, and in the presence of the surgeon of such gaol or some other duly qualified medical practitioner, and it shall be lawful for such surgeon or medical practitioner, if he shall see fit in any case, after the partial execution of such sentence of whipping, to interfere and by order in writing addressed to the keeper of such gaol to direct the remainder of such whipping to be inflicted on such other day as he shall see fit, to be specified in such order.

Surgeon to report to Governor.

5. The Surgeon or medical practitioner present at the infliction of any such whipping shall within two days thereafter report to the Governor in writing the state and condition of the convict so punished and whether the punishment of whipping has been inflicted fully or partially, and if partially to what extent.

Governor may remit or defer whipping.

6. It shall be lawful for the Governor if he shall see fit by order in writing addressed to the keeper of the

gaol where such convict shall be imprisoned altogether to remit the residue of such whipping or to order the same to be inflicted on such other day as the Governor may see fit.

7. On the trial of any person charged with any offence punishable by whipping under this ordinance a copy of the conviction by any Stipendiary Justice for the former offence, certified by such Stipendiary Justice or by the Clerk of the Peace of the district in which such conviction shall have been had, shall upon proof of the identity of the prisoner and of the signature of such Stipendiary Justice or Clerk of the Peace be sufficient evidence of such former conviction. Copy of former conviction to be evidence thereof.

Passed in Council this First day of February, in the year of Our Lord One thousand eight hundred and sixty-seven.

R. LECHMERE GUPPY,

Clerk of Council.

No. 9—1867.

1st April.

AN ORDINANCE for the Relief of Destitute Persons resident within the Rural Districts of the Island.

(L. S.) ARTHUR GORDON.

8th April, 1867.

WHEREAS it is expedient to make provision for the relief of destitute persons resident within the rural districts of the Island: Be it enacted by His Excellency the Governor, with the advice and consent of the Legislative Council, as follows:

1. It shall be lawful for the Governor to establish in such place as he shall see fit a House of Refuge for the reception and relief of destitute persons within the meaning of this Ordinance, and from time to time to House of refuge to be established.