

No. 1.—1870.

1st February.

AN ORDINANCE for the more effectual prevention
of Crime.

[L.S.] ARTHUR GORDON.

10th February, 1870.

WHEREAS it is expedient to make further provision
for the Suppression of Crimes:—Be it enacted
by His Excellency the Governor with the advice and
consent of the Legislative Council, as follows:—

1. This Ordinance may be cited as “The Habitual Short title.
Criminals Ordinance 1870.”

2. In this Ordinance the term “Court” shall include Definition of terms.
any Stipendiary or other Justice or Justices of the
Peace having jurisdiction in the matter to which the
term refers, and the words “Chief Officer of Police”
shall mean the Inspector Commandant or other officer
having the chief command of the police in any police
division.

Registration of Criminals.

3. For the better supervision of criminals, a register Register of criminals.
of all persons convicted of crime in this island shall be
kept under the management of the Inspector Command-
ant of Police for the island, or of such other person as
the Governor may from time to time appoint, in such
form, with such evidence of identity, and containing
such particulars and subject to such regulations as may
from time to time be prescribed by the Governor.

4. In order to make such register complete, and to Returns for purposes of register.
make the supervision over criminals effectual the Chief
Officer of Police in every district in the island shall from
time to time make returns to the Inspector Commandant,
in such manner and at such time and containing such
evidence of identity and other information with respect
to persons convicted of crime, as the Inspector Com-
mandant may from time to time direct.

Definition of
"Crime."

5. Crime, for the purposes of this Ordinance, so far as relates to the registration of criminals, shall mean any felony, or any offence not a felony specified in the First Schedule hereto.

Habitual Criminals.

Persons twice
guilty of
felony to be
subject to the
supervision of
the police.

6. Where any person is convicted on indictment of any offence specified in the First Schedule hereto, and he be proved to have been previously convicted of any offence specified in the said Schedule, either before or after the passing of this Ordinance, then, in addition to any other punishment which may be awarded to him, it shall be deemed to be part of the sentence passed on him, unless otherwise declared by the Court, that he is to be subject to the supervision of the police as hereinafter mentioned for a period of three years, or such less period as the Court shall direct, commencing from the time at which he is convicted, and exclusive of the time during which he is undergoing his punishment.

Person sub-
ject to the
supervision of
the police to
report himself
personally
twice a month,
and not to
change his
residence
from one
Police Dis-
trict to
another with-
out previous
notice.

7. Every person subject to the supervision of the police who shall, unless prevented by illness, or other unavoidable cause, fail to report himself personally twice in each month, or oftener if required, at such time or place and in such manner, and to such person as the Inspector Commandant of Police shall appoint, or who shall change his residence from one police district to another, without having previously notified such removal, and the place to which he is about to remove to the Chief Officer of police, shall, on conviction of any such offence before a Stipendiary Justice be imprisoned with or without hard labour for any period not exceeding three calendar months.

Circumstances
under which
person subject
to the super-
vision of the
police shall
be deemed
guilty of any
offence herein
mentioned
and punished
on summary
conviction.

8. Where any person is subject, in pursuance of this Ordinance, to the supervision of the police, he shall be guilty of an offence punishable on summary conviction before a Stipendiary Justice, with imprisonment, with or without hard labour for a term not exceeding one year, under the following circumstances, or any of them :

First.—If on his being charged by a constable or police officer with getting his livelihood by dishonest means, he fails to make it appear to the

Stipendiary Justice before whom he is brought that he is not getting his livelihood by dishonest means ;

Secondly.—If he is found by any constable or police in any place, whether public or private, under such circumstances as to satisfy the Stipendiary Justice before whom he is brought that he was about to commit or to aid in the commission of any crime punishable on summary conviction or indictment, or was waiting for an opportunity to commit or aid in the commission of any such crime ;

Thirdly.—If he is found by any person in or upon any dwelling-house, or any building, yard, or premises, being parcel of or attached to such dwelling-house, or in or upon any shop, warehouse, counting-house or other place of business, or in any garden, orchard, pleasure-ground, or nursery-ground, without being able to account to the satisfaction of the Stipendiary Justice before whom he is brought for his being found on such premises.

Any person charged with being guilty of any offence punishable on summary conviction under this section may be taken into custody by any constable or police officer without warrant, or may, if charged with being guilty of an offence committed under the circumstances Thirdly hereinbefore mentioned, or any of them, be apprehended by the owner or occupier of the property on which he is found, or by the servants of the owner or occupier, or by any other person authorised by the owner or occupier, and may be detained until he can be delivered into the custody of a constable or police officer for the purpose of being brought before the Stipendiary Justice ; provided that no person shall be so taken into custody on the ground that he is suspected of getting his livelihood by dishonest means except under a written authority from the Inspector Commandant or an Inspector of Police.

When a person is convicted under this section of an offence which subjects him to the supervision of the police, the record of his conviction shall contain a state-

ment to the effect, that he is subject to the supervision of the police for the period of three years, or such less period as the Court shall direct, commencing from the date of his conviction, and exclusive of the time during which he is undergoing his punishment, or words to the like effect; but the omission of such statement shall not exempt any person from the operation of this section.

Receivers of Stolen Goods.

Burden of proof in cases of receiving stolen goods.

9. Where any person who, either before or after the passing of this Ordinance, has been previously convicted of any offence specified in the first schedule hereto, and involving fraud or dishonesty, is found in the possession of stolen goods, evidence of such previous conviction shall be admissible as evidence of his knowledge that such goods have been stolen; and in any proceedings that may be taken against him as receiver of stolen goods, or otherwise in relation to his having been found in possession of such goods, proof may be given of his previous conviction before evidence is given of his having been found in possession of such stolen goods; provided that not less than seven days notice shall be given to such person that proof is intended to be given of his previous conviction, and that he will be deemed to have known such goods to have been stolen until he has proved the contrary.

Moreover, where proceedings are taken against any person for having in his possession stolen goods, evidence may be given that there were found in the possession of such person other goods stolen within the preceding period of twelve months, and such evidence may be taken into consideration for the purpose of proving that such person knew the goods to be stolen which form the subject of the proceedings taken against him.

Constable may enter house, &c., in search of stolen goods and seize any property he may believe to have been stolen.

10. Any constable or police officer may, if authorised so to do in writing by a chief officer of police, enter any house, shop, warehouse, yard or other premises in search of stolen goods, and make such search, and seize and secure any property he may believe to have been stolen in such manner as he would be authorised to do if he had a search warrant, and the property seized, if any, corresponded to the property described in such search

warrant: Provided that in every case in which any property is seized, the person on whose premises it was at the time of seizure, or the person from whom it was taken, if other than the person on whose premises it was, shall, unless previously charged with receiving the same knowing it to have been stolen, be summoned within three days before a Justice of the Peace or other competent magistrate to account for his possession of such property, and such Justice or other magistrate shall make such order respecting the disposal of such property as the justice of the case may require; and it shall be lawful for any chief officer of police to give such authority as aforesaid in the following cases:—

First.—When such premises are at, or have been within, eighteen months of the time of such search in the occupation of any person who has been convicted of receiving stolen property or of harbouring thieves;

Second.—When such premises are at the time of such search in the occupation of any person who has been convicted of any offence involving fraud or dishonesty and punishable by imprisonment.

And it shall not be necessary for such officer of police in giving such authority to specify any particular property, but he may give such authority if he has reason to believe generally that such premises are being made a receptacle for stolen goods.

11. Any person accused of an offence punishable on summary conviction under this Ordinance, may be remanded from time to time by the Stipendiary Justice before whom he is brought for the purpose of enabling evidence to be obtained against him, or for any other just cause. Power to remand.

12. The forms set forth in the second schedule to this Ordinance, or forms as near thereto as circumstances admit, may be used in all matters to which such forms refer, and when used shall be deemed to be valid and sufficient in law. Forms in schedule.

Passed in Council this first day of February, in the year of our Lord one thousand eight hundred and seventy.

A. C. ROSS,

Clerk of the Council.

FIRST SCHEDULE.

Any felony not punishable with death also, or the offence of uttering false or counterfeit coin, or of possessing counterfeit gold or silver coin, or the offence of obtaining goods or money by false pretences, or the offence of conspiracy to defraud.

SECOND SCHEDULE.

TRINIDAD. To a Constable
in the county of and to the keeper
of the royal gaol.

To WIT.

Whereas A. B. being a person subject by the provisions of "The Habitual Criminals Ordinance 1870" to the supervision of the police has been taken into custody by C. D., a constable, and brought this day before me, a stipendiary justice of the peace in and for the county aforesaid, and charged before me upon the oath of the said constable taken before me in the presence and hearing of the said A. B. [with being suspected by the said constable of getting his livelihood by dishonest means, and the said A. B. having failed to make it appear to the satisfaction of me the said justice, that he is not getting his livelihood by dishonest means] *or* [with being found by the said C. D. in

under such circumstances as to give rise to suspicion that the said A. B. was about to commit or aid in the commission of a crime punishable on summary conviction or indictment (that is to say)]

or [waiting for an opportunity to commit or aid in the commission of a crime punishable on summary conviction or indictment (that is to say)]

or [with being found by C. D. (*or any person*) in or upon a dwelling house, *or* dwelling *or* yard, *or* premises, being parcel of, *or* allotted to a dwelling house *or* in or upon a shop, warehouse, counting house, *or* other place of business, *or* in any garden, orchard, *or* pleasure ground *or* nursery ground, the said A. B. not being able satisfactorily to account for his being found on the said]

or [with having failed, he not being prevented by illness or other unavoidable cause, to report himself personally to

twice in the month of now last past :]

or [with having on the day of changed his residence from the police district of to the police district of without having previously notified such removal, and the place to which he was about to remove to the chief officer of police of the first-mentioned police district.] I, the said justice, do, in pursuance of the above-

recited Ordinance, convict the said A. B. of the said offence, and adjudge that the said A. B. for the said offence shall be imprisoned in the royal gaol, and there kept to hard labour for the space of

These are, therefore, to command you the said constable to take the said A. B., and him safely to convey to the said royal gaol, and there to deliver him to the keeper thereof together with this precept; and I do hereby command you the said keeper of the said royal gaol, to receive the said A. B. into your custody in the said royal gaol, there to imprison him and keep him to hard labour for the space of _____ calendar months.

Given under my hand at _____ in the said county this _____ day of _____ in the year of our Lord one thousand eight hundred and _____

No. 2.--1870.

1st February.

AN ORDINANCE with regard to Alien Criminals.

(L. S.) ARTHUR GORDON.

10th February, 1870.

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

1. This Ordinance may be cited as the “ Alien Criminals Ordinance, 1870.” Short title.

2. In this Ordinance the words “ alien criminal ” shall mean any alien criminal, who, having been sentenced by any foreign tribunal to imprisonment or transportation for any crime or offence, shall afterwards come to this island either before or after the expiration of his term of imprisonment or transportation. “ Alien Criminal.”

3. It shall be lawful for the Inspector Commandant, or any inspector of police, by writing under his hand addressed to any constable to cause any person whom such Inspector Commandant or inspector may have reasonable cause to believe to be an alien criminal Person failing to prove that he is not an alien criminal to be adjudged a suspected person, and to be subject to