

CHAPTER 25.

SUMMARY CONVICTION OFFENCES.

AN ORDINANCE RELATING TO OFFENCES PUNISHABLE ON
SUMMARY CONVICTION.

[19th May, 1921.]

Ordinances
No. 31 of 1921,
" 12 of 1920,
" 6 of 1921,
" 47 of 1921,
" 7 of 1924,
" 29 of 1925,
s. 33.

Short title.

1. This Ordinance may be cited as the Summary Conviction Offences Ordinance.

2. In this Ordinance—

Interpretation.

“ Carnival ” means the period defined by the Governor by proclamation under section 78 of this Ordinance; (*Substituted by 7 of 1924, s. 2.*)

“ Cattle ” includes horses, asses, mules, kine, sheep, goats, and swine, as well as all horned cattle;

“ Constable ” includes any member of the Constabulary Force;

“ Convicted felon ” means any person convicted of felony, either summarily or on indictment;

“ Convicted person ” means any person convicted, either summarily or on indictment, otherwise than for felony;

“ Fireworks, ” “ Firework ” include bombs, torpedoes, squibs, rockets, and serpents;

“ Goods ” means goods, wares, or merchandise of any kind whatsoever;

“ House ” means any dwelling house, store, warehouse, counting house, manufactory, stable, or shed; and also includes any building capable of containing goods, wares, or merchandise;

“ Obeah ” signifies every pretended assumption of supernatural power or knowledge whatever for fraudulent or illicit purposes or for gain or for the injury of any person;

- “ Occupier ” means any person in actual occupation of the whole or any part of any house, building, yard, or other place;
- “ Owner ” means the person for the time being receiving or entitled to receive the rents of any house, building, yard, or other place, or his agent, and shall include joint tenants and tenants in common;
- “ Prison ” includes any lock-up house, cell, or other duly authorized place of detention;
- “ Property ” includes 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 includes not only such property as has been originally in the possession or under the control of any person, but also any property into or for which the same has been converted or exchanged, and anything acquired by such conversion or exchange, whether immediately or otherwise;
- “ Shop ” means any shop, store, house, room, shed, or booth used, wholly or in part, temporarily or otherwise, for the purpose of selling therein any goods;
- “ Street ” includes any road, square, court, alley, lane, wharf, jetty, quay, bridge, footway, thoroughfare, public passage, or highway, and any public place, and the waters of any harbour in the Colony;
- “ Valuable security ” includes any writing entitling or evidencing the title of any person to any share or interest in any public stock, annuity, fund, or debt of any part of His Majesty’s dominions or of any foreign state, or in any stock, annuity, fund, or debt of any body corporate, company, or society, whether within or without His Majesty’s dominions, or to any deposit in any bank; and also includes any scrip, debenture, bill, note, warrant, order, or other security for payment of

money, or any accountable receipt, release, or discharge, or any receipt or other instrument evidencing the payment of money or the delivery of any chattel personal, and any document of title to lands or goods as hereinbefore defined;

“ Vehicle ” includes wagons, carts, and carriages of every description on wheels, sledges, trucks, barrows, and all other machines for the portage of goods or persons;

“ Vessel ” includes schooners, sloops, droghers, flats, punts, boats, canoes, barges, scows, corials, rafts, or other craft.

3. All offences cognizable under this Ordinance may be prosecuted before any Justice except where herein otherwise provided. Jurisdiction

ASSAULT AND BATTERY.

4. 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 a Magistrate, be liable to imprisonment, with or without hard labour, for any term not exceeding three months, or to a penalty not exceeding ten pounds. Assault and battery.

5. When any person shall be charged before a Magistrate with assault or battery upon any male child whose age shall not, in the opinion of such Magistrate, exceed fourteen years, or upon any female, or upon any old, infirm, or sickly person, the Magistrate, if the assault or battery is of such an aggravated nature that it cannot in his opinion be sufficiently punished under the provisions of the last preceding section, 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. Assault upon children, women, and old, infirm, and sickly persons.

59(2) See Sec. 2 of 23-1936

6. Any person who, being masked or otherwise disguised, shall unlawfully assault or beat any other person, shall, upon conviction before a Magistrate, be imprisoned with hard labour for any term not exceeding six months. Assaults by masked persons.

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

7. If the Magistrate, upon the hearing of any case of assault or battery upon the merits where the complaint 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 complaint, 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.

Magistrate to abstain from adjudication in certain cases.

8. In case the Magistrate 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: Provided that nothing herein contained shall authorize any Magistrate to hear and determine any case in which any question shall *bonâ 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 any execution under the process of any Court of Justice.

Questions of title, bankruptcy, and execution.

LARCENY, EMBEZZLEMENT, FALSE PRETENCES, AND MALICIOUS INJURIES.

Larceny, embezzlement, false pretences.

9. Any person who is 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 embezzles, or by any false pretence obtains or attempts to 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 be liable, on conviction before a Magistrate, to imprisonment, with or without hard labour, for any term not exceeding six months, or to a penalty not exceeding fifty pounds.

Larceny by a bailee.

10. Whosoever, being a bailee of any chattel, money, or valuable security not exceeding in value twenty pounds, fraudulently takes or converts the same to his own use or

to the use of any person other than the owner thereof, although he does not break bulk, or otherwise determine the bailment, shall be deemed to have feloniously stolen the same and may be convicted and punished accordingly.

11. Any person who steals or attempts to steal in any dwelling house any chattel, money, or valuable security not exceeding in value twenty pounds, such stealing not being accompanied by burglary or housebreaking, menace or threat, nor amounting to robbery with violence, shall be liable, on conviction before a Magistrate, to imprisonment, with or without hard labour, for any term not exceeding six months, or to a penalty not exceeding fifty pounds.

Larceny in dwelling house.

12. Any person who steals or attempts to steal any sugar, rum, sling, syrup, or molasses, being in any boiling house or curing house or in any store or warehouse, or being in any cask or package in the neighbourhood of such boiling house, curing house, store, or warehouse, or any cocoa or coffee or coffee berries from any cocoa house or coffee house or any other place on any plantation or estate where the same is placed for the purpose of being dried or cured, or in any store or warehouse, or from any sack, bag, cask, or package placed in the neighbourhood thereof, not exceeding in value twenty pounds, shall be liable, on conviction before a Magistrate, to imprisonment, with or without hard labour, for any term not exceeding six months, or to a penalty not exceeding fifty pounds.

Stealing sugar, rum, cocoa, etc.

13. Any person who steals or attempts to steal, any goods in any vessel, barge, flat, or boat of any description whatsoever, being at anchor within the Gulf of Paria or in any of the waters surrounding the Colony, or bound to or from any part of the coast of the Colony from or to any other part of the coast of the Colony, or being in any port or usual place of discharge, or upon any navigable river or canal, or in any creek belonging to or communicating with any such port, place of discharge, river, or canal, or who steals or attempts to steal any goods from any dock, wharf, embarcadere, or quay adjacent to any such port, place of discharge, river, canal, or creek, not exceeding in value twenty pounds, shall be liable, on conviction before a Magistrate, to imprisonment, with or without hard labour, for any term not exceeding six months, or to a penalty not exceeding fifty pounds.

Stealing goods from vessels.

Stealing
animals.

14. 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 at Common Law, shall be imprisoned with hard labour for any term not exceeding three months, or shall be liable to a penalty not exceeding five pounds in addition to the value of the stolen dog, bird, beast, or other animal, and on any subsequent conviction shall be imprisoned with hard labour for any term not exceeding six months.

Unlawful
possession of
animals or
parts thereof.

15. 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 penalty, and for every subsequent offence to such punishment, as any person convicted of stealing any dog, beast, bird, or other animal is by this Ordinance made liable to.

Killing and
wounding
animals.

16. 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 at Common Law 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 be liable to a penalty not exceeding twenty pounds over and above the amount of the injury done, and on any subsequent conviction shall be imprisoned with hard labour for any term not exceeding six months.

Killing and
wounding
pigeons.

17. Every person who shall unlawfully and wilfully kill, wound, or take any house-dove or pigeon, under circumstances which do not constitute larceny at Common Law, shall be imprisoned, with or without hard labour, for any term not exceeding one month, or shall be liable to a penalty

not exceeding two pounds in addition to the value of the bird.

18. Every person who shall unlawfully and wilfully take and destroy any fish in any water which shall be private property shall be liable to a penalty not exceeding five pounds in addition to the value of the fish taken or destroyed.

Unlawfully taking fish.

19. Every person who shall steal, or unlawfully and maliciously root up, destroy, or damage, the whole or part of any tree, sapling, shrub, or underwood, wheresoever growing, the value thereof or the injury done being to the amount of one shilling at the least, shall be liable to a penalty not exceeding five pounds in addition to the value of the property stolen or the amount of the injury done, and on any subsequent conviction shall be imprisoned with hard labour for any term not exceeding four months.

Stealing and damaging trees.

20. 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, rail, or wire used as a fence, or any stile or gate, or any part thereof respectively, shall be liable to a penalty not exceeding five pounds in addition to the value of the property stolen or the amount of the injury done, and on any subsequent conviction shall be imprisoned with hard labour for any term not exceeding six months.

Stealing and destroying fences.

21. 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, nursery ground, greenhouse, or conservatory, shall be imprisoned with hard labour for any term not exceeding three months, or shall be liable to a penalty not exceeding twenty pounds in addition to the value of the property stolen or the amount of the injury done, and on any subsequent conviction shall be imprisoned with hard labour for any term not exceeding six months.

Stealing and destroying cultivated plants.

22. Whosoever shall steal, or destroy or damage or cut or pluck with intent to steal, any sugar-cane, cocoa tree, coconut tree, lime tree, rubber tree, or coffee tree, or any fruit, vegetable, or other prædial production, or any cultivated root or plant used or capable of being used for the food of man or beast or for medicine, distilling, or dyeing,

Stealing, etc., sugar-cane, cocoa, or other tree or vegetable productions, etc.

or in the course of any manufacture, whatever the value of the article stolen may be, and whether the land on which the same is at the time growing or in course of cultivation be open or enclosed, shall, on conviction before a Magistrate, be liable to be imprisoned with hard labour for any term not exceeding three months, or, if the offender be a male under the age of sixteen, the Magistrate may, in lieu of imprisonment, sentence such offender to undergo corporal punishment or to 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 if any person so convicted of an offence under this section shall afterwards commit any of the said offences, such offender shall be guilty of felony, and being convicted thereof shall be liable to be punished in the same manner as in the case of simple larceny.

Stealing
growing
crops.

23. (1) Any person who steals, or destroys, damages, cuts, or plucks with intent to steal, any growing crops within a proclaimed district shall be liable, on conviction before a Magistrate, to a penalty not exceeding twenty-five pounds, or to imprisonment, with or without hard labour, for any term not exceeding six months, and the Magistrate may also sentence the offender, in substitution for or in addition to any such penalty, to undergo corporal punishment.

(2) Any person who attempts to commit any of the offences in the last preceding sub-section mentioned shall be liable, on conviction before a Magistrate, to the same punishment as if he had committed any such offence.

(3) In this section, "growing crops" includes sugar cane, coconuts, cocoa, coffee, limes, nutmegs, tonca beans, plantains, bananas, arrowroot, Indian corn, peas, beans, yams, tannias, cassava, sweet potatoes, rice, melongenes, cucumbers, tomatoes, avocado pears, oranges, breadfruit, tobacco, and any other fruit, vegetable, or product which the Governor in Executive Council may, by proclamation, direct to be included within the definition of growing crops, whatever the value of the article stolen may be, and whether the land on which the same is at the time growing or in course of cultivation be open or enclosed.

(4) The provisions of this section shall not become operative until the Governor in Executive Council, by proclamation, declares a district to be a proclaimed district

within the meaning of this section; and such provisions shall thereupon become operative in any district so proclaimed.

(5) A proclamation under this section may be varied or revoked by a proclamation made in like manner.

24. Every person who—

- (a) being entrusted either solely or jointly with any other person with any chattel, money, or valuable security not exceeding twenty pounds in value, in order that he may retain in safe custody or apply, pay, or deliver, for any purpose or to any person, the chattel, money, or valuable security or any part thereof or any proceeds thereof; or
- (b) having either solely or jointly with any other person received any chattel, money, or valuable security not exceeding twenty pounds in value, for or on account of any other person; or
- (c) having contracted with any other person to make anything or execute any work, obtains from that other person any money not exceeding twenty pounds, to be laid out in providing materials, tools, or other things necessary or suitable for the making of the thing or the execution of the work,

fraudulently converts to his own use or benefit, or the use or benefit of any other person, such chattel, money, or valuable security or any part thereof or any proceeds thereof, shall be guilty of an offence, and, on conviction thereof before a Magistrate, may be imprisoned, with or without hard labour, for any term not exceeding three months, and also may be ordered to pay to the party aggrieved any sum not exceeding twenty pounds by way of compensation.

25. If any person wilfully or maliciously commits any damage to any real or personal property whatsoever, either of a public or private nature, for which no punishment is otherwise provided, he shall, on summary conviction before a Magistrate, be liable—

- (a) if the amount of the damage is one pound or less, to a penalty not exceeding five pounds, or to imprisonment, with or without hard labour, for any term not exceeding one month;

Fraudulent conversion.

Schubert
and
reached
by
27/1/1937
see
substitute
by see
3 of No
22-1936

Damaging property not otherwise provided for.

23
 file of 36 see 4
 (b) if the amount of the damage exceeds one pound and does not exceed five pounds, to a penalty not exceeding twenty pounds, or to imprisonment, with or without hard labour, for any term not exceeding three months;

(c) and in either case to the payment of such further amount as appears to the Magistrate reasonable compensation for the damage so committed :

Provided that this provision shall not apply where the alleged offender acted under a fair and reasonable supposition that he had a right to do the act complained of.

Injuring trees less than the value of one shilling.

26. The provisions in the last preceding section 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.

Unlawful possession of trees or parts of fences.

27. 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 of 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, he shall, in addition to the value of the article or articles so found, be liable to a penalty not exceeding two pounds, and on any subsequent conviction shall be imprisoned with hard labour for any term not exceeding four months.

Unlawful possession of cattle or parts thereof.

28. 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, lamb, goat, or swine, or the carcass, 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 carcass, head, skin, or any part thereof, he shall be liable to a penalty not exceeding five pounds, and on any subsequent conviction shall be imprisoned with hard labour for any term not exceeding six months.

29. 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 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 Magistrate or Justice, in addition to any other punishment awarded by law for such offence, to direct that the offender, if a male, shall undergo corporal punishment.

Corporal punishment may be awarded for stealing, etc., cattle or domestic animals,

30. If any person, having been convicted before the Supreme Court or any Magistrate of stealing or unlawfully and maliciously destroying or damaging any sugar cane, cocoa 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, shall afterwards commit any of the said offences, and shall be convicted thereof before any Magistrate, it shall be lawful for such Magistrate, in addition to any other punishment awarded by law for such offence, to direct that the offender, if a male, shall undergo corporal punishment.

and for second offence of stealing or damaging useful plants and domestic animals.

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

Not necessary to prove malice.

32. 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 Magistrate or Justice, shall be paid to the party aggrieved, if known, but if unknown it shall be applied in the same manner as any penalty; 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 penalty.

Compensation to injured person.

RECEIVING, ETC.

Receiving punishable as stealing.

33. (1) Every person who receives any property knowing the same to have been stolen or obtained in any way whatsoever under circumstances punishable under this Ordinance, shall be liable to be punished in the same manner as any person guilty of such offence under this Ordinance.

(2) Every such person may be charged whether the principal offender has or has not been previously convicted or is or is not amenable to justice.

(3) In any proceeding for receiving under this Ordinance, any number of persons who have at different times so received such property or any part thereof may be charged or tried together.

Unlawful possession of property pertaining to ships, etc.

34. 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 of 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 be liable to a penalty not exceeding twenty pounds.

Offering for sale property belonging to ships.

35. 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 a Justice, 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 be liable to a penalty not exceeding twenty pounds, and

on any subsequent conviction shall be imprisoned with hard labour for any term not exceeding six months.

STOLEN OR UNLAWFULLY OBTAINED GOODS.

36. (1) It shall be lawful for any constable to arrest without warrant any person having in his possession or under his control in any manner or in any place anything which the constable has reasonable cause to suspect to have been stolen or unlawfully obtained.

Arrest of person conveying goods.

(2) The constable shall bring such person and thing before a Magistrate as soon as possible, and if such person does not, within a reasonable time to be assigned by the Magistrate, give an account to the satisfaction of the Magistrate by what lawful means he came by the same, he shall be liable to a penalty not exceeding twenty pounds, or to imprisonment, with or without hard labour, for any term not exceeding six months.

Liability to account for possession.

(3) If any person liable to arrest under the provisions of sub-section (1) of this section escapes from any constable attempting to arrest him, or lets fall or throws away any such thing as in the said sub-section is mentioned, it shall be lawful for any Magistrate or Justice, upon application, to issue his warrant for the arrest of such person, and upon his arrest such person shall be deemed to have been arrested within the meaning of the said sub-section, and may be dealt with in the manner laid down in sub-section (2) of this section.

Escape.

37. (1) If information is given on oath to any Magistrate or Justice that there is reasonable cause for suspecting that anything stolen or unlawfully obtained is concealed or lodged in any house, store, yard, or other place, or on any land whether enclosed or not, or in any vessel, it shall be lawful for such Magistrate or Justice, by warrant under his hand directed to any constable, to cause any such house, store, yard, or other place, or any such land, or any such vessel, to be entered and searched at any time of the day, or by night, if power for that purpose be given by such warrant.

Search warrant.

(2) The Magistrate or Justice may, by such warrant, if it shall appear necessary to him, give authority to the constable, with such assistance as may be found necessary,

Authority for forcible entry.

to use force for the effecting of such entry, whether by breaking open doors or otherwise: Provided always, that before using force for the purposes aforesaid, such constable shall make known his authority as aforesaid.

Securing
property
found.

(3) If upon search made as hereinbefore provided, anything so stolen or unlawfully obtained as aforesaid, or any other thing which there shall be reasonable cause to suspect to have been stolen or unlawfully obtained, is found, the constable shall take the same before a Magistrate, or guard the same on the spot or in some place of security subject to the orders of a Magistrate.

Arrest of
persons
found in
possession.

(4) (a) The constable shall apprehend and bring before a Magistrate the person or persons in whose house, store, yard, place, or vessel anything as aforesaid shall be found, and also any other person found in such house, store, yard, place, or vessel, if the constable has reasonable cause to suspect any such person as is hereinbefore mentioned to have been privy to such concealment or lodging as aforesaid.

Issue of
warrant or
summons.

(b) If the constable fails or is, for any reason whatsoever, unable to arrest any such person as is hereinbefore mentioned, it shall be lawful for a Magistrate or Justice to issue his warrant for the arrest of any such person, or a summons requiring him to appear before a Magistrate at a time and place to be mentioned in the said summons.

Liability to
account for
possession.

(5) A Magistrate may call upon any such person as is mentioned in the last preceding sub-section to give an account, to the satisfaction of the Magistrate, by what lawful means any such thing as aforesaid came to be in such place as aforesaid, or that he was not privy to such concealment or lodging as aforesaid, and any person who fails so to satisfy the Magistrate shall be liable to a penalty not exceeding twenty pounds, or to imprisonment, with or without hard labour, for any term not exceeding six months.

Constable
may board
vessel.

38. (1) It shall be lawful for any constable to enter on board any vessel, barge, flat, or boat in any harbour, bay, roadstead, or river, and to remain on board any such vessel for such reasonable time as he deems expedient, and if he has reasonable ground to suspect that there is on board of any such vessel anything stolen or unlawfully obtained, it shall be lawful for him to search, with any assistants, any and every part of such vessel, and, after demand and refusal of the keys, to break open any receptacle, and, upon

discovery of anything which he may reasonably suspect to have been stolen or unlawfully obtained, to take such thing and the person in whose possession the same is found before a Magistrate to be dealt with as hereinbefore provided.

(2) It shall be lawful for any such constable to pursue and detain any person in the act of conveying any such thing away from any such vessel, whether he has landed or not, together with anything so conveyed away or found in his possession.

39. (1) If any person brought or appearing before a Magistrate under the provisions of the three last preceding sections declares that he received any such thing as therein mentioned from some other person, or that he was employed as a carrier, agent, or servant to convey the same for some other person, the Magistrate may cause every such other person, and also any other person through whose possession any such thing shall previously have passed, to be brought before him.

Tracing
possession.

(2) Upon any such person as is in the last preceding sub-section mentioned being brought before him, it shall be lawful for the Magistrate to examine him as to whether he has been in possession of any such thing as aforesaid, and upon his admitting such possession, or upon its being proved to the satisfaction of the Magistrate that such person has been in possession of any such thing, the Magistrate may call upon such person to give an account to the satisfaction of the Magistrate by what lawful means such person came by such thing, and if such person fails, within a reasonable time to be assigned by such Magistrate, to give such account, he shall be liable to a penalty not exceeding twenty pounds, or to imprisonment, with or without hard labour, for any term not exceeding six months.

(3) For the purposes of this section, 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.

40. 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 Magistrate or Justice 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

Disposal of
unclaimed
stolen goods.

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 to the Treasurer for the use of the Colony.

STOLEN OR UNLAWFULLY OBTAINED AGRICULTURAL PRODUCE.

Interpreta-
tion.

41. In sections 43, 44, and 45 of this Ordinance—

“ Article of agricultural produce ” means any fruit, vegetable, or product falling within the definition of growing crops given in section 23 of this Ordinance, and includes any other fruit, vegetable, or product directed, from time to time, to be included within such definition under the provisions of the said section;

“ Authorized person ” means any person authorized and appointed to arrest suspected persons;

“ Suspected person ” means any person who has been or is in possession of any article of agricultural produce under such circumstances as shall reasonably cause any constable or authorized person to suspect that such article has been stolen, or has been received knowing the same to have been stolen, or has been in any other way dishonestly come by.

Application
of Ordinance.

42. Sections 41 to 46 (inclusive) of this Ordinance shall apply throughout the Colony, irrespective of whether the provisions of section 23 of this Ordinance are in operation or not.

Selection of
authorized
persons.

43. (1) The Inspector-General may authorize and appoint such number of persons as he shall from time to time think fit to arrest and deal with suspected persons, and may cancel any such appointments.

(2) The names of such authorized persons shall be published in the *Royal Gazette*.

(3) Production of the *Royal Gazette* containing a notice of an appointment under this section shall be *primâ facie* evidence in all Courts and for all purposes of such appointment.

Arrest of and
dealing with
suspected
persons.

44. (1) Any constable or authorized person may arrest a suspected person without a warrant.

(2) The constable or authorized person shall bring the suspected person, together with any article of agricultural produce in his possession, before a Magistrate as soon as possible; and the suspected person shall be charged with being or having been in unlawful possession of such article.

45. (1) The Magistrate shall enquire into, hear, and determine the case, and the burden shall be on the suspected person of proving that the article of agricultural produce, of which he is charged with being or having been in unlawful possession, was honestly come by. Enquiry by Magistrate.

(2) If any suspected person refuses or is unable to satisfy the Magistrate that his possession of the said article is or was lawful, it shall be deemed *prima facie* evidence of his guilt, and the Magistrate may convict him of the offence with which he is charged.

(3) The Magistrate may make such order as to him shall seem just for the disposal of any such article of agricultural produce as aforesaid.

46. Any person convicted before a Magistrate under the provisions of the last preceding section shall be liable to a penalty not exceeding twenty-five pounds, or to imprisonment, with or without hard labour, for any term not exceeding six months. Penalties.

LIMITATION.

47. All cases punishable under this Ordinance as stealing, attempting to steal, aiding, abetting, counselling, or procuring stealing, receiving any chattel, money, or valuable security knowing it to have been unlawfully come by, or of embezzling or obtaining or attempting to obtain under false pretences 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. Limitation of time for prosecution.

SUPERSTITIOUS DEVICES.

48. 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 Assumption of supernatural power or knowledge.

any chattel, money, or valuable security from any other person, or shall pretend to discover any treasure or 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 a Magistrate, be imprisoned, with or without hard labour, for any term not exceeding six months, and, if a male, may be sentenced to undergo corporal punishment, 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 Magistrate shall direct.

Articles used in obeah and witchcraft may be seized.

49. 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, 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, 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.

Who shall be deemed idle and disorderly persons.

Not supporting wife or child.

See Sec 6 of No 23
Begging
936

Sleeping or loitering

50. Every person committing any of the offences 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 :—

- (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

See
See
6
p. no
3-1936

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 in any street 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; (As amended by 7 of 1924, s. 3.)

- (4) Every person who shall, without leave of the owner or occupier, affix any placard or notice upon any building, wall, pillar, post, or fence, or otherwise deface the same; Placarding.
- (5) Every person pretending or professing to tell fortunes. Fortune telling.

ROGUES AND VAGABONDS.

51. 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 constable 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 endeavour to procure alms or charitable contributions for himself or others under any false or fraudulent pretence; Begging by false 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; Possession of house breaking implements.
- (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 Weapons for felonious purpose.

- and instrument shall, on the conviction of the offender, be forfeited;
- Being in enclosed place for unlawful purpose.
- (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 enclosed land, for any unlawful purpose;
- Being in other places for unlawful purpose.
- (5) Every person found in or about any market, wharf, or jetty, or in or about any vessel, for any unlawful purpose;
- Exposure of defamatory objects.
- (6) Every person who exposes in any public place or in view thereof any defamatory or insulting writing or object;
- Exhibiting obscene prints.
- (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;
- Obscene exposure.
- (8) Every person wilfully and obscenely exposing his person ~~in any public place or within view thereof~~;
- Gaming.
- (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;
- Prostitutes.
- (10) Every woman loitering about and soliciting passengers for the purpose of prostitution.

INCORRIGIBLE ROGUES.

Who shall be deemed to be incorrigible rogues.

52. 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 constable so apprehending him and who shall afterwards 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 a Magistrate, be imprisoned with hard labour for any term not exceeding six months, and, if a male, may be sentenced to undergo corporal punishment.

53. Any Justice, 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, authorize any constable to enter at any time into such house or place, and to apprehend and bring him before some Magistrate to be dealt with according to law.

Person suspected of being idle and disorderly or a rogue and vagabond, etc., and harboured, may be apprehended.

CRUELTY TO ANIMALS.

54. In sections 55 to 66 (inclusive) of this Ordinance— Interpretation.

“ Animal ” means any horse, mare, gelding, colt, filly, bull, cow, ox, steer, heifer, calf, mule, ass, ram, ewe, sheep, lamb, boar, sow, barrow, hog, pig, goat, kid, dog, cat, or any other domestic animal, whether of the kind or species particularly mentioned or of any other kind or species whatsoever, and whether a quadruped or not.

55. (1) Any person who cruelly beats, ill-treats, starves, overdrives, overrides, overloads, abuses, tortures, or otherwise maltreats any animal shall be liable, on conviction before a Magistrate, to a penalty not exceeding ten pounds, or to imprisonment, with or without hard labour, for any term not exceeding two months.

Cruelty to animals.

(2) (a) For the purposes of this section, “ overloads ” and cognate expressions include—

- (i) causing an animal to draw a vehicle carrying more than four persons if one animal is drawing such vehicle, or eight persons if two animals are drawing the vehicle; and
- (ii) causing an animal to carry a burden or draw a load which is beyond its strength or after it is exhausted.

(b) The fact that a vehicle is not carrying more than four persons or eight persons, as the case may be, shall be no answer to a charge under this section if, owing to the presence of any other thing on the vehicle, or to the size, strength, or condition of an animal, the Magistrate is of opinion that the animal is overloaded.

(3) See Sec 8 of No 23 - 1926

Working animal unfit for work.

56. Any person who works any animal in such a condition as to be unfit for work, whether from lameness or from emaciation or from any gall or sore or otherwise, and whether that condition is caused by disease or deficient feeding or otherwise, in any cart, plough, or carriage, or other vehicle of pleasure or burden, shall be liable, on conviction before a Magistrate, to a penalty not exceeding ten pounds, or to imprisonment, with or without hard labour, for any term not exceeding two months.

Power to arrest.

57. (1) A constable or the owner of any animal in whose view an offence under either of the two last preceding sections is committed may apprehend the offender and take him before a Magistrate or Justice to be dealt with according to law.

(2) Such constable or owner may similarly apprehend the offender if information of the offence is given by any other person declaring his name and place of abode.

Compensation for damage done by cruelty to animals.

58. (1) If any person shall, by committing any offence under sections 55 or 56 of this Ordinance, cause any damage or injury to be done to any animal or to any person or property, he shall, on conviction before a Magistrate for any such offence, pay to the owner of the animal (if the offender is not the owner) or to the person who shall sustain damage or injury as aforesaid, such sum of money by way compensation, not exceeding ten pounds, as the Magistrate shall adjudge.

(2) The payment of such compensation or imprisonment for the non-payment thereof shall not prevent or in any manner affect the punishment to which the offender may be liable for or in respect of any such offence as aforesaid.

(3) Nothing herein contained shall prevent any proceeding by action against the offender or his employer where the amount of the damage or injury is not sought to be recovered under this Ordinance.

Bull-baiting, cock-fighting, and similar offences.

59. (1) Every person who—

- (a) in any manner encourages, aids, or assists at the fighting or baiting of any animal, whether domestic or wild; or
- (b) keeps or uses or acts in the management of any place to be used for the purpose of

fighting or baiting any such animal as aforesaid; or

(c) being the owner or occupier thereof, permits or suffers any place to be so used,

shall be liable, on conviction before a Magistrate, to a penalty not exceeding ten pounds, or to imprisonment, with or without hard labour, for any term not exceeding two months.

(2) Every person who receives money for the admission of any other person to any place kept or used for any of the purposes aforesaid shall, unless the contrary is proved, be deemed to be the keeper thereof.

60. A Magistrate or Justice may, by warrant under his hand, authorize any constable to enter any place used for the purpose of fighting or baiting any animal and to apprehend all persons who, and to seize all animals which, may be found therein, and to take them before a Magistrate or Justice to be dealt with according to law.

Power of entry, arrest, and seizure.

DETENTION OF ANIMALS FOR TREATMENT.

61. On any conviction for any offence under sections 55 or 56 of this Ordinance, the Magistrate may, if he thinks that such animal is unfit to work, direct that it be detained in any place which shall have been notified in the *Royal Gazette* as set apart by the Trinidad Society for the Prevention of Cruelty to Animals for that purpose, for any period not exceeding thirty days, during which the maintenance of such animal shall be provided free of cost to the Government. *pending the Sec 9 of 23-1936*

Animals may be detained for treatment.

62. Any place so set apart as aforesaid shall be deemed to be a pound for the purposes of section 13 of the Pounds Ordinance.

Such place be a pound. Cap. 269.

63. Except for gross negligence, no officer or servant of the said Society or person having charge of any place set apart as aforesaid shall be liable in respect of the death or sickness or deterioration of, or any accident or casualty to, any animal detained in such place under the provisions of this Ordinance.

Liability for animals detained.

64. If any animal detained under the provisions of section 61 of this Ordinance for any period shall, on the expiration of that period or within forty-eight hours

Unclaimed animals may be sold or destroyed.

thereof, not be claimed by the owner thereof, or if such owner does not pay to the said Society the cost of the keep and treatment of such animal during the period it is detained as aforesaid, the person having charge thereof may, after seven days' notice published in the *Royal Gazette*, sell it by auction and apply the proceeds towards the expenses to be incurred under this Ordinance, or may destroy it.

Scale of charges.

65. (1) The Governor in Executive Council may make regulations prescribing the scale of charges for the treatment and keep of animals detained under section 61 of this Ordinance.

(2) All such regulations shall be published in the *Royal Gazette*.

DESTRUCTION OF ANIMALS.

Power to order destruction of animal.

66. (1) In the case of any offence under sections 55 or 56 of this Ordinance, the Court may, if it thinks fit, order as part of its sentence that the animal shall be destroyed and its body disposed of at the expense of the offender.

(2) The Inspector-General shall give such orders as may be necessary for the destruction of any such animal and the disposal of its body.

SLAUGHTERING OF CATTLE.

Heifers under two years of age not to be slaughtered.

67. (1) Every person who slaughters or causes to be slaughtered any heifer under the age of two years shall be liable, on conviction before a Magistrate, to a penalty not exceeding twenty-five pounds.

(2) This section shall not apply to any animal slaughtered in obedience to lawful authority, or from a humanitarian motive such as the prevention of suffering, or because of disease, or for any other sufficient cause. (*S. 2 of 6 of 1921 incorporated.*)

DRUNKENNESS OR DISORDERLY CONDUCT IN PLACES OF PUBLIC RESORT.

Drunkenness in public houses, etc.

68. 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 be liable to a penalty not exceeding twenty pounds.

69. 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, or kept or used for the time being for public resort, entertainment, instruction, or amusement, or shall insult or annoy any person therein, 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 honorary steward of any entertainment, or by any constable, shall, on conviction thereof, be liable to a penalty not exceeding two pounds; and all constables are hereby authorized, empowered, and required, on the demand of such owner, manager, occupier, agent, or servant, or honorary steward, or when such conduct as aforesaid comes under their own special notice, to assist in expelling such drunken, riotous, quarrelsome, or disorderly persons from such shops, houses, premises, or places.

Ejection of disorderly persons.

PEACE PRESERVATION.

70. (1) The Governor may, by proclamation, prohibit during periods specified respectively in the proclamation all or any of the following things in any street, highway, or public place:—

Power to prohibit certain acts.

- (a) The carrying of any lighted torch;
- (b) The beating of any drum, the blowing of any horn, or the use of any other noisy instruments;
- (c) Any dance or procession; and
- (d) Any assemblage or collection of persons armed with sticks or other weapons of offence and numbering ten or more.

Such proclamation may extend to the whole Colony or to some specified parts or part thereof, and may at any time be revoked.

(2) Any person who does any act or takes part in any dance, procession, assemblage, or collection contrary to any such proclamation shall be liable to a penalty not exceeding twenty pounds, or to imprisonment, with or without hard labour, for any term not exceeding six months.

Power to extinguish torches, and arrest.

71. Any constable and any one whom he may call to his assistance or aid may extinguish any torch carried contrary to any such proclamation, and may arrest any person found doing any act or taking part in any dance, procession, assemblage, or collection contrary to any such proclamation, and may take or cause to be taken any person so arrested to some convenient place, there to be detained until he is brought before a Magistrate or Justice to be dealt with according to law.

Penalty on owner for permitting felons, etc., to assemble.

72. Every owner or occupier of any house, building, yard, or other place who shall knowingly permit or suffer any convicted felons, persons convicted of riot or affray, common prostitutes, rogues and vagabonds, or incorrigible rogues to meet together or remain therein to the number of ten or more, shall, on conviction before a Magistrate, for a first or second offence, be liable to a penalty not exceeding ten pounds, and for any subsequent offence, be imprisoned with hard labour for six months.

*See Sec. 2
7/20/1928
72 B*

Penalty on owner, etc., permitting felons, etc., to dance.

73. Every owner or occupier of any house, building, yard, or other place who shall knowingly permit or suffer any convicted felons, persons convicted of riot or affray, common prostitutes, rogues and vagabonds, or incorrigible rogues to meet together and remain therein, and to play or sing or dance therein, or to play or bet therein at any game or pretended game of chance with any instrument of gaming or with any coin, card, or token, shall, on conviction before a Magistrate, be liable to the same penalties and punishments as last aforesaid.

~~Penalty on owner, etc., permitting felons, etc., to dance.~~

Penalty on felons, etc., assembling together, dancing, etc.

74. If any convicted felons, persons convicted of riot or affray, common prostitutes, rogues and vagabonds, and incorrigible rogues shall, to the number of ten or more, meet together or remain in any house, building, yard, or

other place, or shall, to such number as aforesaid, be found playing or singing or dancing therein, or playing, gaming, or betting therein with any instrument of gaming or with any coin, card, or token, all such persons shall, on conviction before a Magistrate, for a first or second offence, be liable to a penalty not exceeding two pounds, and for any subsequent offence, be imprisoned with hard labour for three months.

75. It shall be lawful for any constable, at any time of the day or night, with such assistants as he may take to his aid, to enter such house, building, yard, or place as aforesaid where he may suspect any such persons as aforesaid to the number aforesaid may be together, or may be playing or singing or dancing, or playing or gaming or betting as aforesaid, and to take into custody all such persons found therein to the number of ten or more, and to seize and carry away all drums, gongs, tambours, bangées, chac-chacs, or other musical instrument or instruments of gaming found therein, and the same shall be forfeited. Such constable may enter by force, if he is refused admittance after demand thereof.

Constable
may enter
premises, etc.

76. On the trial or hearing of any information or proceeding under this Ordinance, proof of the meeting together of any convicted felons, persons convicted of riot or affray, common prostitutes, rogues and vagabonds, or incorrigible rogues in any house, building, yard, or other place, or of such persons playing or singing or dancing or gaming or betting therein, shall be *prima facie* evidence that such person or persons as aforesaid had there met together, or were remaining therein, or were therein playing or singing or dancing or gaming or betting as aforesaid, with the knowledge of the occupier of such house, building, yard, or other place.

Prima facie
proof of know-
ledge against
occupiers.

77. (1) Every person having in his custody or possession any weapon, instrument, stick, bottle, stone, or other thing intended for the purpose of committing any felony or misdemeanor shall be deemed a rogue and vagabond and, on conviction, shall be imprisoned with hard labour for any term not exceeding two months.

Possession of
weapons
intended for
crime.

(2) Every such weapon, instrument, stick, bottle, stone, or other thing, shall be forfeited to His Majesty,

and it shall be lawful for any constable to enter, by force if necessary, any house, building, yard, or other place where he has reasonable cause to believe that there is, contrary to this section, any such thing as aforesaid, and any such thing there found to remove, destroy, or otherwise deal with.

THE CARNIVAL.

Proclama-
tion of and
regulations
for Carnival.

78. (1) The Governor may, by proclamation, define the period known as the Carnival, during which, subject to the regulations made under sub-section (2) of this section, persons may appear masked or otherwise disguised.

(2) The Inspector-General may make regulations for the Carnival—

- (a) prescribing and limiting the conditions under which persons may appear masked or otherwise disguised;
- (b) prescribing what substances may be thrown by or at persons;
- (c) for the proper conduct of persons and the preservation of the peace.

All such regulations shall be published in the *Royal Gazette*.

(3) Every person who appears masked or otherwise disguised except during the Carnival, or who, during the Carnival, contravenes any regulation made under this section shall, on conviction before a Magistrate, be liable to a penalty not exceeding ten pounds, or to imprisonment, with or without hard labour, for any term not exceeding three months. (*Substituted by 7 of 1924, s. 4.*)

Apprehension
of offenders.

79. Every person committing any offence under the last preceding section may be apprehended without warrant by any constable—

- (a) in whose view any such offence may be committed;
or
- (b) upon the complaint of any person upon whom or at whom any substance, other than a substance allowed by the regulations, may have been thrown, whether in view or not of such constable. (*Substituted by 7 of 1924, s. 4.*)

PLAYING DRUMS, DANCING, ETC.

80. Every owner or occupier of any house, building, yard, or other place who shall—

Playing drums, dancing, etc.

- (1) without licence under the hand of a commissioned officer of Constabulary, permit any persons to assemble and play or dance therein to any drum, gong, tambour, bangée, 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; or
- (2) permit any persons to assemble and dance therein the dance known as "bungo" or any similar dance,

shall, on conviction before a Magistrate, be liable to a penalty not exceeding ten pounds, and it shall be lawful for any 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 stop such dance or seize and carry away all such drums, gongs, tambours, bangées, chac-chacs, or other instruments of music, and the same shall be forfeited.

DRUNKENNESS, ETC., IN STREETS, POLICE COURTS, ETC.

81. (1) Every person found drunk in any street or other public place, whether a building or not, shall be liable to a penalty not exceeding two pounds.

Being found drunk in public place.

(2) Every person who, in any street or other public place, whether a building or not, is drunk and disorderly, or who, in any street or other public place, is drunk while in charge of any vehicle or cattle, or is guilty of any riotous, indecent, or disorderly behaviour, or of insulting, obstructing, or annoying any passenger therein, or who, in any Government office, Police Court, or Constabulary Station, or in any place of public entertainment, is guilty of riotous, indecent, or disorderly behaviour, shall be liable to a penalty not exceeding five pounds, or to be imprisoned, with or without hard labour, for any term not exceeding two months. (*Substituted by 29 of 1925, s. 33.*)

Drunkenness and riotous conduct in certain places.

(3) See Sec 10 of No ~~25~~ - 1936
23

VIOLENT OR OBSCENE LANGUAGE, FIGHTING, ETC.

Violent and obscene language.

82. Any person making use of any insulting, annoying, 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 be liable to a penalty not exceeding five pounds, or to imprisonment, with or without hard labour, for any term not exceeding thirty days. (As amended by 29 of 1925, s. 33.)

See of 24 of 1931 See Sec 11 of 1925 1426

OFFENCES IN STREETS AND OTHER PUBLIC PLACES.

Offences in streets.

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

Offences in regard to animals and vehicles.

(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, repairs, washes, or cleans any vehicle (except in case of accident where repair on the spot is necessary);

Slaughtering animals.

(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;

Forage.

(3) 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;

Goods on footway.

(4) 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;

Hanging clothes.

(5) 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;
- (6) Every person who sings any profane or obscene song or ballad; Obscene songs.
 - (7) 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; Naked children.
 - (8) 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; Street lamps, bells, knockers.
 - (9) Every person who wantonly pulls down, destroys, damages, or defaces any sign or sign-board; Sign-boards.
 - (10) Every person who throws or lays down any stone, timber, or any other materials (except building materials so enclosed as to prevent injury to passengers); Placing materials on street.
 - (11) 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; Throwing matter from house.
 - (12) Every person who throws or lays any dirt, ashes, or nightsoil, or any carrion, offal, trees, brushwood, bush, decayed vegetables, or rubbish of any kind into or upon any street or footway; Throwing rubbish on street.
 - (13) Every person trundling a hoop; Hoops.
 - (14) Every person who throws or discharges any missile or makes any bonfire; Missiles. Bonfires.
 - (15) 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; Blowing horns.
 - (16) Every person who shall in any way wilfully obstruct the free passage of any street. (*Substituted by 7 of 1924, s. 5.*) Obstruction.

12
 25
 of
 # of 1936
 (17) Every person who shall throw lay or leave on any street any waste heat, charge or substance, thin or acid fumes, dust, shipping or dangerous substances likely to cause injury & damage to pedestrians
 (18)

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

84. Every person who, in any street, commits any of the following offences to the obstruction, annoyance, or danger of any resident or passenger shall be liable to a penalty not exceeding five pounds for each offence, or to imprisonment, with or without hard labour, for any term not exceeding one month, that is to say:—

- (1) 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 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;
- (2) 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 wagon, cart, or carriage, or of crossing the footway;
- (3) Every person who carries any lighted torch.

Depositing goods in streets.

85. (1) No goods or other articles shall be allowed to rest on any footway or other part of any street for a longer time than is reasonably necessary for loading or unloading or receiving into or delivering from store such goods or other articles: Provided that the proof of such reasonable time shall be upon the defendant.

(2) Any person doing any act in contravention of this section shall be liable to a penalty not exceeding five pounds. (Added by 7 of 1924, s. 6.)

Throwing stones or other missiles.

86. Every person who throws or discharges any stone or other missile to the annoyance, damage, or danger of any person, in any place, shall be liable, on conviction before a Magistrate, to a penalty not exceeding five pounds.

Order to imprisonment with or without hard labour for any term not exceeding one month

FLYING KITES.

Flying of kites prohibited in Port-of-Spain and any borough or proclaimed area.

87. (1) Whosoever shall fly or attempt to fly any kite in any place within the limits of the City of Port-of-Spain or of any borough, or in any other area which may be declared by the Governor, by proclamation, to be an area

See 13 of 1930

to which this section applies, shall be liable on conviction before a Magistrate, to a penalty not exceeding one pound.

(2) It shall be lawful for any member of the Constabulary Force to destroy any kite which any person shall fly or attempt to fly in contravention of this section. Constabulary may destroy kites.

(3) This section shall not apply to the flying of kites in the Queen's Park in Port-of-Spain, and in the Arima Savannah. (*S. 2 of 12 of 1920 incorporated.*) Section not to apply to certain places.

BATHING IN MARAVAL RIVER.

88. Any person who—

- (a) shall bathe in any part of the Maraval River; or
- (b) shall wash clothes in the said river or on the banks thereof; or
- (c) shall throw or discharge any water used in the washing of clothes or holding soap in solution, or any dirt or filth, or any noxious or fetid matter of any description whatsoever in the said river,

Bathing, etc., in Maraval River.

shall be liable, on conviction before a Magistrate, to a penalty not exceeding twenty pounds, or to imprisonment, with or without hard labour, for any term not exceeding three months.

FOULING OF STREAMS AND PONDS.

89. Every person who shall wash any clothes, or throw or discharge any water which may have been used in the washing of clothes or holding soap in solution, or any dirt or filth, or any noxious or fetid matter of any description whatsoever, into any stream or pond or water, whether running or not, without the permission of the owner of such stream, pond, or water, shall, on conviction before a Magistrate, be liable to a penalty not exceeding five pounds, or to imprisonment, with or without hard labour, for any term not exceeding one month; and every person found committing any such offence may be immediately apprehended by any constable, or by the owner of the property on which the offence shall be committed, or by his servant, or by any person authorized by him, and forthwith taken before a Magistrate, to be dealt with according to law. Washing clothes in or discharge of noxious matter into stream or pond.

Owner of land not to pollute water flowing into any other land.

90. Every owner of land who shall wash, or cause or permit any person to wash, any clothes, or throw or discharge, or cause or permit any person to throw or discharge, any dirt, filth, or other noxious or fetid matter into, or in, any water running through such land, whereby such water coming or flowing into any other land may be polluted and rendered unfit for use, shall, on conviction before a Magistrate, be liable to a penalty not exceeding twenty pounds nor less than one pound, or to imprisonment, with or without hard labour, for any term not exceeding three months.

Recovery and appropriation of penalties.

91. Any penalty under the two last preceding sections may be recovered on the information of any Warden, Assistant Warden, Ward Officer, Forest Ranger, or constable, or of the owner of the property upon, or in respect of which, such offence shall have been committed, and every such penalty, if recovered on the information of the owner, shall be paid to such owner, which term shall in the said sections and in this section, extend to and include any person having the immediate possession or the management or charge of any land.

INCITING DOGS, ETC., TO ATTACK.

Inciting dogs to attack.

92. Every person who incites a dog or other animal to attack, worry, or put in bodily fear any other person or any animal shall, on conviction before a Magistrate, be liable to a penalty not exceeding ten pounds, or to imprisonment, with or without hard labour, for any term not exceeding two months.

KEEPING SWINE.

Keeping swine.

93. Every person who keeps any swine in any town shall be liable to a penalty not exceeding five pounds, or to imprisonment, with or without hard labour, for any term not exceeding one month; and it shall be lawful for any constable to enter in the daytime 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 His Majesty.

TRADE LICENCES.

No 94

94. 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 licence under the hand of the Magistrate of the district, authorizing him to carry on such trade or business in some particular house, workshop, or premises to be therein specified, or who, having such licence, shall carry on such trade or business in any place except the house, workshop, or premises therein specified, shall be liable to a penalty not exceeding twenty pounds.

Certain trades to be licensed.

Repealed

see
of
23
936

95. One month's notice by public advertisement shall be given by the Magistrate of any application made to him for a licence to carry on any trade or business mentioned in the last preceding section, 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.

Notice of application for licence.

96. Every person carrying on the trade or business of a blacksmith, tinman, founder, farrier, or cooper, who, on being required by any constable on the premises where such trade or business is carried on to produce his licence, shall refuse to do so, shall be liable to a penalty not exceeding two pounds, or to imprisonment for any term not exceeding fourteen days.

Refusing to produce licence.

Refuse
of
of

~~96. A. E. C. Licenses for trades~~

OBSTRUCTIONS IN STREETS, ETC.

97. 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 Constabulary 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 of the same being first placed there, shall be liable to a penalty not exceeding ten pounds, and if any person 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 be liable to a further penalty of two pounds for every twenty-four hours during which the same shall remain on such street or landing place.

Obstructions in streets and landing places.

Disposal of goods improperly placed in streets.

98. 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 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 Treasurer for the use of the Colony.

DISTURBING PLACES OF WORSHIP.

Disturbing places of worship and molesting ministers performing religious functions.

99. Every person who shall be guilty of any riotous, violent, indecent, or disorderly behaviour in any place of divine worship, or in any ground or land contiguous to the place of divine worship and employed therewith, 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 be liable to a penalty not exceeding five pounds.

NAVY DISCIPLINE.

Bringing intoxicating liquor to, or aiding deserters from, H.M. ships.

100. (1) Any person who brings any intoxicating liquor on board any of His Majesty's ships without the previous consent of the officer commanding such ship, or approaches or hovers about any of His Majesty's ships for the purpose of bringing any such liquor on board the same without such previous consent or for the purpose of giving or selling without such previous consent such liquor to men in His Majesty's Service, or who aids or assists any officer, seaman, or marine in His Majesty's Service to desert or improperly absent himself from his ship, shall, on

conviction before a Magistrate, be liable to a penalty not exceeding ten pounds for every such act or offence.

(2) It shall be lawful for any officer in His Majesty's Service or warrant or petty officer of the Navy, or non-commissioned officer of Marines, with or without seamen or persons under his command, to search any vessel hovering about or approaching, or which may have hovered about or approached, any of His Majesty's ships, and any such officer, with or without seamen or persons under his command, or any constable or peace officer, with or without any warrant or other process, may apprehend or cause to be apprehended any person contravening any of the provisions of this section and bring him or cause him to be brought before a Magistrate.

(3) Any intoxicating liquor found on board such vessel shall be seized and forfeited to His Majesty.

NAVAL AND MILITARY UNIFORMS.

101. (1) It shall not be lawful for any person not serving in His Majesty's Military Forces to wear, without His Majesty's permission, the uniform of any of those Forces, or any dress having the appearance or bearing any of the regimental or other distinctive marks of any such uniform: Provided that this enactment shall not prevent any person from wearing any uniform or dress in the course of a stage play performed in a place duly licensed or authorized for the public performance of stage plays, or in the course of a music hall or circus performance, or in the course of any *bonâ fide* military representation.

Uniforms not
to be worn
without
authority.

(2) If any person contravenes this section he shall be liable, on conviction before a Magistrate, to a penalty not exceeding five pounds.

(3) If any person not serving in His Majesty's Naval or Military Forces wears, without His Majesty's permission, the uniform of any of those Forces, or any dress having the appearance or bearing any of the regimental or other distinctive marks of any such uniform, in such a manner or under such circumstances as to be likely to bring contempt upon that uniform, or employs any other person so to wear that uniform or dress, he shall be liable, on conviction before a Magistrate, to a penalty not exceeding ten pounds.

Bringing
contempt
on uniform

Interpreta-
tion.

(4) In this section—

“ His Majesty’s Military Forces ” means the Regular Forces, the Reserve Forces, and the Auxiliary Forces within the meaning of the Army Act (other than the Naval Coast Volunteers and Naval Volunteers), and the Local Forces of the Colony;

“ His Majesty’s Naval Forces ” means the Navy, the Naval Coast Volunteers, and the Naval Volunteers.

FIREWORKS AND FIREARMS.

Fireworks in
towns.

102. (1) It shall not be lawful, except as prescribed by regulations under this Ordinance, to throw, cast, set fire to, or let off any fireworks within any town; and any person contravening the provisions of this section shall be liable, on conviction before a Magistrate, to a penalty not exceeding twenty pounds.

(2) In this section and in the two next succeeding sections, “ town ” includes the City of Port-of-Spain, the Borough of San Fernando, and the Borough of Arima, and every part of the area within two miles of the boundaries of such City or of either of such Boroughs, and also any place or area declared by the Governor, by proclamation, to be a town or to be deemed to be included within a town for the purposes of the said sections.

Fireworks
outside
towns.

103. Any person who throws, casts, sets fire to, or lets off any fireworks into, in, or upon any street not being in any town, or into, in, or upon any place being within sixty feet of the centre of any such street, shall be liable, on conviction before a Magistrate, to a penalty not exceeding ten pounds.

Regulations.

104. The Governor may make regulations prescribing the times, places, and conditions on and at which fireworks may be let off or set fire to in towns. All such regulations shall be published in the *Royal Gazette*.

Discharging
firearms in
street.

105. Any person who discharges any gun, pistol, or other firearm in any street or within sixty feet of the centre of such street, except on some lawful and necessary occasion or when acting under a power conferred by any Ordinance, shall be liable, on conviction before a Magistrate, to a penalty not exceeding ten pounds.

OBSCENE PUBLICATIONS.

106. (1) It shall be lawful for any Magistrate, upon complaint made before him upon oath that the complainant has reason to believe and does believe that any obscene books, papers, writings, prints, pictures, drawings, or other representations are kept in any house, shop, room, or other place within the limits of the jurisdiction of such Magistrate for the purpose of sale or distribution, exhibition for purposes of gain, lending upon hire, or being otherwise published for purposes of gain, which complainant shall also state upon oath that one or more articles of the like character have been sold, distributed, exhibited, lent, or otherwise published as aforesaid, at or in connection with such place, so as to satisfy such Magistrate that the belief of the said complainant is well founded, and upon such Magistrate being also satisfied that any of such articles so kept for any of the purposes aforesaid are of such a character and description that the publication of them would be an offence punishable under section 5 of the Criminal Offences Ordinance or paragraph (7) of section 51 of this Ordinance, to give authority by special warrant to any constable to enter into such house, shop, room, or other place, with such assistance as may be necessary, in the daytime, and if necessary to use force by breaking open doors or otherwise, and to search for and seize all such books, papers, writings, prints, pictures, drawings, or other representations as aforesaid found in such house, shop, room, or other place, and to carry all the articles so seized before the Magistrate issuing the said warrant, or some other Magistrate exercising the same jurisdiction.

Warrant to
search for
obscene
publication.

Cap. 19.

(2) Such Magistrate shall thereupon issue a summons calling upon the occupier of the house or other place which may have been so entered by virtue of the said warrant, to appear within seven days before such Magistrate to show cause why the articles so seized should not be destroyed.

(3) If such occupier or some other person claiming to be the owner of the said articles shall not appear within the time aforesaid, or shall appear and such Magistrate shall be satisfied that such articles or any of them are of the character stated in the warrant, and that such articles or any of them have been kept for any of the purposes

aforesaid, it shall be lawful for the Magistrate, and he is hereby required, to order the articles so seized, except such of them as he may consider necessary to be preserved as evidence in some further proceeding, to be destroyed at the expiration of the time allowed for lodging an appeal unless notice of appeal be given, and such articles shall be in the meantime impounded.

(4) If such Magistrate shall be satisfied that the articles seized are not of the character stated in the warrant, or have not been kept for any of the purposes aforesaid, he shall forthwith direct them to be restored to the occupier of the house or other place in which they were seized.

Indecent
pictures,
writings, etc.

107. Every person who—

- (1) affixes to or inscribes on any land, building, wall, hoarding, gate, fence, pillar, post, board, tree, or any other thing whatsoever, so as to be visible to any person being in or passing along any street or being in any house; or
- (2) delivers, sends, or exhibits to any person being in or passing along any street; or
- (3) throws into any house, yard, or premises; or
- (4) exhibits to public view in the window of any house or shop,

any picture or printed or written matter which is of an indecent or obscene nature, shall, on conviction before a Magistrate, be liable to a penalty not exceeding ten pounds. (*Added by 7 of 1924, s. 7.*)

CONFINEMENT OF ANIMALS.

Interpreta-
tion.

108. (1) In this section—

- “Animal” includes swine, goats, and such other animals as the Governor in Executive Council may from time to time, by proclamation, direct to be included in such term;
- “Owner” includes the head of a family occupying any premises in which an animal is kept or permitted to remain;
- “Confined” means confined in a pen or fenced place or securely tethered so as to prevent the animal from wandering.

(2) Every animal shall, except when it is in transit and in charge of the owner or some person acting on his behalf, be confined by its owner. Owners to confine animals.

(3) Any owner who refuses, fails, or neglects to act in conformity with the provisions of this section shall be liable, on conviction before a Magistrate, to a penalty not exceeding two pounds for a first offence, to a penalty not exceeding five pounds for a second offence, and to a penalty not exceeding ten pounds or to imprisonment not exceeding two months for a third or subsequent offence.

(4) The fact that an animal is found off the premises of its owner shall be *prima facie* evidence that an offence under this section has been committed by the owner of such animal.

SUNDAY EMPLOYMENT OR TRADING GENERALLY.

109. Subject to the provisions of the Customs Ordinance, any person who on a Sunday employs for hire any other person in any agricultural or manufacturing labour or employment, or in the carting or crooking of any goods, or in the loading of any vessel, or in the transshipping of any goods, or who on a Sunday, after the hour of nine o'clock in the morning, sells or offers or exposes for sale in any public market any goods, shall be liable, on conviction before a Magistrate, to a penalty not exceeding five pounds Sunday trading.
Cap. 194.

FALSE ALARMS OF FIRE.

110. Every person knowingly giving or causing to be given a false alarm of fire to any Fire Brigade, or to any officer or member thereof, or to any constable, whether by means of a street fire alarm, statement, message, or otherwise, shall be liable, on conviction before a Magistrate, to a penalty not exceeding twenty pounds. (*Added by 47 of 1921, s. 2.*) False alarms of fire.

MISCELLANEOUS.

111. (1) Any person who shall aid, abet, counsel, or procure the commission of any offence punishable on summary conviction shall be liable to the same punishment as the principal offender, and may be proceeded against either with such principal offender, or before or after his conviction, and either in the district in which such principal offender may be convicted or that in which the offence of Aiders and abettors.

aiding, abetting, counselling, or procuring may have been committed.

(2) Any person so aiding, abetting, counselling, or procuring may be tried before any Magistrate or Justice having cognizance of the principal offence.

Defendant to be liable only once.

112. Every person convicted summarily who shall have paid the fine and costs, or been discharged therefrom 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.

Proof of convictions.

*Deposited by
S. J. J. J. J.
Sec 15
of 23-1936*

113. (1) In any proceedings under this Ordinance, production of a copy of the commitment certified under the hand of the Superintendent of Prisons, or production of the Constabulary register book of persons convicted of crime, upon proof of the identity of the person named therein, shall be sufficient proof that such person has been convicted of the offence therein specified.

(2) Production of a certificate stating the substance and effect of any conviction or order, omitting the formal parts thereof, signed by the Clerk of the Peace or other officer having the custody of the records of any Court, upon proof of the identity of the person therein named, shall be sufficient proof of such conviction or that the order therein specified has been made against the person therein named.

(3) No proof need be given of the signature or official character of any person signing such commitment or certificate as aforesaid.

Jurisdiction and powers of Supreme Court.

114. Nothing herein contained shall in any manner affect the jurisdiction or the power or authority of the Supreme Court 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 awarded by the said Court for any of the said offences.

Evidence.

115. Production of a copy of the *Royal Gazette* containing a proclamation or notice issued under this Ordinance shall be *prima facie* evidence in all Courts and for all purposes whatever of the due making and tenor of such proclamation or notice.