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No. 6.—1868.*7th April.*

AN ORDINANCE for rendering certain Offences punishable on Summary Conviction.

(L. S.) ARTHUR GORDON.

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

Interpretation.

Interpretation
of terms.

1. The following words and expressions in this Ordinance shall have the meaning hereby assigned to them

unless there be something in the subject or context repugnant to such construction; that is to say:—

Words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number.

Words importing the masculine gender shall include females.

The word "Person" shall include a corporation, whether aggregate or sole.

The word "Lands" shall include messuages, tenements and hereditaments of any tenure.

The word "Street" shall extend to and include any road, square, court, alley, lane, wharf, jetty, thoroughfare, or public passage or highway.

The word "Month" shall mean calendar month.

The word "Oath" shall include affirmation in the case of Quakers, and any declaration lawfully substituted for an oath in the case of any other persons allowed by the law of England to make a declaration instead of taking an oath.

The word "Cattle" shall include horses, asses, mules, kine, sheep, goats and swine, as well as all horned cattle.

The word "Vessel" shall include all schooners, droghers, flats, punts, scows, boats, canoes, corials, rafts, or other craft.

The word "Vehicle" shall include waggons, carts, carriages of every description on wheels, sledges, trucks, barrows, and all other machines for the portage of goods or persons.

The word "Obeah" shall signify every pretended assumption of supernatural power or knowledge whatever for fraudulent or illicit purposes or for gain, or for the injury of any person.

The words "Valuable Security" shall include any tally, order or other security whatever entitling or evidencing the title of any person or body corporate to any share or interest in any public stock or fund of any body corporate, company or society, or to any deposit in any bank, or any debenture, deed, bond, bill, note, warrant, order or other security whatsoever for money or for payment of money, or any warrant or order for

the delivery or transfer of any goods or valuable thing."

The term Property shall include any description of real and personal property, money, debts and legacies, and all deeds and instruments relating to or evidencing the title or right to any property or giving a right to recover or receive any money or goods, and shall also include not only such property as shall have been originally in the possession or under the control of any party, but also any property into or for which the same may have been converted or exchanged, and anything acquired by such conversion or exchange, whether immediate or otherwise.

The word "Prison" shall include any lock-up house, prison, cell, or other duly authorised place of detention.

The word "Keeper" shall mean the keeper or other officer having the charge of any such prison.

Jurisdiction.

Jurisdiction.

2. All offences cognizable under this Ordinance may be prosecuted before any Justice of the Peace except where herein otherwise provided.

Assault and Battery.

Assault and battery.

3. Every person who shall unlawfully assault or beat any other person shall upon complaint by or on behalf of the party aggrieved, and upon conviction thereof before any Stipendiary Justice, either be imprisoned with or without hard labour for any term not exceeding three months, or else shall forfeit such sum not exceeding, together with costs (if ordered) the sum of ten pounds, and in default of payment of such fine, together with the costs (if ordered), within such period as such Stipendiary Justice shall appoint, shall be imprisoned for any term not exceeding three months, unless such fine and costs be sooner paid.

Assaults upon children and women.

4. When any person shall be charged before any Stipendiary Justice with assault or battery upon any male child whose age shall not, in the opinion of such Stipendiary Justice, exceed fourteen years, or upon any

female, either upon the complaint of the party aggrieved or otherwise, the said Stipendiary Justice, if the assault or battery is of such an aggravated nature that it cannot in his opinion be sufficiently punished under the provisions hereinbefore contained as to common assaults and batteries, may proceed to hear and determine the same, and such person on conviction thereof shall be imprisoned with hard labour for any term not exceeding six months.

5. Any person who, being masked or otherwise disguised, shall unlawfully assault or beat any other person shall upon conviction before a Stipendiary Justice be imprisoned with hard labour for any term not exceeding six months.

Assaults by maskers.

6. If the Stipendiary Justice, upon the hearing of any case of assault or battery upon the merits where the information was laid by or on behalf of the person aggrieved shall deem the offence not to be proved, or find the assault or battery to have been justified, or so trifling as not to merit punishment, and shall accordingly dismiss the information, he shall forthwith give to the defendant a certificate of the dismissal, and such certificate shall release the defendant from all other proceedings, civil or criminal for the same cause.

Where assault is unproved or trivial certificate of dismissal to be a bar to proceedings.

7. Provided, That in case the justice shall find the assault or battery complained of to have been accompanied by any attempt to commit felony, or shall be of opinion that the same is from any other circumstance a fit subject for prosecution by indictment; he shall abstain from any adjudication thereupon and shall deal with the case in all respects in the same manner as if he had no authority finally to hear and determine the same: And provided also that nothing herein contained shall authorise any Stipendiary Justice to hear and determine any case in which any question shall bona fide arise as to the title to any lands, tenements, or hereditaments or any interest therein, or accruing therefrom, or as to any bankruptcy or insolvency or any execution under the process of any Court of Justice.

Justice to abstain from adjudication in certain cases.

Larceny, Embezzlement, False Pretences, and Malicious Injuries.

Larceny.

8. Every person who shall be guilty of the larceny or the attempt to commit the larceny of any chattel, money, or valuable security, such larceny not being accompanied by burglary or housebreaking, menace or threat, nor amounting to robbery with violence, or who shall embezzle or shall by any false pretence obtain from any other person with intent to defraud any chattel, money, or valuable security where such chattel, money, or valuable security shall not in any case exceed the value of twenty pounds, shall on conviction thereof before any Stipendiary Justice, be imprisoned with or without hard labour for any term not exceeding six months.

Stealing animals.

9. Every person who shall steal any dog or who shall steal any bird, beast or other animal ordinarily kept in a state of confinement or for any domestic purpose not being the subject of larceny by the common law of England shall be imprisoned with hard labour for any term not exceeding three months, or shall forfeit any sum not exceeding five pounds, in addition to the value of the stolen dog, bird, beast or other animal, and in default of payment shall be imprisoned for any term not exceeding three months, and on any subsequent conviction be imprisoned with hard labour for any term not exceeding six months.

Unlawful possession of animals or parts thereof.

10. If any such bird or any of the plumage thereof, or any such dog or beast or the skin thereof or any such animal or any part thereof shall be found in the possession or on the premises of any person, any Justice may restore the same respectively to the owner thereof; and any person in whose possession such bird or the plumage thereof or such dog or beast or the skin thereof, or such animal or any part thereof shall be found, such person knowing that the bird, dog, beast or animal has been stolen, or that the plumage is the plumage of a stolen bird, or that the skin is the skin of a stolen dog or beast or that the part is a part of a stolen animal shall be liable for the first offence to such forfeiture, and for every subsequent offence to such punishment as any person convicted of stealing any dog, beast, bird or other animal is herein made liable to.

11. Every person who shall unlawfully and maliciously kill, maim or wound any dog, bird, beast or other animal not being cattle but being either the subject of larceny by the common law of England or ordinarily kept in a state of confinement or for any domestic purpose shall be imprisoned with or without hard labour for any term not exceeding three months or shall forfeit any sum not exceeding twenty pounds over and above the amount of the injury done, and in default of payment shall be imprisoned for any term not exceeding three months, and on any subsequent conviction shall be imprisoned with hard labour for any term not exceeding six months.

Killing and wounding animals.

12. Every person who shall unlawfully and wilfully kill, wound or take any house-dove or pigeon under circumstances which do not constitute larceny by the common law of England, shall be imprisoned with or without hard labour for any term not exceeding one month, or shall forfeit any sum not exceeding two pounds, in addition to the value of the bird, and in default of payment be imprisoned for any term not exceeding one month.

Killing and wounding pigeons.

13. Every person who shall unlawfully and wilfully take and destroy any fish in any water which shall be private property shall forfeit any sum not exceeding five pounds in addition to the value of the fish taken or destroyed, and in default of payment be imprisoned with or without hard labour for any term not exceeding two months.

Unlawfully taking fish.

14. Every person who shall steal, or unlawfully and maliciously root up, destroy, or damage, the whole or part of any tree, sapling, or shrub, wheresoever growing, the value thereof, or the injury done, being to the amount of one shilling at the least, shall forfeit any sum not exceeding five pounds, in addition to the value of the property stolen, or the amount of the injury done, and in default of payment be imprisoned with or without hard labour for any term not exceeding two months, and on any subsequent conviction shall be imprisoned with hard labour for any term not exceeding four months.

Stealing and damaging trees.

15. Every person who shall steal, or unlawfully and maliciously destroy or damage, any part of any live or dead fence whatsoever, or any iron or wooden post, pale,

Stealing and destroying fences.

rail or wire, used as a fence, or any stile or gate, or any part thereof respectively, shall forfeit any sum not exceeding five pounds, in addition to the value of the property stolen, or the amount of the injury done, and in default of payment be imprisoned with or without hard labour for any term not exceeding two months, and on any subsequent conviction be imprisoned with hard labour for any term not exceeding six months.

Stealing and destroying cultivated plants.

16. Every person who shall steal, or unlawfully and maliciously root up, destroy, or damage, any plant, root, fruit, or vegetable production growing in any garden, orchard, or nursery ground, greenhouse, or conservatory, shall be imprisoned with hard labour for any term not exceeding three months, or shall forfeit any sum not exceeding twenty pounds, in addition to the value of the property stolen, or the amount of the injury done, and in default of payment be imprisoned with hard labour for any term not exceeding three months, and on any subsequent conviction shall be imprisoned with hard labour for any term not exceeding six months.

Stealing and destroying plants used for food and manufactures.

17. Every person who shall steal, or unlawfully and maliciously root up, destroy or damage, the whole or part of any sugar cane, cacao tree, cocoa nut tree, coffee tree, or any cultivated root or plant used for the food of man or beast, or for medicine, dyeing, or distilling, or for any manufacture, and growing in any land open or enclosed, not being a garden, orchard, or nursery ground, shall be imprisoned with or without hard labour for any period not exceeding three months, or shall be fined any sum not exceeding one pound, in addition to the value of the property stolen, or the amount of the injury done, and in default of payment shall be imprisoned with or without hard labour for any term not exceeding three months, and on any subsequent conviction shall be imprisoned with hard labour for any term not exceeding six months.

Damaging property.

18. Every person who shall unlawfully and maliciously damage any real or personal property whatsoever, of a public or private nature, for which no punishment is otherwise provided, shall pay what shall appear to the convicting justice a reasonable compensation for the damage, not exceeding five pounds, and in default of

payment shall be imprisoned with or without hard labour for any term not exceeding two months, but the above provision shall not extend to any case in which the person complained against shall have acted under a fair claim of right.

19. The provisions in the last preceding clause contained shall extend to any person who shall wilfully or maliciously commit any injury to any tree, sapling, shrub or underwood, for which no punishment is hereinbefore provided.

Injuring trees less than the value of one shilling.

20. If the whole or any part of any tree, sapling or shrub, or any underwood or any part of any fence, or any post, pale, wire, rail, stile or gate, or any part thereof, being the value of one shilling at the least, shall be found in the possession or on the premises of any person with his knowledge, and such person shall not satisfy the Justice before whom he shall be brought that he came lawfully thereby, shall forfeit in addition to the value of the article or articles so found, any sum not exceeding two pounds, and in default of payment be imprisoned with or without hard labour for any term not exceeding two months, and on any subsequent conviction shall be imprisoned with hard labour for any term not exceeding four months.

Unlawful possession of trees or parts of fences.

21. If any horse, mare, gelding, colt, or filly, or any mule or ass, or any bull, cow, ox, heifer or calf, or any ram, ewe, sheep or lamb, goat or swine, or the carcase, head, skin, or any part thereof, shall be found in the possession or on the premises of any person, and if such person shall not satisfy the Justice before whom he shall be brought, that he came lawfully by such cattle, or the carcase, head, skin, or any part thereof, he shall forfeit any sum not exceeding five pounds, and in default of payment be imprisoned for any term not exceeding two calendar months, and on any subsequent conviction shall be imprisoned with hard labour for any term not exceeding six months.

Unlawful possession of cattle or parts thereof.

22. If any person shall be convicted under this Ordinance of stealing, or wilfully receiving, 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

Stealing, &c., cattle or domestic animals may be punished with whipping.

any hog, sow or pig, or any goat or kid, or of stealing or wilfully receiving, knowing the same to have been stolen, any animal ordinarily kept in a state of confinement or for any domestic purpose, or any animal ordinarily used for human food, it shall be lawful for the convicting Justice in addition to any other punishment awarded by law, for such offence to direct that the offender, if a male, be privately whipped.

The second offence of stealing or damaging useful plants and domestic animals punishable by whipping.

23. If any person having been convicted before the Supreme Criminal Court, or any Stipendiary Justice of stealing, or unlawfully and maliciously destroying or damaging any sugar cane, cacao tree or coffee tree, or any cultivated root or plant used for the food of man or beast, or for medicine, or for 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 animal ordinarily kept in a state of confinement, or for any domestic purpose, or any animal ordinarily used for human food, shall afterwards commit any of the said offences, and shall be convicted thereof before any Stipendiary Justice, it shall be lawful for such Justice, in addition to any other punishment awarded by law for such offence, to direct that the offender, if a male, be privately whipped.

Not necessary to prove malice.

24. In any prosecution for maliciously destroying or damaging any property, it shall not be necessary to prove malice against the owner.

Compensation to injured person.

25. Every sum of money adjudged to be paid as the value of any property stolen or taken, or the amount of the injury done, which shall be assessed by the convicting Justice, shall be paid to the party aggrieved, if known, but if unknown it shall be applied in the same manner as any fine; but when several persons shall be convicted for the same offence and each shall be adjudged to pay the value of the property stolen or taken, or the amount of the injury done, the party aggrieved shall receive only one such sum, and the residue shall be applied in the same manner as any fine.

Receiving, &c.

Receiving punishable as stealing.

26. Where the stealing of any property is punishable under this Ordinance, any person who shall receive any

such property knowing the same to be unlawfully come by shall, on conviction before any Stipendiary Justice, be punished in the same manner as any person guilty of the offence of stealing such property is punishable.

27. If property of any kind belonging to or forming part of the cargo of a vessel in distress, or wrecked, stranded, or cast on shore, or belonging to any the officers, crew or passengers of such vessel, shall be found in the possession or on the premises of any person with his knowledge and such person shall not satisfy the Justice before whom he shall be brought that he came lawfully by the same he shall forfeit any sum not exceeding twenty pounds, and in default of payment be imprisoned with hard labour for any term not exceeding three months.

Unlawful possession of property pertaining to ships, &c.

28. If any person shall offer or expose for sale, property of any kind which shall have been unlawfully taken or shall be reasonably suspected so to have been taken from any vessel in distress, or wrecked, or stranded, or cast on shore, in every such case any person to whom the same shall be offered for sale, or any Officer of Customs or constable may lawfully seize the same, and shall with all convenient speed carry the same or give notice of such seizure to some Justice of the Peace, and if the person who shall have offered or exposed the same for sale being summoned by such Justice shall not appear and satisfy the Justice that he came lawfully by such property, then the same shall by order of the Justice be forthwith delivered over to or for the use of the rightful owner thereof, upon payment of a reasonable reward (to be ascertained by the Justice) to the person who seized the same; and the offender shall forfeit any sum not exceeding twenty pounds and in default of payment be imprisoned with or without hard labour for any term not exceeding three months, and on any subsequent conviction shall be imprisoned with hard labour for any term not exceeding six months.

Offering for sale property belonging to ships.

Limitation.

29. All cases punishable under this Ordinance of larceny, attempting to commit larceny, aiding, abetting, counselling, or procuring the commission of a larceny,

Limitation of time.

and receiving any chattel, money, or valuable security, knowing it to have been unlawfully come by, or of embezzling or obtaining by any false pretence any chattel, money, or valuable security, with intent to defraud, may be prosecuted at any time within twelve months after the commission of the offence.

Superstitious Devices.

Assumption
of super-
natural power
or knowledge.

30. Every person who, by the practice of obeah or by any occult means or by any assumption of supernatural power or knowledge, shall intimidate or attempt to intimidate any person, or shall obtain or endeavour to obtain any chattel, money, or valuable security from any other person, or shall pretend to discover any lost or stolen goods, or the person who stole the same, or to inflict any disease, loss, damage, or personal injury to or upon any other person, or to restore any other person to health, and every person who shall procure, counsel, induce or persuade, or endeavour to persuade any other person to commit any such offence shall, on conviction before any Stipendiary Justice, be imprisoned with or without hard labour, for any term not exceeding six months, and if a male, may be once privately whipped during the continuance of such imprisonment, and if a female, may during such imprisonment be kept in solitary confinement not exceeding three days at any one time, and not exceeding one month in the whole, as such Justice shall direct.

Articles used
in obeah and
witchcraft
may be seized.

31. If it shall be shewn, upon the oath of a credible witness, that there is reasonable cause to suspect that any person is in possession of any article or thing used by him, in the practice of obeah or witchcraft, it shall be lawful for any Justice of the Peace, by warrant under his hand, to cause any place whatsoever belonging to or under the control of such person, to be searched, either in the day or in the night, and if any such article shall be found in any place so searched to cause the same to be seized and brought before him or some other Justice of the Peace, who shall cause the same to be secured for the purpose of being produced in evidence in any case in which it may be required.

Idle and Disorderly Persons.

32. Every person committing any of the offences hereinafter mentioned in this section shall be deemed an idle and disorderly person, and shall be imprisoned with or without hard labour for any term not exceeding one month:—

Who shall be deemed idle and disorderly persons.

1. Every person who being able by labour or other lawful means to maintain himself or his wife, or child, where such wife or child is without other means of support, shall refuse or neglect so to do.
2. Every person wandering abroad or placing himself in any street to beg or gather alms or causing or procuring or encouraging any child so to do.
3. Every person sleeping or loitering in or under any verandah, gallery, outhouse, passage, gateway, or building wholly or in part unoccupied, or being found in or under any cart, carriage, or vessel, or on or under any wharf, quay, jetty, bridge, footway, or other public place, or within any enclosed land, without leave of the owner, occupier or person in charge thereof, and not giving a good account of himself.
4. Every person who shall without leave of the owner or occupier, affix any placard or notice upon any building or wall, or otherwise deface the same.
5. Every person pretending or professing to tell fortunes.

Rogues and Vagabonds.

33. Every person convicted a second time of being an idle and disorderly person, and every person apprehended as an idle and disorderly person violently resisting any police officer apprehending him, and who shall be subsequently convicted of the offence for which he shall have been so apprehended, and every person who shall commit any of the offences hereinafter mentioned in this section shall be deemed a rogue and vagabond, and shall on conviction be imprisoned with hard labour for any term not exceeding two months:—

Who shall be deemed rogues and vagabonds.

1. Every person procuring or endeavouring to procure alms or charitable contributions for himself or others under any false or fraudulent pretence.
2. Every person having in his custody or possession any implement which there is reasonable cause to believe is intended for the purpose of unlawfully breaking into any building, and every such implement shall on the conviction of the offender be forfeited.
3. Every person armed with, or having upon him, any weapon or instrument which there is reasonable cause to believe is intended for the purpose of committing any felony; and every such weapon and instrument shall, on the conviction of the offender, be forfeited.
4. Every person found in any verandah, gallery, passage, gateway, dwelling house, warehouse, store, stable, outhouse or other building, or in any yard, garden or other inclosed land, for any unlawful purpose.
5. Every person found in or about any market, wharf or jetty, or in or about any vessel for any unlawful purpose.
6. Every person who exposes in any public place or in view thereof any defamatory or insulting writing or object.
7. Every person who offers for sale or distribution, or who exhibits to public view any profane, indecent or obscene book, paper, print, drawing, painting or representation.
8. Every person wilfully and obscenely exposing his person in any public place or within view thereof.
9. Every person playing or betting in any open and public place at any game or pretended game of chance or with any instrument of gaming.
10. Every woman loitering about and soliciting passengers for the purpose of prostitution.

Incorrigible Rogues.

Who shall be deemed to be incorrigible rogues.

34. Every person committing an offence against this Ordinance which shall subject him to be dealt with as a rogue and vagabond, such person having been previously

convicted as such, and every person apprehended as a rogue and vagabond and violently resisting any police officer so apprehending him, and who shall afterward, be convicted of the offence for which he shall have been apprehended, and every person who shall break or escape out of any place of lawful confinement before the expiration of the term for which he shall have been committed under this Ordinance shall be deemed to be an incorrigible rogue, and shall on conviction before any Stipendiary Justice be imprisoned with hard labour for any term not exceeding six months, and if a male, may be once privately whipped during the continuance of such imprisonment.

35. Any Justice of the Peace, upon information upon oath that any person reasonably suspected to be an idle and disorderly person, or a rogue and vagabond, or an incorrigible rogue, is or is reasonably suspected to be harboured or concealed in any house or place, may by warrant authorise any constable to enter at any time into such house or place, and to apprehend and bring him before some Stipendiary Justice to be dealt with according to law.

Persons suspected of being idle and disorderly or a rogue and vagabond, &c., and harboured in any place, may be apprehended.

Gaming Houses.

36. Every owner or occupier or keeper of any house or room used as a common gaming house, and every other person who shall be in anywise engaged in the management thereof, shall on conviction before any Stipendiary Justice of the Peace forfeit any sum not exceeding fifty pounds or be imprisoned with or without hard labour for any term not exceeding six months.

Keeping gaming houses.

37. It shall be lawful for any Justice of the Peace on the information in writing of any credible person to authorise by warrant any constable with any necessary assistants forcibly to enter any house or room used as a common gaming house, and to take into custody all persons, and to seize all tables or instruments of gaming, and all moneys or securities for money found therein, and upon proof that such house or room has been used as a common gaming house, every person found therein, without lawful excuse, shall on conviction before any

Gaming houses may be entered and persons taken into custody and instruments of gaming, money, &c., seized.

Stipendiary Justice forfeit any sum not exceeding ten pounds, and all such tables or instruments shall be destroyed, and all such moneys or securities for money shall be paid to the Receiver General for the use of the colony; provided always that nothing herein contained shall prevent any proceeding by indictment against the owner, occupier, keeper, or other person having the care and management of any gaming house.

Evidence as to what is a gaming house.

38. In default of other evidence to prove a house, room or place to be a common gaming house, it shall be sufficient to prove that it is kept or used for playing therein at any game of chance, and that a bank is kept there by one or more of the players exclusively of the others, or, that the chances of any game played therein are not alike favourable to all the players, including among the players the banker or other person by whom the game is managed, or against whom the other players stake, play, or bet.

Presence of instruments of gaming.

39. Where any cards, dice, balls, counters, tables, or other instruments of gaming used in playing any game of chance, shall be found in any house, room or place suspected to be used as a common gaming house, or about the person of any of those who shall be found therein, it shall be evidence, until the contrary be made to appear, that such house, room or place is used as a common gaming house.

Obstructing constable or possession of means or contrivances for gaming or destroying, &c., instruments of gaming.

40. Where any constable authorised to enter a house, room, or place suspected to be used as a common gaming house is wilfully prevented from, or obstructed or delayed in entering the same, or where such house, room, or place is found fitted or provided with any means or contrivance for unlawful gaming, or any means or contrivance for concealing, removing or destroying any instruments of gaming, it shall be evidence, until the contrary be made to appear, that such house, room, or place is used as a common gaming house.

Permitting house to be used for gaming.

41. The owner or occupier of any house, room, or place knowingly and wilfully permitting it to be opened or used by any other person for the purpose of unlawful gaming being carried on therein shall be imprisoned for any term not exceeding six months, or forfeit any sum not exceeding fifty pounds, and in default of payment

shall be imprisoned with or without hard labour for any term not exceeding six months.

42. Every person who shall wilfully prevent any constable duly authorised from entering any house, room or place suspected to be used as a common gaming house, or shall use any means or contrivance whatsoever for the purpose of preventing, obstructing, or delaying the entry of any constable so authorised, into such house, room, or place, shall be imprisoned with or without hard labour for any period not exceeding four months, or forfeit any sum not exceeding twenty pounds, and in default of payment be imprisoned with or without hard labour for any period not exceeding four months.

Obstructing
constable
entering sus-
pected
gaming
house.

Cruelty to Animals.

43. Every person who shall cruelly beat, ill-treat, or torture any animal, or by negligence or ill-usage in the driving thereof be the means whereby any mischief, damage, or injury shall be done to any such animal, shall forfeit any sum not exceeding five pounds, and in default of immediate payment be imprisoned with or without hard labour for any term not exceeding two months.

Cruelty to
animals.

44. And for the more easy and effectual apprehension of persons committing any of the offences in the preceding clause mentioned, it shall be lawful for any police constable or for the owner of any such animal upon view of any such offence or upon the information of any other person who shall declare his name and place of abode, to seize and secure and forthwith, without any other authority or warrant, to convey any such offender before any Stipendiary Justice, within whose jurisdiction the offence may have been committed, to be dealt with according to law.

Apprehension
of persons
guilty of
cruelty to
animals.

45. If any person shall by cruelly beating, ill-treating, overdriving, abusing or torturing any animal, do any damage or injury to such animal, or shall thereby cause any damage or injury to be done to any person or any property, every such offender shall on conviction pay to the owner of such animal (if the offender shall not be the owner thereof) or to the person who shall sustain

Offender to
compensate
owner for
injury done to
animals.

damage or injury as aforesaid such sum by way of compensation not exceeding the sum of ten pounds as shall be ascertained and determined by the Justice of the Peace by whom such person shall have been convicted.

Baiting or
fighting
animals.

46. Every person who shall keep, or act in the management of any house, room, yard, pit or other place for the purpose of fighting or baiting any animal, whether of a domestic or wild nature, or who, being the owner or occupier of any house, room, yard, pit or other place, shall knowingly permit any animals to be there baited or fought shall forfeit any sum not exceeding twenty pounds, and in default of immediate payment be imprisoned with or without hard labour for any term not exceeding three months, or in the discretion of the convicting Justice shall be imprisoned with or without hard labour for any term not exceeding three months.

Persons found
in place used
for baiting
animals, to be
apprehended
and animals
found therein
to be seized.

47. It shall be lawful for any Justice of the Peace by order in writing to authorise any police constable with any necessary assistants to enter any house, room, yard, pit or other place used for the purpose of fighting or baiting any animal, and take into custody all persons who, and to seize all animals which shall be found therein, and every person so found therein, without lawful cause, shall on conviction thereof be imprisoned for any term not exceeding one month or forfeit any sum not exceeding four pounds, and in default of immediate payment be imprisoned for any term not exceeding one month, and every animal so seized shall be forfeited.

Conviction
not to exempt
from action
for nuisance.

48. Provided always that a conviction under this Ordinance shall not exempt the owner, keeper, or manager of any such house, room, yard, pit or other place from any penalty or penal consequence to which he may be liable for the nuisance thereby occasioned.

Drunkenness or Disorderly Conduct in Places of Public Resort.

Drunkenness
in Public
Houses, &c.

49. Every owner or occupier, or any person in the employment of any owner or occupier, of any house, shop, room, or other place of public resort wherein provisions, liquors or refreshments of any kind shall be sold

or consumed (whether the same shall be kept or retailed therein or procured elsewhere), who shall knowingly permit drunkenness, gambling or any other disorderly conduct therein or knowingly permit or suffer known prostitutes or convicted felons, rogues and vagabonds, or incorrigible rogues to meet together or remain therein shall be imprisoned with or without hard labour for any term not exceeding three months, or shall forfeit any sum not exceeding twenty pounds, and in default of immediate payment be imprisoned with or without hard labour for any term not exceeding three months.

50. Any person who shall be drunk, riotous, quarrelsome, or disorderly in any shop, house, premises, or place licensed for the sale of beer, wine, or spirituous liquors by retail, or for refreshment, resort and entertainment, and shall refuse or neglect to quit such shop, house, premises, or place upon being requested to do so by the owner, manager, or occupier, or his agent or servant, or by any constable shall on conviction thereof before any Justice of the Peace forfeit any sum not exceeding forty shillings; and all constables are hereby authorised, empowered and required, on the demand of such owner manager, occupier, agent or servant to assist in expelling such drunken, riotous, quarrelsome and disorderly persons from such shops, houses, premises and places.

Persons drunk and disorderly in public houses, &c. and not leaving when requested.

Harbouring Constables in Licensed Spirit Shops.

51. Every person licensed to sell spirits, or wine, beer, cider or other fermented or distilled liquors by retail who shall knowingly harbour or entertain, or suffer to remain in his house or place wherein he carries on business, any non-commissioned officer or constable of police during any part of the time appointed for his being on duty, unless for the purpose of quelling any disturbance or restoring order, or in the performance of any duty as an officer of Customs, shall forfeit any sum not exceeding four pounds, and in default of immediate payment shall be imprisoned with or without hard labour for any term not exceeding one month.

Harbouring constables in public houses, &c.

52. Every owner or occupier of any shop for the sale of goods or provisions by retail who shall open such shop or permit the same to be open after the hour of ten

Keeping shops open at undue hours.

o'clock in the evening or before the hour of five o'clock in the morning shall forfeit for every such offence the sum of five pounds, and in default of payment be imprisoned with or without hard labour for any term not exceeding one month.

Playing Drums, &c., after ten at Night.

Playing drums, &c., at undue hours.

53. Every owner or occupier of any house, building, yard, or other place who shall, without license under the hand of a commissioned officer of police, permit any persons to assemble and play or dance therein to any drum, gong, tambour, bangee, chac-chac or other similar instrument of music, at any time between the hour of ten o'clock in the evening of one day, and the hour of six o'clock in the morning of the next day, shall on conviction thereof forfeit any sum not exceeding ten pounds, and in default of immediate payment shall be imprisoned with or without hard labour for any term not exceeding one month, and it shall be lawful for any police constable, with such assistants as he may take to his aid, to enter any house, building, yard or place where any persons may be so assembled, and seize and carry away all such drums, gongs, tambours, bangees, chac-chacs, or other instruments of music, and the same shall be forfeited.

Sunday Trading.

Employing persons to labour or selling goods on Sunday.

54. Every person who shall on a Sunday employ for hire any other person in any agricultural or manufacturing labour or employment, or in the carting or crooking of any goods or produce, or in the loading of any vessel, or the transshipping of any goods or produce, or who shall on a Sunday after the hour of nine o'clock in the morning, expose for sale in any public market, any goods, wares, or merchandise, shall on conviction before any Stipendiary Justice forfeit any sum not exceeding five pounds, and in default of immediate payment be imprisoned for any term not exceeding one month.

Stolen Goods.

Constable may apprehend person carry-

55. It shall be lawful for any constable to apprehend and detain any person carrying or conveying any article

whatsoever, which such constable may have reasonable cause to suspect to be stolen or to contain any stolen goods, and to take such person and such article, and goods, if any, before any Stipendiary Justice to be dealt with according to law, and if such person shall not within some reasonable time to be assigned by such Stipendiary Justice make it appear to the satisfaction of such Stipendiary Justice by what lawful means he came to be in possession of such goods, he shall forfeit any sum not exceeding twenty pounds, and in default of immediate payment shall be imprisoned with hard labour for any term not exceeding six months.

ing goods
suspected to
be stolen.

56. It shall be lawful for any Justice by warrant under his hand, to direct any constable, with such assistants as may be necessary, to enter and search at any time of the day or by night, any house, store, yard, or other place, or any vessel in which there shall be reasonable cause to suspect that any stolen goods are concealed or placed, and if any such stolen goods or other goods which there shall be a reasonable cause to suspect to have been stolen shall be found, to convey the same forthwith before any Stipendiary Justice, or to guard the same on the spot or in some place of security subject to the Orders of any Justice; and to apprehend and convey before any Stipendiary Justice, the person or persons in whose house, store, yard, place, or vessel such goods shall be so found, if such constable has reasonable cause to suspect such person or persons to have been privy to such concealment, and also any other person found in such house, store, yard, place, or vessel who shall appear to have been privy to the concealing or placing of such goods; and every such person who shall not within some reasonable time to be assigned by such Stipendiary Justice, make it appear to the satisfaction of such Stipendiary Justice by what lawful means such goods came to be in such place as aforesaid, shall be imprisoned with hard labour for any term not exceeding six months, or forfeit any sum not exceeding twenty pounds, and in default of immediate payment shall be imprisoned with hard labour for any term not exceeding six months.

Place in which
stolen goods
are concealed
may be
searched;
and persons
privy to the
concealment
may be
apprehended.

57. When any person charged before any Stipendiary

Persons

through
whose posses-
sion stolen
goods have
passed, to be
examined.

Justice with having or conveying goods stolen or reasonably suspected to have been stolen shall declare himself to have received the same from some other person, or to have been employed as a carrier, agent, or servant to convey the same for some other person, such Justice is hereby authorised to cause every such other person, and also if necessary any other person through whose possession such goods shall previously have passed, to be brought before him and examined, and any such person who shall have obtained possession of such goods, having reasonable cause to believe the same to have been stolen shall be deemed to have received such goods knowing the same to have been stolen, and shall be punished as hereinbefore last mentioned; and every such person shall be deemed to have had possession of such goods at the time and place when and where the same shall have been found or seized; and the possession of a carrier, agent or servant shall be deemed to be the possession of the person who shall have employed such carrier, agent, or servant to convey the same.

Disposal of
unclaimed
stolen goods.

58. When any person shall have been convicted under this Ordinance of having received any goods knowing the same to have been stolen, it shall be lawful for the Justice of the Peace before whom the conviction shall have taken place to cause such goods to be publicly advertised for sale, and such goods shall be sold to the highest bidder at public auction within thirty days from the date of such advertisement, if no person shall prove his right to the said goods, or forthwith if such goods shall be of a perishable nature, and the proceeds thereof shall be paid by the Stipendiary Justice of the district to the Receiver General for the use of the Colony.

Carrying prohibited Articles into Prison.

Introducing
prohibited
articles into
prisons.

59. If any person shall introduce, or attempt to introduce, or aid in the introduction into any prison of anything not permitted by the regulations of such prison to be introduced therein, it shall be lawful for any Keeper, or any assistant or servant to any Keeper of such prison, or for any constable, to apprehend such offender and carry him before any Justice of the Peace, and such person shall on conviction be imprisoned for any term not exceeding three months.

Drunkenness, &c., in Streets, Police Courts, &c.

60. Any person drunk and disorderly in any street, and any person guilty of any riotous or indecent behaviour therein, or insulting, obstructing, or annoying any passengers therein, or guilty of any riotous or indecent behaviour in any police court or station or in any place of public entertainment, shall forfeit any sum not exceeding five pounds for every such offence, or be imprisoned with or without hard labour for any term not exceeding two months.

Drunkenness
in streets.

Violent or obscene language, Provoking Breach of the Peace, &c.

61. Any person making use of any violent or obscene language with intent to provoke any other person to commit a breach of the peace, and any person who shall use any obscene or profane language to the annoyance of any resident or passenger in any street, or shall fight or otherwise disturb the peace, shall forfeit any sum not exceeding five pounds, or be imprisoned with or without hard labour for any term not exceeding thirty days.

Violent and
obscene
language.

Offences in Streets and other Public Places.

62. Every person who commits any of the following offences in any street shall forfeit any sum not exceeding five pounds for each offence, or shall be imprisoned with or without hard labour for any term not exceeding one month, that is to say :—

Offences in
streets.

1. Every person who exposes for show, hire or sale (except in a market or market place lawfully appointed for that purpose) any animal, or exhibits any show for public entertainment, or shoes, bleeds or farries any animal (except in cases of accident), or cleans or turns loose any animal, or makes, or repairs, washes, or cleans any vehicle (except in case of accident where repair on the spot is necessary).
2. Every person who slaughters any animal, except such as may have met with accident, or which for

public safety, or other reasonable cause, ought to be killed on the spot.

3. Every person having the care of any vehicle who rides on the shafts of the same, or who, without having reins and holding the same, rides upon such vehicle or upon any animal drawing the same, or is at such a distance from such vehicle as not to have due control over every animal drawing the same, or who does not in meeting any other vehicle or passenger on horseback keep his vehicle to the left or near side, or who in passing any other vehicle or passenger on horseback, does not keep his vehicle on the right or off side of the road (except in cases of actual necessity, or some sufficient reason for deviation), or who by obstructing the street wilfully prevents any person or vehicle from passing him or any vehicle under his care.
4. Every person who rides or drives furiously any cattle or vehicle.
5. Every person who being the driver or having the charge of any vehicle shall leave the same unattended.
6. Every person who being the driver or having the charge of any public vehicle shall allow such vehicle to remain or stand for the purpose of hire at any place in any town, other than such as may from time to time be lawfully appointed for such purpose.
7. Every person who causes any vehicle, or any beast of draught, to stand longer than is necessary for loading or unloading goods or for taking up or setting down passengers (except public carts, cabs, or other vehicles standing for hire in any place lawfully appointed for that purpose), and every person who by means of any vehicle or animal wilfully interrupts any public crossing, or wilfully causes an obstruction.
8. Every person who carries, or being the owner of any vehicle suffers or permits to be carried, any tree, timber or iron beam, or any lumber or other matter or thing projecting on either side of any such vehicle more than twenty-four inches

beyond the plane of the wheels of such vehicle, or carries or suffers to be carried any such tree, timber or iron beam, or lumber or other matter or thing exceeding twenty-five feet in length on any vehicle having less than four wheels.

9. Every person who drives or leads any cattle unless with proper and sufficient assistance.
10. Every person who offers or exposes for sale any herbage or forage in any public place in any town, other than such place or places as may from time to time be lawfully appointed for that purpose.
11. Every person who exposes for sale any goods whatsoever so that the same project into or over any footway, or beyond the line of the house, shop or building in which the same are exposed.
12. Every person who hangs or places any clothes on any line or cord projecting over any part of any street, or on any wall, fence, or paling abutting upon any street.
13. Every person who sings any profane or obscene song or ballad.
14. Every parent or guardian or person standing in the relation of parent or guardian to any child above the age of five years who shall permit such child to go naked.
15. Every person who wantonly extinguishes the light of or destroys or damages any street lamp, or who wantonly disturbs any inhabitant by pulling or ringing any door bell or knocking at any door.
16. Every person who wantonly pulls down, destroys, damages or defaces any sign or sign-board.
17. Every person who throws or lays down any stone, timber or any other materials (except building materials so inclosed as to prevent injury to passengers).
18. Every person who throws, or who, being the owner or occupier of any house or other building, permits to be thrown from any part of such

- house or other building any rubbish, water, matter or thing whatsoever.
19. Every person who throws or lays any dirt, ashes or nightsoil or any carrion, offal, trees, brush-wood, bush, decayed vegetables, or rubbish of any kind into or upon any street or footway.
 20. Every person who being the owner of any dangerous or ferocious dog suffers the same to go at large unmuzzled.
 21. Every person who being the owner of any dog knowingly suffers the same to go at large in a rabid state.
 22. Every person appearing masked or otherwise disguised except at such times and in conformity with such regulations as may from time to time be allowed by public notice from the chief officer of police in the town or district.
 23. Every person flying a kite or trundling a hoop.
 24. Every person who wantonly discharges any fire-arm, or throws or discharges any missile or makes any bonfire or throws or sets fire to any firework.
 25. Every person who shall blow any horn, or use any other noisy instrument for the purpose of calling persons together, or of announcing any show or entertainment, or for the purpose of hawking or distributing any articles whatever or of obtaining money or alms, or which is calculated to frighten any horse or other cattle.

Offences in streets to the annoyance, &c., of the residents or passengers.

63. Every person who in any street commits any of the following offences to the obstruction, annoyance, or danger of any resident or passenger shall forfeit any sum not exceeding five pounds for each offence or shall be imprisoned with or without hard labour for any term not exceeding one month; that is to say:

Every person, who places or leaves, or causes to be placed or left, any furniture or goods, or any cask, tub, basket, box, pail, bucket, stool, bench, seat or package on any footway, or who places or causes to be placed any blind, shade, covering, awning, or other projection over or along any such footway unless the same be eight feet

at least above such footway in every part thereof.

Every person who rolls or carries any cask, tub or wheel or any ladder, plank, board, pole, timber or log of wood upon any footway except for the purpose of loading or unloading any waggon, cart or carriage, or of crossing the footway.

Every person who carries any lighted torch.

Inciting Dogs, &c., to attack Persons.

64. Every person who incites a dog or other animal to attack, worry, or put in bodily fear, any other person or any animal shall be imprisoned with or without hard labour for any term not exceeding two months, or fined any sum not exceeding ten pounds, and in default of payment imprisoned with or without hard labour for any term not exceeding two months.

Inciting dogs to attack.

Keeping Swine.

65. Every person who keeps any swine in any town shall be imprisoned with or without hard labour for any term not exceeding one month or forfeit any sum not exceeding five pounds, and in default of payment shall be imprisoned for any term not exceeding one month, and it shall be lawful for any police constable to enter in the day time any place in any town in which he may have reasonable cause to suspect that any swine are kept and to seize all swine which may be found therein, and the same shall be forfeited to the use of Her Majesty.

Keeping swine.

Pound Breach.

66. Every person who shall release or attempt to release any cattle from a pound, or while on the way to any pound, shall be imprisoned with or without hard labour for any term not exceeding one month, or forfeit any sum not exceeding five pounds, and in default of payment, imprisoned with or without hard labour for any term not exceeding one month.

Releasing cattle from pound.

Certain Trades to be Licensed.

Certain trades
to be carried
on only under
license.

67. Any person who shall within the limits of any town commence or carry on the trade or business of a blacksmith, tinman, founder, farrier or cooper without having first obtained a license under the hand of the Stipendiary Justice of the town or district, authorising him to carry on such trade or business in some particular house, workshop, or premises to be therein specified, or who, having such license, shall carry on such trade or business in any place except the house, workshop or premises therein specified, shall forfeit any sum not exceeding twenty pounds, and in default of immediate payment be imprisoned for any term not exceeding four months.

Notice to be
given of
application
for licenses.

68. One month's notice by public advertisement shall be given by the Stipendiary Justice of any application made to him for a license to carry on any trade or business mentioned in the last preceding clause, in which notice shall be inserted the name of the applicant and the place where such trade or business is intended to be carried on.

Refusing to
produce
license.

69. Every person carrying on the trade or business of a blacksmith, tinman, founder, farrier or cooper, who on being required by any police constable on the premises where such trade or business is carried on to produce his license shall refuse to do so, shall forfeit any sum not exceeding forty shillings, or be imprisoned for any term not exceeding fourteen days.

Obstructions in Streets, Roads, &c.

Obstructions
in streets and
public places.

70. Every person who shall place or leave or cause to be placed or left any obstruction whatsoever upon any street or landing place except such part thereof respectively as may from time to time be allowed by public notice for the purpose by the Chief Officer of Police in the town or district, or shall cause or suffer the same to be left upon the part so allowed for any time exceeding sixty hours from the time the same being first placed there, shall upon conviction forfeit any sum not exceeding ten pounds, and if any person so convicted shall not within the space of forty-eight hours after such conviction remove the impediment in respect

of which such conviction was had, he shall forfeit a further sum of two pounds for every twenty-four hours during which the same shall remain on such road, wharf, or other place.

71. If any goods be left upon any part of any street or landing place contrary to the provisions of this Ordinance, it shall be lawful for any Justice of the Peace to direct such goods to be removed to some other place, and there detained until all the expenses of the removal and storage of such goods and the amount of any penalties, if any, which may have been incurred in respect thereof shall have been paid; and in case such penalties, and all expenses of the removal and storage of such goods, shall not be paid within one month after the same shall have been incurred, such Justice shall order such articles to be sold, and after satisfaction from the proceeds of sale of all such penalties and expenses, shall pay the balance of such proceeds of sale to the person entitled to the same; but if no claim is made to such balance of proceeds of sale within thirty days then the whole of such moneys remaining unclaimed shall be paid to the Receiver General for the use of the colony.

Disposal of goods improperly placed or left in streets, &c.

72. The Inspector Commandant or the Chief Officer of Police in any district may from time to time make orders for the route to be observed by all vehicles, horses and persons and for preventing obstructions in any public place in any case when such public place is liable to be thronged or obstructed; and any person committing any wilful breach of any such order shall be guilty of an offence under this Ordinance and shall forfeit any sum not exceeding forty shillings to be recovered in a summary manner before any Justice of the Peace, and in default of payment shall be imprisoned for any term not exceeding seven days.

Regulations to be made for route of carriages, &c., and for preventing obstruction in public places.

Selling Unwholesome Meat, Poultry, &c.

73. Every person who shall offer or expose for sale any unwholesome meat, poultry, fish or provisions of any kind, or shall keep the same in any market, store, shop, dwelling-house, building or place, shall forfeit any sum not exceeding ten pounds; and it shall be lawful for any Sanitary Inspector, or police constable, on view

Selling unwholesome provisions.

of any unwholesome meat, poultry, fish or provisions, forthwith to cause the same to be seized and brought before any Justice of the Peace, who shall thereupon cause the same to be immediately destroyed at the expense of the person so exposing the same for sale.

Disturbing Places of Worship.

Disturbing places of worship and molesting religious ministers in performance of their functions.

74. Every person who shall be guilty of any riotous, violent, or indecent behaviour, in any place of divine worship, whether during divine service, or at any other time, or who shall disturb or molest any person therein whether during service, or at any other time, and any person who shall disturb or molest any minister celebrating any religious rite or office, in any street or other public place, or any other person aiding, assisting or attending at the celebration of such rite or office, shall forfeit any sum not exceeding five pounds, and in default of immediate payment may be imprisoned with or without hard labour for any term not exceeding one month.

Authority to Arrest.

Offender may be arrested without warrant and by constable or owner of property.

75. Every person found committing any offence punishable under this Ordinance may be taken into custody without a warrant by any police constable, or may be apprehended by the owner of the property on or with respect to which the offence is committed, or by his servant or by any person authorized by him, and may be detained until he can be delivered into the custody of a constable; and the person so arrested shall be taken as soon as conveniently may be before some Justice of the Peace to be examined and dealt with according to law: Provided always that no person so arrested shall be so detained in custody by any constable without the order of some Justice longer than shall be reasonably necessary for bringing him before a Justice, or than forty-eight hours at the utmost.

Defendant to be only liable once.

Defendant to be only once liable.

76. Every person convicted summarily who shall have paid the fine and costs, or been discharged there-

from by the Crown, or shall have undergone imprisonment for non-payment thereof, or imprisonment adjudged in the first instance, or shall have been discharged from his conviction in manner aforesaid, shall be released from all other proceedings for the same cause.

As to Whipping.

77. Whenever the punishment of whipping shall be awarded to 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 of Justice shall specify in the sentence the number of strokes to be inflicted and the instrument to be used.

As to whipping. Limitation of punishment.

78. Whenever the punishment of whipping shall be awarded for any offence so punishable under this Ordinance, such punishment shall not 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.

Whipping to be within gaol and in presence of surgeon, and part of sentence may be deferred.

79. 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.

Surgeon to report on punishment.

80. It shall be lawful for the Governor if he shall

Governor may

remit or postpone whipping.

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 days as the Governor may see fit.

Evidence of former conviction.

81. 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 the signature of such Stipendiary Justice or Clerk of the Peace be sufficient evidence of such former conviction.

As to Jurisdiction of Supreme Court.

Saves jurisdiction and powers of Supreme Criminal Court.

82. Nothing herein contained shall in any manner affect the Jurisdiction of the Supreme Criminal Court or their power or authority to try any of the offences made punishable under this Ordinance or to limit the power of the said Court to award any punishment which may be now awarded by the said Court for any of the said offences under or by virtue of any Law or Ordinance enacted before the passing of the present Ordinance.

Passed in Council this seventh day of April in the year of our Lord one thousand eight hundred and sixty-eight.

R. LECHMERE GUPPY,

Clerk of the Council.
